

SEPTEMBER 5, 1990

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filed not later than August 22, 1990

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

REPUBLICATION OF OFFICIAL DOCUMENTS

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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

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of September 1990 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

The maximum allowable retail installment contract service charge applicable for calendar year 1990 pursuant to RCW 63.14.130(1)(a) is fourteen and one-half percent (14.50%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is fourteen point two five percent (14.25%) for the third calendar quarter of 1990.

The maximum allowable retail installment contract service charge for the purchase of a vessel pursuant to RCW 63.14.130(3)(a) is fourteen point zero percent (14.00%) for the third calendar quarter of 1990.

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 34.05 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 are 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 MATERIAL

RCW 34.05.395 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 material is new material;
 - (ii) ~~deleted material 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 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 normally take effect thirty days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an 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's office unless a later date is provided by the agency. They remain effective for a maximum of one-hundred-twenty days from the date of filing.
- (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's office 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.

1990 – 1991

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in—</i>	<i>File no later than—</i>			<i>Count 20 days from—</i>	<i>For hearing on or after</i>
90-14	Jun 7	Jun 21	Jul 5	Jul 18	Aug 7
90-15	Jun 20	Jul 5	Jul 18	Aug 1	Aug 21
90-16	Jul 5	Jul 18	Aug 1	Aug 15	Sep 4
90-17	Jul 25	Aug 8	Aug 22	Sep 5	Sep 25
90-18	Aug 8	Aug 22	Sep 5	Sep 19	Oct 9
90-19	Aug 22	Sep 5	Sep 19	Oct 3	Oct 23
90-20	Sep 5	Sep 19	Oct 3	Oct 17	Nov 6
90-21	Sep 26	Oct 10	Oct 24	Nov 7	Nov 27
90-22	Oct 10	Oct 24	Nov 7	Nov 21	Dec 11
90-23	Oct 24	Nov 7	Nov 21	Dec 5	Dec 25
90-24	Nov 7	Nov 21	Dec 5	Dec 19	Jan 8, 1991
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91-01	Nov 21	Dec 5	Dec 19, 1990	Jan 2, 1991	Jan 22
91-02	Dec 5	Dec 19, 1990	Jan 2, 1991	Jan 16	Feb 5
91-03	Dec 26, 1990	Jan 9, 1991	Jan 23	Feb 6	Feb 26
91-04	Jan 9	Jan 23	Feb 6	Feb 20	Mar 12
91-05	Jan 23	Feb 6	Feb 20	Mar 6	Mar 26
91-06	Feb 6	Feb 20	Mar 6	Mar 20	Apr 9
91-07	Feb 20	Mar 6	Mar 20	Apr 3	Apr 23
91-08	Mar 6	Mar 20	Apr 3	Apr 17	May 7
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91-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
91-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
91-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1992

¹All documents are due at the code reviser's office by 5:00 p.m. on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. 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.

³At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 90-17-001
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2979—Filed August 2, 1990, 2:15 p.m.]

Date of Adoption: August 2, 1990.

Purpose: The purpose of these amendments to WAC 388-14-270 is to clarify existing distribution rules; and establish a process for providing persons who receive nonassistance support enforcement services with a notice of and an opportunity to challenge the distribution of child support payments by the Office of Support Enforcement (OSE).

Citation of Existing Rules Affected by this Order: Amending WAC 388-14-270 Distribution of support payments.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 90-03-041 on January 12, 1990.

Changes Other than Editing from Proposed to Adopted Version: Subsection (1)(c) of the proposed rule provided for distribution of support payments for a child to the physical custodian in nonassistance cases when someone other than the payee under a support order has physical custody of the child. The adopted version does not limit distribution of support money to nonassistance cases. This change makes it clear that the Office of Support Enforcement (OSE) will comply with federal regulations which provide for distribution of current support in excess of a public assistance cash grant to the family; subsection (3)(b)(i)(A) of the proposed rule provided that OSE will notify the payee under a support order when OSE distributes support money due under the order to the physical custodian. The adopted version allows OSE to provide the required notice prior to the date the money is collected or received; subsection (5)(c) of the proposed rule defined the date of collection as the date OSE receives the money. The adopted version provides that the date of collection is the earlier of the date OSE receives the money or the date the clerk of superior court receives the money; and subsection (6)(h) of the proposed rule provided for distribution of payments on a support debt owed for a family unit: First, to satisfy the portion of the support debt owed to the family after termination from public assistance; second, to satisfy the portion of the debt assigned to the state for reimbursement of public assistance payments; and finally, to satisfy any pre-AFDC debt owed to the family. The adopted version provides for satisfaction of the pre-AFDC debt, as well as the post-AFDC debt, owed to the family before distribution of support payments to satisfy the debt assigned to the state.

The principal reasons for adopting the changes are as follows: The changes in subsection (1)(c) are necessary to comply with federal regulations governing the distribution of support payments; the changes in subsection (3)(b) are necessary to enhance program efficiency and are intended to serve the best interest of dependent children. Under the proposed rule, OSE would wait to give the payee the required notice until after OSE collected

the first support payment, resulting in a lengthy delay in distributing the payment for the support of the children. The changes in the adopted version provide for more timely distribution as well as for the preservation of the rights of the payee under the order; the changes to subsection (5)(c) are necessary to comply with federal regulations; and recent changes in federal law and policy give the state the option to pay pre-AFDC arrears owed to the family before reimbursing the state and federal governments for AFDC expenditures. Adopting these changes will benefit: The state because it is administratively more efficient; and families which are trying to remain self-sufficient and avoid reapplication for public assistance.

Effective Date of Rule: Thirty-one days after filing.

August 2, 1990

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2794, filed 5/3/89)

WAC 388-14-270 DISTRIBUTION OF SUPPORT PAYMENTS(~~(=PUBLIC ASSISTANCE)~~).

(1) (~~(When)~~) The office (~~(provides support enforcement services, the office)~~) of support enforcement (OSE) shall distribute (~~all~~) support money (~~(collected by the office,)~~ OSE collects or (~~received by the office in its capacity, as the Washington state support registry~~) OSE receives, in accordance with state and federal law and the provisions of this section, to the:

(a) (~~(In accordance with state and federal law, if)~~) Department when the department provides or has provided public assistance payments, or cash benefits under the family independence program(~~(, is being or has been provided)~~) for the support of the family unit, household, or a member of the family unit or household;

(b) (~~(To the)~~) Payee under the order (~~(if the payee has physical custody of the children;~~

~~(c)), or to the physical custodian of the (~~children if someone other than the payee has physical custody of and is caring for the children~~) child; (~~and/or~~~~

~~(d) To the)~~ (c) Child support enforcement agency in another state or foreign country which submitted a request for support enforcement services; and/or

(d) Person or entity making the payment when OSE is unable to identify the person to whom the support money is payable after making reasonable efforts to obtain identification information.

(2) (~~(Prior to)~~) OSE may distribute support money to a person, other than the payee under a support order, when that person has physical custody of and provides care for the child.

(3) Before OSE begins distributing support money(~~s~~) to a physical custodian who is not the payee under the support order, (~~the office~~) OSE shall:

(a) Obtain a sworn statement from the physical custodian attesting to the fact (~~(he or she)~~) the physical custodian:

(i) Has physical custody of and is caring for the (~~children and is caring for them~~) child; and

(ii) Is not wrongfully depriving the payee of physical custody.

(b) Mail a notice to the last known address of the payee and the responsible parent of ((its)) OSE's intent to distribute support money to the physical custodian ~~((to the last known address of the payee and the responsible parent:)).~~

(i) The notice shall contain the following ~~((statements and))~~ information:

(A) That ~~((the office has))~~ OSE will distribute support money collected ~~((or received support money due))~~ under the support order to the physical custodian;

(B) The name of the physical custodian;

(C) That the payee ~~((may))~~ has twenty days from the date of the notice to contest distribution of money to the physical custodian by ~~((requesting a conference board))~~ filing an application for an adjudicative proceeding as specified under ~~((WAC 388-14-385))~~ subsection (12) of this section, or serving notice on OSE of the filing of an appropriate motion with ~~((the))~~ a court ~~((that entered the support order)); and~~

(D) That the ~~((office))~~ payee must ~~((be given))~~ give OSE and the physical custodian notice of ~~((and made a party to))~~ any judicial proceeding ~~((to contest))~~ contesting the notice of distribution.

(ii) A copy of the sworn statement of the physical custodian shall be attached to the notice~~((; and))~~.

(c) File a copy of the notice or the final administrative order entered as a result of the notice with the clerk of the court ~~((in which))~~ where the support order was entered.

~~((3))~~ (4) ~~((f))~~ The payee may request an adjudicative proceeding as specified under subsection (12) of this section or file a court action beyond the twenty-day period provided for under subsection (3) of this section. When the department or the court determines the payee is entitled to receive the support money, OSE shall send support money OSE receives in the future to the payee, but shall not reimburse the payee for amounts OSE sent to the physical custodian as provided under subsections (2) and (3) of this section.

(5) When OSE is unable to distribute support money because the location of the family or person ~~((to whom the support money is owed))~~ is unknown, ~~((the office))~~ OSE shall exercise reasonable efforts to locate the family or person. ~~((If the office is unable to))~~ When OSE does not locate ~~((and disburse the money to))~~ the family or person, ~~((the office))~~ OSE shall handle the money in accordance with an agreement with the department of revenue and as required by state law.

~~((4))~~ (6) ~~((The office))~~ OSE shall apply the following rules ~~((to the distribution of))~~ when distributing support money:

(a) Record ~~((all))~~ payments in exact amounts without rounding;

(b) Distribute ~~((a))~~ support ~~((payment))~~ money within eight days of the date ~~((the office))~~ OSE receives the ~~((payment))~~ money, unless OSE is unable to distribute the payment for one or more of the following reasons:

(i) The location of the payee is unknown;

(ii) ~~((There is))~~ OSE does not have sufficient information to identify the accounts against which ~~((and))~~ or to which OSE should apply the ~~((payment should be applied))~~ money;

(iii) An action is ~~((filed in))~~ pending before a court or agency ~~((with))~~ which has jurisdiction ~~((to decide))~~ over the issue~~((;))~~ to determine:

(A) Whether or not ~~((a))~~ support ~~((payment))~~ money is owed ~~((and/or)); or~~

(B) How OSE should distribute the ~~((payment should be distributed;))~~ money.

(iv) ~~((Under subsection (6) of this section, the office))~~ OSE receives prepaid support money~~((s))~~ which ~~((are being held and will be distributed))~~ OSE is holding for distribution in future months under subsection (7) of this section;

(v) ~~((The office))~~ OSE mails a notice of intent to distribute the support money to the physical custodian under subsection ~~((2))~~ (3) of this section; or

(vi) Other circumstances exist which make a proper and timely distribution of the ~~((payment))~~ money impossible through no fault or lack of diligence of ~~((the office))~~ OSE.

(c) Distribute support money based on the date of collection, except as provided under subsection (6)(j) of this section and WAC 388-14-275. The date of collection ~~((shall be))~~ is the date ~~((on which))~~ OSE or a political subdivision actually making the collection receives the ~~((payment is received by the office))~~ money which ever is earlier. For interstate collections, the date of collection ~~((shall be))~~ is the date ~~((on which the payment is received by the office or))~~ the support enforcement agency or other legal entity of ~~((any))~~ a state or political subdivision, actually making the collection, receives the money, whichever is earliest;

(d) ~~((The office shall))~~ Apply ~~((all payments))~~ support money:

(i) First, to satisfy the current support obligation for the month ~~((in which))~~ OSE, or the support enforcement agency or other legal entity of another state or political subdivision, collected the ~~((payments are received and, then))~~ money;

(ii) Second, to ~~((any))~~ the responsible parent's support ~~((debt or))~~ debts ~~((owed to:))~~

(A) The family;

(B) A person for whom services are being provided;

(C) The department); ~~((or~~

(D) A child support agency in another state or foreign country)) and

(iii) Third, to prepaid support as provided for under subsection (7) of this section.

(e) ~~((If the responsible parent owes a current support obligation to more than one family and does not pay enough money during the month to satisfy these current support obligations in full, the office shall))~~ Distribute ~~((the money collected))~~ current support based on the proportionate share of the obligation owed to each family unit or household when the responsible parent owes a current support obligation to two or more families or households;

(f) ~~((The office shall apply))~~ Distribute amounts ~~((received))~~ collected during a month ~~((in excess of the responsible parent's current support obligation or obligations))~~ to the responsible parent's support ~~((debt or))~~ debts owed for each family unit or household based on the proportionate size of the debts, except as provided in

subsection ~~((4)(g))~~ (6)(g) and (h) of this section ~~((if))~~, when:

(i) ~~((The support payment or payments exceed))~~ OSE, or the support enforcement agency or legal entity of a state or political subdivision, collects support in excess of the amount required to satisfy the responsible parent's current support ((obligation or)) obligations for that month; and

(ii) The responsible parent owes ((more than one)) a support debt for two or more families or households.

(g) ~~((The office may))~~ Apply amounts ((distributed under this subsection)) to a ((single)) support debt owed for one family or household and distribute the amounts accordingly, rather than make a proportionate distribution ((in the following circumstances)) when:

(i) ~~((To satisfy a support debt owed to the family that accrued after the family terminated from public assistance as provided for in RCW 26.23.030; or~~

~~((ii) If))~~ Proportionate distribution is administratively inefficient; or

~~((iii))~~ ((ii) ((If)) The collection resulted from the sale or disposition of a specific piece of property ((in)) against which a court awarded the applicant/recipient or applicant/custodian ((has)) a judgment lien for child support.

~~((The office shall convert amounts collected which are paid more frequently than once a month to an amount that represents payment on the required support obligation for the current month. The office of support enforcement is directed to distribute payments periodically to give effect to efficient administration))~~ When a portion of the responsible parent's support debt for a family unit is owed to both the family and the department, distribute amounts applied to the support debt for the family unit:

(i) First, to the family to satisfy the portion of the debt owed to the family; and

(ii) Second, to the department to satisfy the portion of the debt assigned to the department to reimburse public assistance payments.

(i) ~~((The office shall))~~ Report ((any)) amounts distributed to a family, receiving public assistance, to the community service office ((identifying whether or not the payment is available to meet the need)). This requirement shall not relieve the recipient of the duty to report receipt of ((any)) support money((s)); and

(j) ~~((The department shall))~~ Pay a family, receiving cash assistance under the aid to families with dependent children program or the family independence program, the first fifty dollars of each child support payment as provided under WAC 388-14-275.

~~((5))~~ (7) ((If the office)) When OSE receives or collects support money((s which represent)) representing payment on the required support obligation for future months, ((the office)) OSE shall:

(a) Apply the support money((s)) to ((such)) future months ((if)) when the support debt ((has been)) is paid in full; ((and))

(b) Distribute the support money((s)) on a monthly basis ((as of the date)) when payments become due in the future((:)); and

~~((6))~~ (c) ((When the office receives or collects prepaid support moneys, the office shall)) Mail a notice to the last known address of the person entitled to receive support ((payments)) money. The notice shall inform the person ((that)):

~~((a))~~ (i) ((The office)) OSE received prepaid support money;

~~((b))~~ (ii) ((The office)) OSE will distribute ((this)) the prepaid money as support payments become due in the future; and

~~((c))~~ (iii) ((He or she)) The person may petition the court that entered the support order for an order requiring the immediate distribution of the prepaid support money.

~~((7))~~ (8) ((The office)) OSE may recover support money distributed to a person or to the family when OSE:

(a) Distributed the money in error((; after receipt of));

(b) Distributed the money based on a check which is later dishonored((:)); or ((the office is later))

(c) Is required to refund or return the ((support)) money to the person or entity making the payment((; as follows)).

~~((a))~~ (9) ((In nonassistance cases, the office)) OSE may ((deduct and)) retain((; from subsequent support payments, any)) amounts collected on a support debt and ten percent of amounts collected as current support to recover support money as provided under subsection (8) of this section in nonassistance cases. ((The office))

(a) OSE shall send a notice to the last known address of the person or family ((prior to)) before taking action to recover ((such payments)) the support money. The notice shall:

(i) ((Contain a finding that a payment was distributed in error, was paid against a check that was later dishonored, or that the office was required to refund the support payment to the responsible parent)) Explain the reason why OSE is authorized to recover the support money;

(ii) Identify the ((payments the office)) money OSE will recover; ((and))

(iii) Inform the person or family of ((the)) amounts ((that)) OSE will ((be deducted)) deduct from future collections; and

(iv) Inform the person or family they ((may request)) have twenty days from the date of the notice to file an application for an ((administrative hearing)) adjudicative proceeding as specified under ((chapter 34.04 RCW)) subsection (12) of this section to object to the notice.

(b) At the hearing, the person may contest ((the office)) OSE's findings regarding the existence and amount of the debt ((for erroneous payments or other payments the office)) OSE is seeking to recover as provided under subsection (8) of this section.

~~((b))~~ (c) ((If)) When the person or family is no longer receiving support enforcement services, ((the office of support enforcement)) OSE may take action under RCW 74.20A.270 to recover the money.

~~((f))~~ (10) ~~((f))~~ When the family is receiving public assistance and the applicant/recipient fails to remit support ~~((payments))~~ money to ~~((the office))~~ OSE as required, ~~((the office))~~ OSE shall ~~((use))~~ recover the support payments using the process set forth in WAC 388-14-200 ~~((to recover such support payments))~~.

(11) OSE shall mail a notice, once each quarter or more often, to the last known address of the person for whom OSE received support during the quarter, except as provided under subsection (11)(d) of this section.

(a) The person for whom OSE receives support has ninety days from the date of the notice to file an application for an adjudicative proceeding as specified under subsection (12) of this section to object to the notice.

(b) The person may only contest how OSE distributed the support money including the amounts stated in the notice.

(c) The notice shall contain the following information:

(i) The current support amount and the amount of the support debt owed under the order;

(ii) The amount of support money OSE received and the date of collection;

(iii) A description of how OSE allocated the support money between current support and the support debt;

(iv) The amount the department claims as reimbursement for public assistance paid, if applicable; and

(v) A statement of the right to request an adjudicative proceeding.

(d) OSE is not required to send a notice under this subsection when OSE mails another notice to the family or person to whom support is owed as provided under WAC 388-14-275 or this section.

(12) A person shall file an application for an adjudicative proceeding with OSE, within the time period specified in the notice, by a method showing proof of receipt.

(a) The person shall include in or with the application:

(i) A specific statement of the objections to the notice; and

(ii) A copy of the notice the person is contesting.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section governs.

Reviser's note: RCW 34.05.395 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 90-17-002
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3048—Filed August 2, 1990, 2:16 p.m.]

Date of Adoption: August 2, 1990.

Purpose: To describe the indexing systems for interpretive and policy statements required in RCW 42.17-.260 (4)(d) and (e).

Citation of Existing Rules Affected by this Order:
 Amending WAC 388-320-020 Definitions.

Statutory Authority for Adoption: RCW 34.05.220 and 42.17.250.

Pursuant to notice filed as WSR 90-13-030 on June 13, 1990.

Any Changes Other than Editing from Proposed to Adopted Version: Definitions have been deleted from WAC 388-320-020 and the words "Departments are obligated to create an index in accordance with RCW 34.05.220. This section is intended to implement this statute. The department's interpretive and policy statements are written in the Administrative Policies Manual." are added to new WAC 388-320-184.

Effective Date of Rule: Thirty-one days after filing.

August 2, 1990

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 1609, filed 2/19/81)

WAC 388-320-020 DEFINITIONS. (1) "Client" means a person or organization about whom the department has a record.

(2) "Denial of disclosure" denotes exempting from disclosure of a public record.

(3) "Department" means the department of social and health services.

(4) "Disclosure" means inspection and/or copying.

(5) "Public records" include ~~((any))~~ writing containing information ~~((relating))~~ related to the conduct of government or the performance of ~~((any))~~ a governmental or proprietary function prepared, owned, used or retained by the department regardless of physical form or characteristics.

~~((2))~~ (6) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording ~~((any))~~ a form of communication or representation, including:

(a) Letters, words, pictures, sounds, or symbols, or combination ~~((thereof))~~; and

(b) All papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

~~((3))~~ "Department" means the department of social and health services.

~~((4))~~ "Client" means any person or organization about whom the department has a record.

~~((5))~~ "Disclosure" means inspection and/or copying.

~~((6))~~ "Denial of disclosure" denotes any exempting from disclosure of any public record.))

NEW SECTION

WAC 388-320-184 INTERPRETIVE AND POLICY STATEMENTS. (1) This section applies to the department, beginning on or after July 1, 1990, administering programs applying to the distribution of interpretive and policy statements.

Departments are obligated to create an index in accordance with RCW 34.05.220. This section is intended to implement this statute. The department's interpretive

and policy statements are written in the Administrative Policies Manual.

(2) The department shall maintain a roster of persons receiving interpretive and policy statements issued on or after June 30, 1990. Annually, the department shall update the roster. The department shall send copies of new or amended statements to persons listed on the roster.

(3) A person needing interpretive and policy statements may request, in writing, a copy from the department's Office of Issuances, Mail Stop OB-33H, 12th Avenue and Franklin Street, Olympia, Washington 98504.

WSR 90-17-003
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed August 2, 1990, 2:36 p.m.]

Date of Adoption: August 2, 1990.

Purpose: To clarify the business and occupation taxation of the business activities of travel agents and tour operators.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to notice filed as WSR 90-13-093 on June 21, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 2, 1990

Edward L. Faker
Assistant Director

NEW SECTION

WAC 458-20-258 TRAVEL AGENTS AND TOUR OPERATORS. (1) INTRODUCTION. This section describes the business and occupation (B&O) taxation of travel agents and tour operators. Travel agents are taxed at the special travel agent rate under RCW 82.04.260(10). Tour operators are generally taxed under the service or other business classification under RCW 82.04.290. However, the business activities of tour operators may sometimes include activities like those of a travel agent. This section recognizes the overlap of activities and taxes them consistently.

(2) DEFINITIONS:

(a) "Commission" means the fee or percentage of the charge or their equivalent, received in the ordinary course of business as compensation for arranging the service. The customer or receiver of the service, not the person receiving the commission, is always responsible for payment of the charge.

(b) "Pass-through expense" means a charge to a tour operator business where the tour operator is acting as an agent of the customer and the customer, not the tour operator, is liable for the charge. The tour operator cannot be primarily or secondarily liable for the charge other than as agent for the customer. See: WAC 458-20-111 Advances and Reimbursements.

(c) "Tour Operator Business" means a business activity of providing directly or through third party providers, transportation, lodging, meals, and other associated services where the tour operator purchases or itself provides

any or all of the services offered, and is itself liable for the services purchased.

(d) "Travel Agent Business" means the business activity of arranging transportation, lodging, meals, or other similar services which are purchased by the customer and where the travel agent or agency merely receives a commission for arranging the service.

(3) TRAVEL AGENTS.

(a) The gross income of a travel agent or a travel agent business is the gross commissions received without any deduction for the cost of materials used, labor costs, interest, discount, delivery cost, taxes, losses, or any other expense. It is taxed at the special travel agent rate.

(b) Gross receipts, other than commissions, from other business activities of a travel agent, including activities as a tour operator, are taxed in the appropriate B&O classification, service, retailing, etc., as the case may be.

(4) TOUR OPERATORS.

(a) The gross income of a tour operator or a tour operator business is the gross commissions received when the activity is that of a travel agent business.

(i) When a tour operator receives commissions from a third party service provider for all or a part of the tour or tour package, the gross income of the business for that travel agent activity is the commissions received.

(b) However, if the activity is that of a tour operator business, receipts are B&O taxable in the service classification without any deduction for the cost of materials used, labor costs, interest, discount, delivery cost, taxes, losses, or any other expense; EXCEPT, receipts attributable to pass-through expenses are not included as part of the gross income of the business.

(5) EXAMPLES:

(a) A travel agent issues an airplane ticket to a customer. The cost of the ticket is \$250 which is paid by the customer. The travel agent receives \$25 from the airline for providing the service.

(i) The gross income of the business for the travel agent is the \$25 commission received.

(ii) The gross income of the business is taxed at the special travel agent rate.

(b) A tour operator offers a tour costing \$1,500 per person. The tour cost consists of \$800 airfare, \$500 lodging and meals, and \$200 bus transportation. The tour operator has an arrangement with each of the service providers to receive a 10% commission for each service of the tour, which in this case is \$150 (\$80 + \$50 + \$20). The tour operator issues tickets, etc, only when paid by the customer and is not liable for any services reserved but not provided.

(i) The tour operator is engaged in a travel agent activity and the gross income of the business is commissions received, \$150.

(ii) The gross income of the business, \$150, is taxed at the special travel agent rate.

(c) The same facts as in example (b) except that the tour operator has a policy of requiring 10% or \$150 as a down payment with the remaining \$1,350 payable 20 days prior to departure with 95% refundable up to 10 days prior to departure and nothing refunded after 10 days prior to departure. The customer cancels 15 days

prior to departure and is refunded \$1,425 with the tour operator retaining \$75.

(i) The gross income of the tour operator business is the \$75 retained. No amount is attributable to pass-through expense since the tour operator was not obligated to the service provider in the event of cancellation and the tour operator was not acting as the agent of the customer.

(ii) The gross income of the business, \$75, is taxed in the service B&O tax classification.

(d) A tour operator offers a package tour for the Superbowl costing \$800 per person. The tour operator purchases noncancellable rooms in a hotel for \$300 per room for 2 nights, and game tickets which cost \$100 each. The package includes airfare which costs \$200 per person for which the tour operator receives the normal commission of \$20. As an extra feature, the tour operator offers to provide, for an extra cost, special event tickets, if available, at his cost of \$50 each. The tour operator is B&O taxable as follows:

(i) The gross income of the tour operator business is \$600 (\$800 less \$200 airfare). Because the tour operator purchased the rooms and the game tickets in its own name and is liable for the rooms or tickets if not re-sold, the tour operator is not operating as a travel agent business and is B&O taxable in the service classification. If the tour operator receives a commission on the rooms sold to itself, the activity remains taxable as a tour operator business under the service classification and the commission received is treated as a cost discount, not included in the gross income of the business.

(ii) The \$50 received for the special event ticket is attributable to a pass-through expense and is not included in the gross income of the tour operator business. The special event ticket receipt is attributable to a pass-through expense because the tour operator is acting as an agent for the customer.

(iii) The \$20 received as commission from the sale of the airfare is a travel agent business activity and is included as gross income of a travel agent and taxed at the special travel agent rate.

WSR 90-17-004

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed August 2, 1990, 3:38 p.m.]

Date of Adoption: July 25, 1990.

Purpose: To make a technical correction to a reference section. RCW cited no longer exists.

Citation of Existing Rules Affected by this Order: Amending WAC 180-40-235.

Statutory Authority for Adoption: RCW 28A.04.132.

Pursuant to notice filed as WSR 90-13-082 on June 20, 1990.

Effective Date of Rule: Thirty-one days after filing.

July 31, 1990

Monica Schmidt

Secretary

Executive Director

AMENDATORY SECTION (Amending Order 6-87, filed 4/14/87)

WAC 180-40-235 DISCIPLINE—CONDITIONS AND LIMITATIONS. Discipline may be imposed upon any student for violation of the rules of the school district that have been established pursuant to WAC 180-40-225, subject to the following limitations and conditions and the grievance procedure set forth in WAC 180-40-240:

(1) No form of discipline shall be enforced in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirements.

(2) A student's academic grade or credit in a particular subject or course may be adversely affected by reason of tardiness or absences only to the extent and upon the basis that:

(a) The student's attendance and/or participation is related to the instructional objectives or goals of the particular subject or course, and

(b) The student's attendance and/or participation has been identified by the teacher pursuant to policy of the school district as a basis for grading, in whole or in part, in the particular subject or course.

(3) Corporal punishment consisting of spanking or striking a student shall be administered only in an office or some other area outside the view of other students and only by an authorized employee in the presence of and witnessed by another school district employee. Such witness shall be informed beforehand and in the student's presence of the reason(s) for the infliction of the corporal punishment. For the purpose of this subsection the term "authorized employee" means either:

(a) The student's teacher who holds a valid Washington state teaching certificate and provides instruction to the student; or,

(b) Any other certificated employee who has been authorized in advance by the student's parent or guardian to inflict corporal punishment consisting of spanking or otherwise striking the student.

(4) No cruel and unusual form of corporal punishment shall be inflicted upon any student.

(5) Only reasonable and moderate force shall be applied to a student and no form of corporal punishment shall be inflicted upon the head of a student.

(6) Parents or guardians, upon their request, shall be provided a written explanation of the reason(s) for the infliction of corporal punishment consisting of spanking or otherwise striking a student and the name of the witness who was present at the time the corporal punishment was administered.

COMMENT: This section is not intended to authorize the use of any particular form of discipline or to authorize any particular person to impose discipline; that is the regulatory responsibility of each school district. What this section does consistent with the general purpose of this chapter is impose conditions upon the use of such disciplinary measures as are otherwise authorized or permitted by a school district's rules.

Note also that this section does not completely address the law governing the use or infliction of corporal

punishment or physical discipline. For additional information your attention is invited to the following: The case of *Simmons v. Vancouver School Dist.*, 41 Wn. App. 365, 704 P.2d 648 (1985) (the term "corporal punishment" is not limited to spanking a student; it includes any number of forms of physical or bodily punishment); (~~RCW 28A.87.140 (it is a misdemeanor for a teacher to administer unreasonable punishment or to inflict punishment on the head of a student); and,)) RCW 9A.16.100 (only parents, guardians, and teachers, and such other persons as have been authorized in advance by a child's parent or guardian may lawfully inflict physical discipline upon a child for purposes of restraining or correcting the child; only reasonable and moderate discipline or force may be inflicted; and, certain specified actions are presumed unreasonable and thus unlawful including throwing, kicking, burning, cutting, striking with a closed fist, shaking a child under three, interfering with breathing, threatening with a deadly weapon, and causing greater than transient pain or minor temporary marks.)~~

WSR 90-17-005
EMERGENCY RULES
STATE BOARD OF EDUCATION
[Filed August 2, 1990, 3:39 p.m.]

Date of Adoption: July 25, 1990.

Purpose: To repeal WAC 180-86-115 Investigatory files—Establishment, security, disclosure, retention, and destruction.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-86-115.

Statutory Authority for Adoption: RCW 28A.70.005.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Repeal of WAC 180-86-115 is necessary to comply with the Washington State Supreme Court's *Cowles v. Brouillet* decision which held that the Superintendent of Public Instruction was not an investigative agency for purposes of the public disclosure exceptions contained in WAC 180-86-115.

Effective Date of Rule: Immediately.

July 31, 1990
Monica Schmidt
Secretary
Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-86-115 INVESTIGATORY FILES—ESTABLISHMENT, SECURITY, DISCLOSURE, RETENTION, AND DESTRUCTION.

WSR 90-17-006
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION
[Memorandum—August 2, 1990]

The dates and locations for the August and September Washington State Transportation Commission public meetings are:

August 15 and 16	Olympia, Washington Transportation Building Conference Room 1D2
September 26 and 27	Tacoma, Washington Sheraton Tacoma Hotel 1320 Broadway Plaza Tacoma

WSR 90-17-007
PERMANENT RULES
DEPARTMENT OF REVENUE
[Filed August 3, 1990, 2:36 p.m.]

Date of Adoption: August 3, 1990.

Purpose: To implement 1990 legislative limited business and occupation tax exemption for small harvesters of timber.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to notice filed as WSR 90-13-094 on June 21, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 3, 1990
Donn Smallwood
Assistant Director

NEW SECTION

WAC 458-20-259 SMALL TIMBER HARVESTERS - BUSINESS AND OCCUPATION TAX EXEMPTION. (1) EXEMPTION. Harvesters of timber are generally subject to business and occupation (B&O) tax in the extracting classification. After June 6, 1990, chapter 141, Laws of 1990 provides a limited exemption from B&O tax for small harvesters of timber (as defined in RCW 84.33.073) whose value of product harvested, gross proceeds of log sales, or gross income of the timber harvesting business is less than \$100,000 per year.

(2) REGISTRATION - RETURN.

(a) A person whose only business activity is as small harvester of timber and whose gross income in a calendar year from the harvesting of timber is less than \$100,000, is not required to register with the department for B&O tax purposes.

(b) A small harvester of timber is required to register with the department for B&O tax purposes in the month when the gross proceeds received during a calendar year from the timber harvested exceeds the exempt amount.

(c) When the gross proceeds received during a calendar year from timber harvested by a small harvester exceeds the exempt amount, a return shall be filed and shall include all proceeds received during the calendar year to the time when the filing of a return is required.

See: WAC 458-20-228 and WAC 458-20-22801 for penalties, interest and return filing periods.

(d) A harvester of timber must register with the Forest Tax Division of the department for payment of timber excise tax.

(3) DEFINITION - SMALL HARVESTER - RCW 84.33.073(1). "Small harvester" means every person who from his own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts, or takes timber for sale or for commercial or industrial use in an amount not exceeding five hundred thousand board feet in a calendar quarter and not exceeding one million board feet in a calendar year: PROVIDED, that whenever the United States or any instrumentality thereof, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein, so fells cuts, or takes timber for sale or for commercial or industrial use, not exceeding these amounts, the small harvester is the first person other than the United States or any instrumentality thereof, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein, who acquires title to or a possessory interest in such timber. "Small harvester" does not include persons performing under contract the necessary labor or mechanical service for a harvester, and it does not include harvesters of Christmas trees.

(4) EXAMPLES:

(a) A person not otherwise registered with the department for B&O tax purposes and who is a small harvester under RCW 84.33.073, harvests timber during the calendar year and receives \$60,000.

(i) No B&O tax is due and the person need not register with the department for B&O tax purposes.

(ii) However, the person must register with the department's Forest Tax Division for payment of the timber excise tax.

(b) A person not otherwise registered with the department for B&O tax purposes and who is a small harvester under RCW 84.33.073, harvests timber during the calendar year. The small harvester has contracted with a logging company to provide the labor and mechanical services of the harvesting. The small harvester is to receive 60% and the logging company 40% of the log sale proceeds. The log purchaser pays \$150,000 for the logs paying \$90,000 to the person and \$60,000 to the logging company.

(i) For the small harvester, B&O tax is due on the entire \$150,000 paid for the logs. The small harvester is taxed upon the gross sales price of the logs without deduction for the amount paid to the logging company. See: RCW 82.04.070 and WAC 458-20-135. The small harvester must register with the department for B&O tax purposes in the month when, for the calendar year, the proceeds from all timber harvested exceeds \$100,000.

(ii) The logging company is taxed on the \$60,000 it received under the appropriate business tax classification(s). The logging company is not a small

harvester as defined in RCW 84.33.073 and the exemption of this section is not applicable to the logging company.

(iii) The small harvester must register with the department's Forest Tax Division for payment of the timber excise tax.

(c) A person is primarily engaged in another business which is currently registered with the department for B&O tax purposes and has monthly receipts of \$250,000. The person is a small harvester under RCW 84.33.073 and receives \$10,000 from the sale of the timber harvested.

(i) B&O tax remains due on \$250,000 from the other business activities. The \$10,000 received from the sale of logs is exempt and is not reported on the person's Combined Excise Tax Return. The exemption applies to the activity of harvesting timber and receipts from the sale of logs are not combined with the receipts from other business activities to make the sale of logs taxable.

(ii) The person must register with the department's Forest Tax Division for the payment of timber excise tax.

(d) A person is primarily engaged in another business which is currently registered with the department for B&O tax purposes and has monthly receipts of \$40,000. The person is a small timber harvester under RCW 84.33.073 and receives \$50,000 from the sale of the timber harvested.

(i) B&O tax remains due on \$40,000 from the other business activities. The \$50,000 received from the sale of logs is exempt and is not reported on the persons Combined Excise Tax Return. The exemption applies to the activity of harvesting timber only and receipts from the sale of logs are not combined with the receipts of other business activities to make the other activity exempt.

(ii) The person must register with the department's Forest Tax Division for the payment of timber excise tax.

(e) A person not currently registered with the department for B&O tax purposes and who is a small harvester under RCW 84.33.073, harvests timber in June and again in August receiving \$50,000 in June and \$75,000 in August from the sale of the logs harvested.

(i) B&O tax is due on the entire \$125,000 received from the sale of logs. The small harvester must register with the department in August when the receipts from the timber harvesting business exceed the \$100,000 exemption amount. A tax return is to be filed in the appropriate period as provided in WAC 458-20-22801.

(ii) The person must register with the department's Forest Tax Division for the payment of timber excise tax.

WSR 90-17-008

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-63—Filed August 3, 1990, 4:33 p.m.]

Date of Adoption: August 3, 1990.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-600.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Areas 7B, 7C, 12B and 12C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish and Hood Canal regions of origin, and to prevent wastage. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: 12:01 a.m., August 5, 1990.

August 3, 1990
Judith Merchant
Deputy Director
for Joseph R. Blum
Director

NEW SECTION

WAC 220-47-601 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday August 5, 1990, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

* Areas 4B, 5, 6, 6A, 6C, 7, and 7A - Under the control of the Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.

* Areas 7B and 7C - Gillnets using 7-inch minimum mesh may fish from 7 PM to 9:30 AM nightly, Monday, Tuesday, and Wednesday, August 6, 7 and 8.

* Areas 12B and 12C - Purse Seines using the 5-inch strip may fish from 5 AM to 9 PM daily, Tuesday, Wednesday, and Thursday, August 7, 8, and 9, and from 5 AM to 4 PM Friday, August 10 and gill nets using 7-inch minimum mesh may fish from 7 PM to 9:30 AM nightly, Monday, Tuesday, Wednesday, and Thursday, August 6, 7, 8, and 9. This opening excludes those waters of area 12B north of a line projected from Tekiu Point to Triton Head.

* Areas 6B, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday August 5, 1990:

WAC 220-47-600 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (90-61)

WSR 90-17-009 PERMANENT RULES STATE BOARD OF EDUCATION

[Filed August 6, 1990, 11:06 a.m.]

Date of Adoption: July 25, 1990.

Purpose: To implement new numbering system of Title 28A RCW as recodified in HB 2276.

Citation of Existing Rules Affected by this Order:
Amending Title 180 WAC.

Statutory Authority for Adoption: HB 2276.

Pursuant to notice filed as WSR 90-13-083 on June 20, 1990.

Effective Date of Rule: Thirty-one days after filing.

July 31, 1990

Monica Schmidt

Secretary

Executive Director

AMENDATORY SECTION (Amending Order 1-83, filed 3/29/83)

WAC 180-10-003 DESCRIPTION OF ORGANIZATION. The state board of education is created by law in chapter ((28A-04)) 28A.305 RCW. The board consists of two voting members from each congressional district in the state who are elected by the members of school district boards of directors and serve staggered six-year terms; the superintendent of public instruction, who serves as an ex officio member and chief executive officer of the board and votes only to break ties; and, a nonvoting member elected at large by members of the boards of directors of approved private schools who serves a six-year term. A secretary (executive director) to the state board is appointed by the board and maintains the record of board proceedings. General powers of the board affect teacher training and certification programs, school accreditation, school building assistance, school district organization and classification, general government of the schools, approval of basic education programs, approval of private schools, and other matters which include the discipline of pupils and instructional program improvement.

AMENDATORY SECTION (Amending Order 2-84, filed 5/17/84)

WAC 180-16-002 AUTHORITY. The authority for this chapter is RCW ((28A-58-754)) 28A.150.220(6) which authorizes the state board of education to adopt rules that implement and ensure compliance with the basic program of education requirements of RCW ((28A.41.130, 28A.41.140, and 28A.58.754)) 28A.150.250, 28A.150.260, and 28A.150.220 and such related

basic program of education requirements as may be established by the state board of education.

AMENDATORY SECTION (Amending Order 2-84, filed 5/17/84)

WAC 180-16-006 PURPOSE. The purpose of this chapter is to set forth rules to:

(1) Establish procedures and policies for state board of education approval of school district programs for the purpose of entitlement to state basic program of education support, including the provisions of RCW ((~~28A-41-130, 28A-41-140, and 28A-58-754~~)) 28A.150.250, 28A.150.260, and 28A.150.220; and

(2) Establish related program requirements for which compliance is required as part of state board of education approval.

AMENDATORY SECTION (Amending Order 10-79, filed 9/12/79)

WAC 180-16-164 WORK STOPPAGES AND MAINTENANCE OF APPROVED PROGRAMS FOR LESS THAN 180 DAYS NOT CONDONED. Nothing in WAC 180-16-162, 180-16-163 or 180-16-191 through 180-16-240 shall be construed as condoning or authorizing any form of work stoppage which disrupts the planned educational program of a district, or any portion thereof, or the maintenance of an approved program for less than the minimum number of school days required by law except as excused for apportionment purposes by the superintendent of public instruction pursuant to RCW ((~~28A-41-170~~)) 28A.150.290.

AMENDATORY SECTION (Amending Order 3-77, filed 6/1/77)

WAC 180-16-180 VOCATIONAL-TECHNICAL INSTITUTES, STATE SUPPORT OF. Pursuant to provisions of RCW ((~~28A-41-130, 28A-09-100 and 28B-50-240~~)) 28A.150.250 and the provisos in the currently effective state budget and appropriations act appropriating to the superintendent of public instruction an amount for vocational-technical institutes and an amount for adult education in such institutes, the rules and regulations hereinafter set forth shall govern determination of eligibility of vocational-technical institutes for apportionment from state funds.

(1) Approved vocational-technical institute. A vocational-technical institute established and maintained in accordance with requirements of chapter 180-58 WAC shall be deemed to be in compliance with eligibility requirements for apportionment from state funds.

(2) Certification to state superintendent. The state board of education shall furnish to the superintendent of public instruction certification of approval of any and all vocational-technical institutes approved by the state board under authority of RCW ((~~28A-41-130, 28A-09-100 and 28B-50-240~~)) 28A.150.250 and provisions of chapter 180-58 WAC.

(3) Approval of additional courses—State superintendent. Subsequent to certification by the state board of education to the superintendent of public instruction of approval of a vocational-technical institute as provided

in subsection (2) above, additional courses and apportionment related thereto shall be subject to the approval of and authorization by the state superintendent as provided in WAC 180-58-090.

AMENDATORY SECTION (Amending Order 9-88, filed 4/4/88)

WAC 180-16-223 TEMPORARY OUT-OF-ENDORSEMENT ASSIGNMENT CRITERIA. In order for a temporary out-of-endorsement assignment for a classroom teacher to comply with the basic education approval standards, the board of directors of the district must comply with the following:

(1) The board of directors of the district must make one or more of the following factual determinations:

(a) The district was unable to recruit a teacher with the proper endorsement.

(b) The need for a teacher with such an endorsement could not have been reasonably anticipated and the recruitment of such a classroom teacher at the time of assignment was not reasonably practicable.

(c) The reassignment of another teacher within the district with the appropriate endorsement to such assignment would be unreasonably disruptive to the current assignments of other classroom teachers or would have an adverse effect on the educational program of the students assigned such other classroom teachers.

(d) The district has a surplus of teachers with endorsements in specified grade levels or subject areas and it is necessary to reassign such teachers in whole or part in order to avoid adversely affecting such teachers' contract status.

(2) The teacher assigned to the out-of-endorsement grade level or subject area must meet the following requirements:

(a) The teacher so assigned must have at least two full school years of classroom teaching experience and must not have been placed on probation pursuant to RCW ((~~28A-67-065~~)) 28A.405.100 during the last two school years.

(b) The teacher so assigned must have completed six semester hours or nine quarter hours of course work which are applicable to an endorsement in the out-of-endorsement grade level or subject area.

(3) The board of directors of the district shall comply with the following conditions:

(a) Prior to the assignment of the out-of-endorsement grade level or subject area, or as soon as reasonably practicable thereafter, but in no event beyond twenty school days after the commencement of the assignment, if the assignment was not reasonably foreseeable, a designated representative of the district and the classroom teacher so assigned shall mutually develop a written plan which provides necessary assistance to the teacher so assigned and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement classroom assignment.

(b) No classroom teacher shall be assigned in any one semester or trimester to more than one preparation in one out-of-endorsement grade level or subject area and for no more than two periods of not more than sixty minutes each per day unless the school building in which

such teacher is assigned has a preexisting policy of assigning classroom teachers to "block programs," which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students. However, in order to be eligible for assignment to block programs, the teacher so assigned must be endorsed in one of the subject areas within the block program and must meet the criterion in subsection (2)(b) of this section in each of the additional subject areas within the block program.

(c) Any observation conducted in the out-of-endorsement grade level or subject area will not be utilized by the district as evidence to support probation of the teacher so assigned pursuant to RCW ((~~28A.67.065~~) 28A.405.100 or nonrenewal of such teacher pursuant to RCW ((~~28A.67.070~~) 28A.405.210.

(d) A second or third year assignment to an out-of-endorsement grade level or subject area will be made only pursuant to WAC 180-16-224 and in no case will the teacher be assigned to the same out-of-endorsement grade level or subject area during more than three school years at any time in which the teacher serves within the same school district; hence, this provision applies to assignments in consecutive or nonconsecutive school years.

(4) The board of directors shall submit to the office of superintendent of public instruction as part of its annual report required by WAC 180-16-195, a list which indicates all assignments for the previous school year in out-of-endorsement grade levels or subject areas. Such list shall include:

(a) The name and certification number of each teacher so assigned, the out-of-endorsement grade levels or subject areas and the number of such periods taught by such teacher, and the dates upon which such assignment(s) commenced and concluded.

(b) The reason for each such assignment.

(c) The reason why the particular teacher was selected for the out-of-endorsement grade level or subject area.

(d) A dated copy of each plan of assistance required pursuant to WAC 180-16-223 (3)(a). Such copy shall not contain any personal information the disclosure of which would violate the named teacher's right to privacy pursuant to RCW 42.17.310(b).

(e) An assurance that each such assignment was made in compliance with WAC 180-16-221 through 180-16-224.

(5) PROVIDED, That the provisions of subsections (2)(a) and (b) and (3)(b) of this section shall be waived for a period of three consecutive school years for each proposed out-of-endorsement assignment by the state board of education if:

(a) The board of directors of the school district adopts a resolution for each proposed out-of-endorsement assignment which states that the district has made a good faith effort to comply with the provision(s) for which it is requesting a waiver. Such resolution must recite the actions that the school district has taken to comply. Upon adoption and transmission of such resolution to

the superintendent of public instruction, the district shall be authorized to assign each such classroom teacher affected to the proposed out-of-endorsement assignment until the state board of education makes its determination under (c) of this subsection.

(b) The superintendent of public instruction presents the resolution at a meeting of the state board of education and documents to the board the stated efforts of the district.

(c) The state board of education determines, based on the evidence received, that a good faith effort to comply has been made.

AMENDATORY SECTION (Amending Order 2-84, filed 5/17/84)

WAC 180-16-240 COMPLIANCE WITH OTHER PROGRAM REQUIREMENTS. (1) Each school district superintendent shall file each year a statement that, pursuant to WAC 180-16-220(4), the school district has adopted a procedure ensuring awareness of and compliance with other statutory requirements as specified in subsection (2) of this section. Such statement shall be included as Part II of the annual basic education allocation entitlement program data report(s) required by WAC 180-16-195 and shall be submitted at the same time this annual report is submitted. Deviation from these requirements shall not result in the withholding of any of a district's basic education allocation funds. The deviations shall be made available to the public separately or as a portion of the annual district guide published pursuant to RCW ((~~28A.58.758~~) 28A.150.230(3) and this section.

(2) Other program requirements are as follows:

(a) Appropriate measures are taken to safeguard all student and school district permanent records against loss or damage. See, e.g., RCW 40.14.070 regarding the preservation and destruction of local government agency records.

(b) Provision is made for the supervision of instructional practices and procedures.

(c) Current basic instructional materials are available for required courses of study.

(d) A program of guidance, counseling and testing services is maintained for students in all grades offered by that school district.

(e) A learning resources program is maintained pursuant to chapter 180-46 WAC and WAC 392-190-055, each as now or hereafter amended.

(f) The physical facilities of each district are adequate and appropriate for the educational program offered.

(g) There is adequate provision for the health and safety of all pupils within the custody of the school district. See, e.g., RCW ((~~28A.04.120~~) 28A.305.130(11) regarding emergency exit instruction and drills and the rules or guidelines implementing the statute; the building code requirements of chapter 19.27 RCW and local building and fire code requirements; chapter 70.100 RCW regarding eye protection and the rules or guidelines implementing the chapter; RCW ((~~28A.31.010~~) 28A.210.010 regarding contagious diseases and the

rules, chapters 248-100 and 248-101 WAC, implementing the statute; RCW 43.20.050 regarding environmental conditions in schools and the rules, chapter 248-64 WAC, implementing the statute; and local health codes.

(h) A current policy statement pertaining to the administration and operation of the school district is available in each district's administrative office including, but not limited to, policies governing the school building and classroom visitation rights of nonstudents.

(i) Chapters 49.60 and ((28A-85)) 28A.640 RCW are complied with. These statutes prohibit unequal treatment of students on the basis of race, sex, creed, color, and national origin in activities supported by common schools.

(j) A descriptive guide to the district's common schools is published annually by the school district's board of directors, pursuant to RCW ((28A-58-758)) 28A.150.230(3), and is made available at each school in the district for examination by the public.

(k) Within each school, the school principal has determined that appropriate student discipline is established and enforced. The school principal has conferred with the certificated employees in the school building in order to develop and/or review building disciplinary standards and the uniform enforcement of those standards, pursuant to RCW ((28A-58-201)) 28A.400.110.

(l) Written high school graduation requirements and rules have been adopted by the school district board of directors in accordance with chapter 180-56 WAC.

AMENDATORY SECTION (Amending Order 8-75, filed 7/22/75)

WAC 180-20-100 USE OF SCHOOL BUSES—PROMULGATION. Consistent with its responsibilities as defined in RCW ((28A-24-055)) 28A.160.010, the state board of education hereby adopts and promulgates the regulations in WAC 180-20-105 pertaining to state board of education authorization of the use of school buses for officially designated school activities.

AMENDATORY SECTION (Amending Order 8-75, filed 7/22/75)

WAC 180-20-105 USE OF SCHOOL BUSES—DEFINITION OF CURRICULAR AND EXTRACURRICULAR USE. (1) Curricular use. The term "to and from school" is interpreted to mean the transportation of students from home to an assigned school building and return and/or to and from that building to other places of learning for the purpose of engaging in regular curricular activity. Although regular curricular activity may include the transportation of team participants in school athletics, music, dramatics, class field trips and similar projects, when these activities are judged integral to the curricular program by directors of the school district, state transportation reimbursement will be limited to those costs stipulated in chapter 392-141 WAC.

(2) Extracurricular use. All legal use of school buses other than as defined in subsection (1) above shall be considered "extracurricular" and shall be subject to the conditions as stated in chapter ((28A-24)) 28A.160 RCW.

AMENDATORY SECTION (Amending Order 10-81, filed 9/21/81)

WAC 180-20-106 SCHOOL BUS OPERATION FOR EXTRACURRICULAR USE. (1) Limitations. Under provisions of RCW ((28A-24-055)) 28A.160.010, school buses may be used for extracurricular activities only when commercial service is "not reasonably available," and when school buses are used, districts must charge users an amount sufficient to reimburse the district for its complete cost incurred by reason of such use. Users of such school bus service shall be limited to those directly involved in extracurricular activities sponsored by the school district.

(2) Approval conditions. For practical administration of the law, approval of the state board of education is hereby granted for the use of school buses for extracurricular activities when such use is determined by the board of directors of the school district to meet the following conditions:

(a) Commercial service is not physically available at the required time; or

(b) The quoted cost for commercial service exceeds the actual costs of the school district operated buses.

(3) School district computation procedure. For the purpose of determining whether the quoted charge for the use of a commercial charter bus is "reasonable" within the intent of RCW ((28A-24-055)) 28A.160.010, the school district shall calculate estimated trip costs using all direct and indirect costs associated with the use of the district buses.

When the cost so computed is less than the commercial charter bus quoted cost, the school district may use its school district bus for the district-sponsored extracurricular activity. The charge to the users of such service shall be as provided in subsection (1) above.

AMENDATORY SECTION (Amending Order 8-75, filed 7/22/75)

WAC 180-20-200 TRAINING AND QUALIFICATIONS OF SCHOOL BUS DRIVERS—PROMULGATION. Consistent with its responsibilities defined in RCW ((28A-04-131)) 28A.160.210, the state board of education hereby adopts and promulgates the regulations pertaining to the training and qualifications of school bus drivers hereinafter in WAC 180-20-205 through 180-20-230 set forth.

AMENDATORY SECTION (Amending Order 9-84, filed 10/4/84)

WAC 180-22-100 AUTHORITY. The authority for this chapter is RCW ((28A-21-020)) 28A.310.020 which authorizes the state board of education to make changes in the number and boundaries of educational service districts.

AMENDATORY SECTION (Amending Order 4-84, filed 5/17/84)

WAC 180-23-037 AUTHORITY. The authority for this chapter is RCW ((28A-21-031)) 28A.310.080 which authorizes the state board of education to adopt

rules and regulations for the conduct of election for members of boards of educational service districts.

AMENDATORY SECTION (Amending Order 4-84, filed 5/17/84)

WAC 180-23-043 ELECTION OFFICER. In accordance with RCW ((~~28A.21.033~~) 28A.310.100, the secretary to the state board of education shall serve as the election officer for the coordination and conduct of the election of members of boards of educational service districts.

AMENDATORY SECTION (Amending Order 4-84, filed 5/17/84)

WAC 180-23-065 CANDIDATES—ELIGIBILITY—FILING. (1) Eligibility. A person is eligible to be a candidate for membership on an educational service district board if he or she is a registered voter and a resident of the board-member district for which the candidate files. Restriction on other service pursuant to RCW ((~~28A.21.0306~~) 28A.310.070.

(2) Forms for filing. A person who desires to file for candidacy shall complete:

(a) A declaration of candidacy and affidavit form provided for in WAC 180-23-070; and

(b) The biographical form required by WAC 180-23-075: PROVIDED, That a declarant may elect not to submit biographical data.

(3) Filing period. The filing period for candidates for any position on an educational service district board is from September first through September sixteenth. Any declaration of candidacy that is not received by the secretary to the state board of education on or before 5:00 p.m. September sixteenth shall not be accepted and such a declarant shall not be a candidate: PROVIDED, That any declaration that is postmarked on or before midnight September sixteenth and received by mail prior to the printing of ballots shall be accepted: PROVIDED FURTHER, That any declaration received pursuant to the United States mail on or before 5:00 p.m. September twenty-first that is not postmarked or legibly postmarked shall also be accepted.

AMENDATORY SECTION (Amending Order 4-84, filed 5/17/84)

WAC 180-23-077 WITHDRAWAL OF CANDIDACY. Any candidate may withdraw his or her declaration of candidacy by delivering a written, signed and notarized statement of withdrawal to the secretary to the state board of education on or before 5:00 p.m. September twenty-first. A candidate's failure to withdraw as prescribed above shall result in the inclusion of the candidate's name on the appropriate election ballot.

A board-member district position shall be stricken from the ballot if no candidate files for the position within the timelines specified in WAC 180-23-065.

Board-member district positions which become vacant after the call of election specified in WAC 180-23-060 shall be filled by appointment by the educational service district pursuant to RCW ((~~28A.21.0305~~) 28A.310.060 and the appointee shall serve until his or her successor

has been elected at the next election called by the secretary to the state board of education.

AMENDATORY SECTION (Amending Order 4-84, filed 5/17/84)

WAC 180-23-090 VOTING—MARKING AND RETURN OF BALLOTS. (1) The election shall be conducted in strict accordance with the requirements of RCW ((~~28A.21.033~~) 28A.310.100.

(2) Marking of ballots. Each member of a public school district board of directors may vote for one of the candidates in each board-member district named on his or her ballot by placing an "X" or other mark in the space provided next to the name of a candidate.

(3) Return of ballots. Each member of a public school district board of directors shall complete voting by:

(a) Placing his or her marked official ballot in the smaller, unmarked envelope and sealing the same;

(b) Placing the smaller envelope containing the ballot in the larger preaddressed envelope marked "official ballot" and sealing the same;

(c) If not already designated, completing the following information on the face of the official ballot envelope: Name, mailing address, identification of school district and educational service district.

(d) Placing the official ballot envelope in the United States mail to the secretary to the state board of education.

AMENDATORY SECTION (Amending Order 4-84, filed 5/17/84)

WAC 180-23-120 SPECIAL ELECTIONS. If no candidate receives a majority of the votes cast, a second election provided for in RCW ((~~28A.21.033~~) 28A.310.100 shall be conducted in accordance with the pertinent procedural and substantive provisions of this chapter, including the time schedules governing the conduct of elections, as modified by the secretary to the state board of education to accommodate the special nature of the election and special statutory dates and requirements.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-003 AUTHORITY. The general authority for this chapter is RCW ((~~28A.04.120~~) 28A.305.130(9) which authorizes the state board of education to carry out powers and duties relating to the organization and reorganization of school districts under chapter ((~~28A.57~~) 28A.315 RCW. This authority is supplemented by the following specific statutes:

(1) RCW ((~~28A.04.130~~) 28A.305.150 which requires the state board of education to prescribe regulations governing the classification and numbering system of school districts;

(2) RCW ((~~28A.57.055~~) 28A.315.120 which authorizes the state board of education to establish standards and considerations to be utilized by regional committees and the state board of education for approval of proposals for changes in the organization of school districts,

including any equitable adjustment of the assets and liabilities of the districts involved in the reorganization;

(3) RCW ((~~28A.57.032~~)) 28A.315.060 which empowers the state board of education to establish regulations for the conduct of elections for membership on regional committees.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-007 PURPOSE. The purpose of this chapter is to set forth policies and procedures of the state board of education related to the implementation of its authority pursuant to chapter ((~~28A.57~~)) 28A.315 RCW, Organization and reorganization of school districts, and its related authority within RCW ((~~28A.04-130~~)) 28A.305.150 pertaining to the classification and numbering of school districts.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-008 CONSTITUTIONAL AND STATUTORY FRAMEWORK. Under the constitutional framework and the laws of the state of Washington, local school districts are political subdivisions of the state and, consequently, the organization of such districts—including the powers, duties, and boundaries thereof—may be altered or abolished by laws of the state of Washington. Current laws provide three alternative methods for changing district boundaries. They are:

(1) Consolidation of existing districts into a new district, pursuant to RCW ((~~28A.57.170~~)) 28A.315.270, which requires ratification by a majority of the registered voters within each district affected by the consolidation proposal;

(2) Transfer of territory from one district to another, pursuant to RCW ((~~28A.57.180~~)) 28A.315.280, and which requires ratification by a majority of the registered voters within the area to be transferred only if ten percent or more of the common school population within the district of the territory proposed to be transferred are affected;

(3) Dissolution and annexation of a district to one or more contiguous districts under conditions stated in RCW ((~~28A.57.190 and 28A.57.200~~)) 28A.315.290 and 28A.315.320. Such conditions may require dissolution and annexation or may require the regional committee to give consideration to such action; but, in either case, no ratification by the registered voters within the dissolved school district is required.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-013 STATE POLICY—THE PREFERRED FOUR-PART TEST. The state board of education is vested with the final administrative power and duty to judge and approve or disapprove recommended changes in the organization and extent of school districts as defined in RCW ((~~28A.57.020~~)) 28A.315.020 (hereafter referred to as a change in school district organization). Prior to acting upon a recommended change in

school district organization, the state board of education shall consider the regional committee report required by WAC 180-24-115. No single consideration or combination of considerations necessarily warrants a change in school district organization. It, however, shall be the policy of the state board of education to favor those recommended changes in school district organization which in the board's judgment meet the following four-part test:

(1) Part one—Geographic accessibility. The first part of the test is that a recommended change in school district organization involves populated areas, and either (a) the area recommended for transfer from one school district to another is significantly more geographically accessible for school program purposes to the school district to which transfer is proposed, or (b) in the case of a recommended annexation or consolidation, the area or areas of the proposed enlarged or new district or districts taken as a whole is generally geographically accessible for school program purposes.

Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization shall be judged based upon the factors set forth in WAC 180-24-016.

(2) Part two—Significant detrimental effects, if any, on operational efficiency. The second part of the test is that at a minimum the recommended change in school district organization is not likely to have a significant detrimental effect upon the operational efficiency of any affected school district.

The likely effects of a recommended change in school district organization upon the operational efficiency of the affected school districts shall be judged based upon the factors set forth in WAC 180-24-017.

Part two of the test involves a minimum or threshold consideration respecting operational efficiency, and is not intended to disregard the desirability of effecting improvements in the organization and operation of school districts above and beyond a significant increase in geographic accessibility. Accordingly, the likely positive effects upon operational efficiency shall also be judged in accordance with the third part of the test.

(3) Part three—Overall satisfactory improvement in the school system. The third part of the test is that the likely positive and negative effects of a recommended change in school district organization respecting (a) geographic accessibility and (b) operational efficiency taken as a whole provide for a satisfactory improvement in the school district system of the counties and the state.

Part three of the test involves a judgmental weighing of the various degrees of the likely positive and negative effects of a recommended change in school district organization. In making this judgment the state board of education may consider such additional matters as the state board deems pertinent including, but not limited to, the region involved, the state's instructional and building programs, and economic patterns.

(4) Part four—Equitable adjustment of assets and liabilities. If the recommended change in school district organization necessarily involves a consideration of an adjustment in school district assets and liabilities, the

fourth part of the test is that an equitable adjustment of assets and liabilities is provided for.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-021 STATUTORY FRAMEWORK FOR IMPLEMENTATION OF MODIFICATION IN SCHOOL DISTRICT ORGANIZATION. The provisions of chapter ((28A-57)) 28A.315 RCW govern the procedures for modification of school district organization. Key provisions of that chapter regarding the allocation of responsibility are:

(1) RCW ((28A-57-050)) 28A.315.110 which sets forth the powers and duties of regional committees to:

(a) Approve proposals for organization which provide for the satisfactory improvements in the school district system;

(b) Make proposals for the equitable adjustment of assets and liabilities of districts affected by the organization proposal; and

(c) Hold hearings on the above proposals.

(2) RCW ((28A-57-110)) 28A.315.200 which requires the superintendent of public instruction to provide personnel to assist the regional committees in the performance of their respective duties.

(3) RCW ((28A-57-060)) 28A.315.140 which requires the state board of education to judge whether proposals for organization are satisfactory and/or whether proposals for adjustment of assets and liabilities are equitable.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-080 NOTIFICATION TO SUPERINTENDENT OF PUBLIC INSTRUCTION OF REGIONAL COMMITTEE MEETINGS. The secretary of each regional committee—i.e., the educational service district superintendent—shall notify the superintendent of public instruction of all meetings of the regional committee called pursuant to RCW ((28A-57-040)) 28A.315.100 and all proposals pursuant to RCW ((28A-57-050)) 28A.315.110.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-115 REPORT OF REGIONAL COMMITTEE TO STATE BOARD OF EDUCATION. Upon conclusion of the regional committee's favorable consideration for a change in the organization and extent of school districts, the regional committee shall transmit to the state board of education a report which contains all information required by RCW ((28A-57-050)) 28A.315.110 and the following additional information:

(1) The factual basis as to why the regional committee concluded that the proposed change in organization made a satisfactory improvement in the school district system;

(2) The factual basis as to why the regional committee concluded that the proposed adjustment in the assets and liabilities of the school districts affected would be equitable;

(3) A list of the public hearings held to consider the aforementioned proposals;

(4) A copy of the organizational impact statement required by WAC 180-24-101.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-120 SUPERINTENDENT OF PUBLIC INSTRUCTION REVIEW OF REGIONAL COMMITTEE PROPOSALS. Reports of regional committees, pursuant to WAC 180-24-115, shall be reviewed by the superintendent of public instruction for compliance with the provisions of this chapter. The superintendent of public instruction shall present to the state board of education the results of such review as well as recommended action to be taken by the state board of education in response to the regional committee's report. The superintendent of public instruction's recommendations shall be made prior to final action by the state board of education pursuant to RCW ((28A-57-060)) 28A.315.140.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-125 STATE BOARD OF EDUCATION STANDARDS FOR DETERMINING WHETHER A REGIONAL COMMITTEE REPORT FOR ORGANIZATION IS SATISFACTORY. The considerations to be utilized by the state board of education in determining whether or not to approve the recommendation of a regional committee pursuant to RCW ((28A-57-060)) 28A.315.140 shall include but not be limited to the following:

(1) Compliance by the regional committee with the applicable provisions of chapter ((28A-57)) 28A.315 RCW and the implementing regulations of the state board of education;

(2) Sufficiency of the factual basis reported by the regional committee for its conclusion that the proposed change in the organization made a satisfactory improvement in the school system;

(3) Validity of the conclusion by the regional committee that the factual basis supported a conclusion that the proposed change in organization made a satisfactory improvement in the school district system.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-130 STATE BOARD OF EDUCATION STANDARDS FOR DETERMINING WHETHER A REGIONAL COMMITTEE REPORT FOR ADJUSTMENT OF ASSETS AND LIABILITIES IS EQUITABLE. The considerations to be utilized by the state board of education in determining whether a regional committee report for adjustment of assets pursuant to RCW ((28A-57-060)) 28A.315.140 and liabilities is equitable include but are not necessarily limited to the following:

(1) Compliance by the regional committee with the applicable provisions of chapter ((28A-57)) 28A.315 RCW, particularly the equity considerations stated in

RCW ((28A-57-050)) 28A.315.110(2), and the implementing regulations of the state board of education;

(2) Sufficiency of the factual basis reported by the regional committee for its conclusion that the proposed plan for adjustment of assets and liabilities is equitable;

(3) Validity of the conclusion by the regional committee that the factual basis supported a conclusion that the proposed plan for the adjustment of assets and liabilities is equitable.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-140 DISAPPROVAL ACTION BY STATE BOARD OF EDUCATION. If the state board of education, pursuant to RCW ((28A-57-060)) 28A.315.140, judges that the regional committee's proposal for a change in the organization and extent of districts is unsatisfactory or that its proposal for adjustment of assets and liabilities is inequitable, the state board of education shall state the reasons for its action and return the proposal to the regional committee pursuant to RCW ((28A-57-060)) 28A.315.140. In the event the proposal is rejected a second time by the state board of education following its resubmission, the rejection shall be final unless otherwise qualified by the board.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-200 NUMBERING SYSTEM OF SCHOOL DISTRICTS. (1) Authority for rules. Pursuant to authority contained in RCW ((28A-04-130)) 28A.305.150, the state board of education hereby establishes the rules and regulations hereinafter set forth to govern the numbering system of school districts.

(2) Intent. It is the intent of the state board of education to establish a procedure by which school districts which currently have duplicate numbers and all new or consolidated districts may have the opportunity, consistent with these rules, to obtain a unique number.

(3) New or consolidated school district. Each proposal for the formation of a new school district when submitted to the state board of education for consideration shall be assigned a unique number by the superintendent of public instruction. In the event such proposal fails to receive state board approval or is rejected by the voters, the unused number shall remain available for reassignment.

(4) Renumbering of school districts to eliminate duplication. Application for renumbering of a school district to eliminate duplication shall be made by the superintendent of the school district concerned to the superintendent of public instruction, a copy of which shall be submitted to the educational service district superintendent for his information. Assignment of a unique number shall be made by the superintendent of public instruction.

(5) Exception to rules. In accordance with RCW ((28A-57-150)) 28A.315.250, the educational service district superintendent has the authority to designate the number in case of the incorporation of a city or town

containing territory lying in two or more school districts or of the uniting of two or more cities or towns not located in the same school district, except where the incorporation or consolidation would affect a district or districts of the first class.

(6) Superintendent of public instruction to administer numbering system. Consistent with the regulations hereinbefore set forth and pursuant to RCW ((28A-03-030)) 28A.300.040, the superintendent of public instruction hereby is authorized to act for the state board of education in the numbering and/or renumbering of school districts and to establish a procedure for administration of the numbering system.

AMENDATORY SECTION (Amending WSR 89-22-005, filed 10/20/89, effective 11/20/89)

WAC 180-24-205 CLASSIFICATION SYSTEM OF SCHOOL DISTRICTS. (1) Authority. The authority for this section is RCW ((28A-04-130)) 28A.305.150 which authorizes the state board of education to establish the classification system for school districts.

(2) Purpose. The purpose of this section is to set forth the definitions for the classification of a school district as either a high school or a nonhigh school district.

(3) High school district. A high school district is one which conducts a ninth through twelfth grade program for district residents eligible to enroll therein which:

(a) Has been approved by the state board of education as may be required by RCW ((28A-04-120)) 28A.305.130(7); and

(b) Meets the basic education program requirements set forth in chapter 180-16 WAC.

(4) Nonhigh school district. A nonhigh school district is one that is not classified as a high school district under subsection (3) of this section.

(5) Applicability. The classifications of school districts established in subsections (3) and (4) of this section shall apply for the purposes of chapter ((28A-44)) 28A.545 RCW, RCW 84.52.0531, and the application of other laws under which a district's classification as either a high school or nonhigh school district is material.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-305 ELECTION OF REGIONAL COMMITTEE MEMBERS—ELECTION OFFICER. In accordance with RCW ((28A-57-032)) 28A.315.060, the educational service district superintendent shall serve as the election officer for the coordination and conduct of the election of members of the respective regional committees of the educational service districts.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-312 ELECTION OF REGIONAL COMMITTEE MEMBERS—TENTATIVE CERTIFICATION OF ELECTORS. On September twenty-first of each year or if such date is a Saturday, Sunday, or holiday the state working day immediately preceding such date, the educational service district superintendent shall certify a tentative list of electors consisting of all

persons eligible to vote, per RCW ((28A.57.032)) 28A.315.060, if the election were held on that date.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-320 ELECTION OF REGIONAL COMMITTEE MEMBERS—CANDIDATES—ELIGIBILITY—FILING. (1) Eligibility. A person is eligible to be a candidate for membership on the regional committee if he or she is a registered voter and a resident of the committee member district for which the candidate files. Eligibility, due to other service, is restricted pursuant to RCW ((28A.57.031)) 28A.315.050.

(2) Forms for filing. A person who desires to be a candidate shall complete:

(a) The declaration of candidacy and affidavit form provided for in WAC 180-24-325; and

(b) The biographical data form provided for in WAC 180-24-327: PROVIDED, That a declarant may elect not to submit biographical data.

(3) Filing period. The filing period for candidates for a position on a regional committee is from October first through October fifteenth. Any declaration of candidacy that is not received by the educational service district superintendent on or before 5:00 p.m. October fifteenth shall not be accepted and such a declarant shall not be a candidate: PROVIDED, That any declaration that is postmarked on or before midnight October fifteenth and received by mail on or before 5:00 p.m. October twentieth shall be accepted: PROVIDED FURTHER, That any declaration received pursuant to the United States mail on or before 5:00 p.m. October twentieth that is not postmarked or legibly postmarked shall also be accepted.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-330 ELECTION OF REGIONAL COMMITTEE MEMBERS—WITHDRAWAL OF CANDIDACY. Any candidate may withdraw his or her declaration of candidacy by delivering a written, signed and notarized statement of withdrawal to the educational service district superintendent on or before 5:00 p.m. October twentieth. A candidate's failure to withdraw as prescribed above shall result in the inclusion of the candidate's name on the appropriate election ballot.

A regional committee member district position shall be stricken from the ballot if no candidate files for the position within the timelines specified in WAC 180-24-320.

Board-member district positions which become vacant after the call of election specified in WAC 180-24-315 shall be filled by appointment by the regional committee pursuant to RCW ((28A.57.033)) 28A.315.070 and the appointee shall serve until his or her successor has been elected at the next election called by the educational service district superintendent.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-335 ELECTION OF REGIONAL COMMITTEE MEMBERS—CERTIFICATION OF

ELECTORS. The list of eligible voters as authorized by RCW ((28A.57.032)) 28A.315.060(3) shall remain open for changes and deletions until 5:00 p.m. October twenty-sixth or, in the event such date is a Saturday, Sunday, or holiday, until 5:00 p.m. the working day immediately following such date. The educational service district superintendent as soon thereafter as is practical shall certify the list of electors.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-350 ELECTION OF REGIONAL COMMITTEE MEMBERS—VOTING—MARKING AND RETURN OF BALLOTS. (1) The election shall be conducted in strict accordance with the requirements of RCW ((28A.57.032)) 28A.315.060.

(2) Marking of ballots. Each member of a public school district board of directors may vote for one of the candidates in each regional committee district named on his or her ballot by placing an "X" or other mark in the space provided next to the name of a candidate.

(3) Return of ballots. Each member of a public school district board of directors shall complete voting by:

(a) Placing his or her marked official ballot in the smaller, unmarked envelope and sealing the same;

(b) Placing the smaller envelope containing the ballot in the larger preaddressed envelope marked "official ballot" and sealing the same;

(c) If not already designated, completing the following information on the face of the official ballot envelope: Name, mailing address, identification of school district, and educational service district;

(d) Placing the official ballot envelope in the United States mail to the superintendent of the educational service district.

AMENDATORY SECTION (Amending Order 9-83, filed 10/17/83)

WAC 180-25-005 AUTHORITY. This chapter is adopted pursuant to RCW ((28A.47.830)) 28A.525.200 which authorizes the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW ((28A.47.830)) 28A.525.200, the only provisions of chapter ((28A.47)) 28A.525 RCW currently applicable to state assistance for school facilities are RCW ((28A.47.073, 28A.47.075, 28A.47.080, 28A.47.801 through 28A.47.809)) 28A.525.030, 28A.525.040, 28A.525.050, 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 9-83, filed 10/17/83)

WAC 180-25-015 DEFINITION—SCHOOL FACILITIES. As used in this chapter, and in chapters 180-26 through 180-33 WAC, the term "school facilities" means school plant facilities, school plant projects, school buildings, common school facilities and the grounds as those terms are utilized in chapter ((28A.47)) 28A.525 RCW. Any structure not placed on a

permanent foundation shall be excluded from this definition.

AMENDATORY SECTION (Amending Order 10-83, filed 10/17/83)

WAC 180-26-005 **AUTHORITY**. This chapter is adopted pursuant to RCW (~~(28A.47.830)~~) 28A.525.200 relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allocations to school districts to assist them in providing school facilities. In accordance with RCW (~~(28A.47.830)~~) 28A.525.200, the only provisions of chapter (~~(28A.47)~~) 28A.525 RCW currently applicable to state assistance for school facilities are RCW (~~(28A.47.073, 28A.47.075, 28A.47.080, and 28A.47.801 through 28A.47.809)~~) 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-005 **AUTHORITY**. This chapter is adopted pursuant to RCW (~~(28A.47.830)~~) 28A.525.200 relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school facilities. In accordance with RCW (~~(28A.47.830)~~) 28A.525.200, the only provisions of chapter (~~(28A.47)~~) 28A.525 RCW currently applicable to state assistance for school plant facilities are RCW (~~(28A.47.073, 28A.47.075, 28A.47.080, and 28A.47.801 through 28A.47.809)~~) 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending WSR 90-01-076, filed 12/19/89, effective 12/19/89)

WAC 180-27-015 **STATE BOARD POLICY**. (1) In the interpretation of the regulations in this chapter, the superintendent of public instruction shall be guided by the following state board of education policy:

- (a) To equate insofar as possible the efforts by districts to provide capital moneys;
 - (b) To equalize insofar as possible the educational opportunities for the students of the state;
 - (c) To establish a level of state support for the construction and modernization of school facilities consistent with moneys available;
 - (d) To recognize that districts may find it necessary to apply local moneys in excess of state matching funds in order to provide facilities commensurate with their respective educational specifications; and
 - (e) To recognize that districts may have reasons to remove district facilities from current inventories and provide consistent state-wide policies for removal.
- (2) Nonhigh district participation in financing the cost of secondary school facilities shall be established pursuant to the provisions of chapter (~~(28A.56)~~) 28A.540 RCW.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-020 **RELATED FACTORS AND FORMULA FOR DETERMINING AMOUNT OF STATE ASSISTANCE**. (1) The amount of state assistance to a school district to provide school facilities shall be determined on the basis of component factors, as hereinafter set forth in this chapter, relating to:

- (a) The number of unhoused students;
- (b) Space allocations;
- (c) Reduction of the number of operating schools as per chapter 180-33 WAC;
- (d) Area cost allowance;
- (e) Allowances for furniture and equipment purchases;
- (f) The amount of insurance, federal, or other nontax source local moneys applied to a school facilities project;
- (g) Certain specified costs which must be financed directly by the school district; and
- (h) The amount of fees for professional services.

(2) State assistance for an approved project shall be derived by multiplying the percentage of state assistance determined pursuant to RCW (~~(28A.47.803)~~) 28A.525.166 by the following:

- (a) The eligible construction cost which shall be calculated by multiplying the approved square foot area of the project as set forth in WAC 180-27-035 by the area cost allowance as set forth in WAC 180-27-060;
- (b) The cost of preparing educational specifications as set forth in WAC 180-27-065;
- (c) The cost of basic architectural and engineering services as set forth in WAC 180-27-070;
- (d) The cost of preparing the energy conservation report as set forth in WAC 180-27-075;
- (e) The cost of a value engineering study during design as set forth in WAC 180-27-080;
- (f) The construction cost savings—sharing incentive as set forth in WAC 180-27-085;
- (g) The cost of furniture and equipment as set forth in WAC 180-27-095; and
- (h) The cost of special inspections and testing as set forth in WAC 180-27-100.

Any cost in excess of the maximum allowable shall be financed entirely by the school district.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-025 **STATE MATCHING PERCENTAGE—GENERAL**. (1) The percentage of state assistance for which a school district is eligible, if otherwise qualified under prevailing statutory provisions and rules and regulations of the state board of education, shall be determined in accordance with the matching formula set forth in RCW (~~(28A.47.803)~~) 28A.525.166.

(2) In the event the percentage of state assistance to any school district computed in accordance with RCW (~~(28A.47.803)~~) 28A.525.166(2) is less than twenty percent and such school district otherwise is eligible for state assistance under statutory provisions and state board of education regulations, the percentage for such

district shall be twenty percent of the matchable cost of the project.

(3) In addition to the computed percent of state assistance as stated above, a school district as provided in RCW ((28A.47.803)) 28A.525.166(3), shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each average percent of student growth for the past three years, with a maximum addition of twenty percent. In no case shall the state dollars matched exceed one hundred percent of the maximum allowable cost of the project.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-030 APPLICABLE STATE MATCHING PERCENTAGE FOR PROJECT. Pursuant to provisions of RCW ((28A.47.803)) 28A.525.166, the percentage of state assistance prevailing at the time the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory and state board of education fiscal requirements for state assistance in providing school facilities shall be the percentage used for the allocation of state moneys: PROVIDED, That in the event a higher percentage of state assistance prevails at the time of state board of education project approval or at the superintendent of public instruction construction and other document approval as set forth in WAC 180-29-030 and 180-29-085, then that higher percentage of state assistance shall govern the project.

AMENDATORY SECTION (Amending WSR 90-01-076, filed 12/19/89, effective 12/19/89)

WAC 180-27-115 SUPPORT LEVEL—ADDITIONAL ASSISTANCE. State assistance in addition to the amount determined pursuant to WAC 180-27-020 and 180-27-055 may be allowed for the purposes and in accordance with the requirements set forth in this section: PROVIDED, That in no case shall the state assistance exceed one hundred percent of the amount calculated for matching purposes: PROVIDED FURTHER, That for projects that would qualify for additional state assistance under subsections (1) through (8) of this section, for which the local match was secured or for which the local match special bond or levy election was filed with the county auditor prior to January 27, 1989, shall receive additional state assistance at ninety percent of the approved square foot cost allowance. In each of the following exceptions, either at the time the project is approved pursuant to WAC 180-25-040 or at any time prior to receiving secured funding status pursuant to WAC 180-29-107, state board of education approval is required:

(1) Act of condemnation of a building.

A school district required to replace a school facility determined to be hazardous to the safety and health of school children and staff—as evidenced by reports of architects or engineers licensed to practice in the state of Washington, the health agency having jurisdiction,

and/or the fire marshal and building official having jurisdiction—shall be eligible for additional assistance if the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory limits. If the state board of education determines that the voters of the school district have authorized the issuance of bonds to its legal limit, the board shall provide state financial assistance for the remaining cost of the building to a level not exceeding the area cost allowance set forth in WAC 180-27-060.

(2) Loss of building by fire.

A school district which has lost a school facility by fire shall be eligible for additional state assistance consideration if the district first applies toward the project all insurance payments received for the loss of the structure and the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory limits. If the state board of education determines that the district is deficient in capital moneys and cannot legally bond for the moneys needed to replace the number of square feet for which it is eligible, the state board of education shall provide state financial assistance for the remaining cost of the project to a level not exceeding the area cost allowance set forth in WAC 180-27-060.

(3) Facilities for handicapped children.

A school district which admits handicapped children from without the district shall be eligible for additional state assistance in construction of school facilities: PROVIDED, That (a) handicapped children who spend less than one hundred minutes per school day in a facility designated by the school district board of directors as special purpose space shall not be counted, and (b) the additional allocation shall be seventy-five percent of the approved square foot cost allowance for out-of-district handicapped students.

(4) Vocational-technical facilities.

A school district which has a vocational-technical institute shall be eligible for additional state assistance in construction of vocational-technical institute facilities: PROVIDED, That the additional assistance in excess of the amount allocable under the statutory formula shall be seventy-five percent of the total approved project cost determined to be eligible for state matching purposes.

(5) Interdistrict cooperative centers.

In the financing of interdistrict cooperative projects as set forth in chapter 180-31 WAC, the state board of education shall allocate at seventy-five percent of the total approved project cost determined eligible for state matching purposes if the planned school facility meets the following criteria:

(a) Provides educational opportunities, including vocational skills programs, not otherwise provided;

(b) Avoids unnecessary duplication of specialized or unusually expensive educational programs or facilities; or

(c) Improves racial balance within and among participating districts.

(6) School housing emergency.

A school district found by the state board of education to have a school housing emergency requiring an allocation of state moneys in excess of the amount allocable

under the statutory formula may be considered for an additional allocation of moneys: PROVIDED, That the school district must have authorized the issuance of bonds to its legal capacity to meet the statutory and state board of education fiscal requirements for state assistance in providing school facilities.

The total amount of state moneys allocated shall be the total approved project cost determined eligible for state matching purposes multiplied by the districts' regular match rate as calculated pursuant to RCW ((~~28A-47.803~~) 28A.525.166) plus twenty percent and not to exceed ninety percent in total: PROVIDED FURTHER, That at any time thereafter when the state board of education finds that the financial position of such district has improved, the amount of such additional allocation shall be deducted, under conditions prescribed by the state board of education from any future state school facility construction funds which might otherwise be provided to such district.

(7) Improved school district organization.

If two or more school districts reorganize into a single school district and the construction of new school facilities results in the elimination of a small high school with a full-time equivalent enrollment in grades 9-12 of less than four hundred students and/or an elementary school with a full-time equivalent enrollment of less than one hundred students, the state board of education shall match the total approved cost of the project at seventy-five percent.

(8) Racial imbalance.

Any school district that contains a school facility which is racially imbalanced as defined in WAC 180-26-025 or which contains a school facility that would have been racially imbalanced as defined in WAC 180-26-025 but for a transportation program designed to eliminate racial imbalance shall receive seventy-five percent of the total approved cost of construction if the building project meets one of the following standards:

(a) In the case of a school district which contains a racially imbalanced school facility the district must demonstrate that, as a result of new construction or modernization, the particular school facility will no longer be racially imbalanced, that the combined minority enrollment in the particular school facility will be reduced by more than ten percentage points, and that the above stated results will be obtained as a direct result of increased enrollment of nonminority students in the particular school facility.

(b) In the case of a school district which contains a school facility that would have been racially imbalanced but for a transportation program designed to eliminate racial imbalance, the district must demonstrate that, as a result of new construction or modernization, the district will continue to contain no school plant facility which is racially imbalanced and that the expense of transportation within the district for a stated period of years will be significantly less than without the new construction or modernization. For the purpose of demonstrating eligibility of a particular school plant facility pursuant to this subsection, a district shall demonstrate that a particular school plant facility would have been racially imbalanced but for a transportation program by

producing demographic data that demonstrate what the racial balance for its population would have been within the proximity attendance area of the particular school plant facility. For the purpose of demonstrating that the expense of transportation within the district for a stated period of time will be significantly less pursuant to this subsection, a district shall demonstrate savings in to and from transportation costs, as the term "to and from" transportation is defined in WAC 392-141-120, by comparing expenses for such transportation for the school year immediately preceding the school year in which approval by the state board of education pursuant to this subsection with the amount that would have been expended for such transportation for the previous school year if the new construction or modernization was in place. In the alternative, the district shall demonstrate savings in to and from transportation by comparing such previous year's expenditures with the amount that would have been expended for such transportation if the particular school plant facility was closed. In either case, in order to demonstrate the amount of savings necessary to qualify for additional state assistance pursuant to this subsection, the district must demonstrate savings in to and from transportation for the school year of comparison equal to or exceeding five percent of the additional state assistance resulting from application of this subsection to modernization of such school plant facility or equal to or exceeding two and one-half percent of the additional state assistance resulting from application of this subsection to new construction, including new construction authorized pursuant to the replacement option of WAC 180-33-042.

When an improvement in racial balance within a school district pursuant to this section involves construction or modernization of one or more school facilities, all such school facilities shall be included in the application.

AMENDATORY SECTION (Amending WSR 90-01-076, filed 12/19/89, effective 12/19/89)

WAC 180-27-405 INSTRUCTIONAL SPACE INVENTORY OF SCHOOL FACILITIES—ELIGIBILITY. For purposes of determining district eligibility for state financial assistance for the new construction of school facilities, except for the new construction of school facilities for which an acceptable Form D-3 project request was on file with the superintendent of public instruction and local matching funds were secured prior to March 31, 1989, the superintendent of public instruction shall establish and maintain an instructional space inventory of all school facilities within the state of Washington. Such listing shall consist of the following:

- (1) Facility name;
- (2) Location (address);
- (3) Gross square footage;
- (4) Gross square footage of available instructional space (if different than subsection (3) of this section);
- (5) Date of construction, additions, and/or modernizations; and
- (6) Grade spans served in the facility.

School facilities that are surplus and under lease per the provision of RCW ((~~28A.58.033~~) 28A.335.040) are

considered to be available for instructional activities and shall be included in the instructional space inventory.

AMENDATORY SECTION (Amending WSR 90-01-076, filed 12/19/89, effective 12/19/89)

WAC 180-27-415 REMOVAL FROM INSTRUCTIONAL SPACE INVENTORY—SALE OR LONG-TERM LEASE OF BUILDING. A school facility shall be removed from the superintendent of public instruction's active instructional space inventory five years after it has been sold or long-term leased under the following conditions:

(1) The facility is determined to be surplus to the needs of the district by the local school board.

(2) The sale is in compliance with the requirements of chapter ((28A.58)) 28A.335 RCW.

For purposes of this section a long-term lease having a term of no less than forty years constitutes a sale of the building.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-005 AUTHORITY. This chapter is adopted pursuant to RCW ((28A.47-830)) 28A.525.200 relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school facilities. In accordance with RCW ((28A.47-830)) 28A.525.200, the only provision of chapter ((28A.47)) 28A.525 RCW currently applicable to state assistance for school plant facilities are RCW ((28A.47-073, 28A.47-075, 28A.47-080, and 28A.47-801 through 28A.47-809)) 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-080 CONSTRUCTION DOCUMENTS—BIDS AND CONTRACT PROVISIONS. The construction documents shall include the following bid and contract provisions:

(1) Separate or combined bids. The school district shall determine if the bids for general, mechanical, or electrical are to be separate or combined.

(2) Combination projects. For those projects which include a combination of both new construction and modernization, bid documents shall provide for separate and distinct bids for each and shall, when combined, be the low bid for the project.

(3) Ineligible items. Items ineligible for state matching shall be bid separate or as an alternate.

(4) Bid law. All items included in the construction documents shall be bid in accordance with RCW ((28A.58-135)) 28A.335.190 and 43.19.1906.

(5) Fire insurance. Provision for fire insurance is mandatory for all school facilities under construction. The insurance shall cover at a minimum the amount of the work in place and materials to be used in the project which is in place and on the site. Evidence shall be submitted to the superintendent of public instruction that

insurance is provided for by the contractor or the school district. Only costs for insurance provided for in the construction documents will be matched.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-105 BIDS—ADVERTISEMENT. In accordance with RCW ((28A.58-135)) 28A.335.190 and 43.19.1906, school districts shall advertise for bids once each week for two consecutive weeks in a trade journal of general circulation and a like number of times in a publication of general circulation throughout the area.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-110 BIDS—DATA AND DOCUMENT REQUIREMENTS. School districts shall demonstrate that they have complied with RCW ((28A.58-135)) 28A.335.190 and 43.19.1906 and shall not enter into contract((s)) for construction until the following certified copies have been submitted and approved by the superintendent of public instruction:

- (1) Each advertisement for bid;
- (2) Tabulated statement of all bids received;
- (3) Recommendation of the board of directors for award of contract(s) on the basis of bids received, including all accepted alternates;
- (4) Alternate bids;
- (5) Names and addresses of all bidders;
- (6) Certified statement of costs for special inspections and testing;
- (7) Certified statement of amount of local and/or other disburseable funds available specifically for the project, exclusive of state funds, with the source of funds identified, including identity and amount of nonhigh school district funds when applicable.

If the recommended contractor is not the low bidder, the school district shall give reasons pursuant to statutory provisions set forth in RCW 43.19.1911.

AMENDATORY SECTION (Amending Order 5-75, filed 5/27/75)

WAC 180-30-015 POLICIES AND PRINCIPLES—POLICIES AND PRINCIPLES RELATING TO NONHIGH SCHOOL DISTRICTS CONTEMPLATING ESTABLISHMENT OF HIGH SCHOOLS AND TO DISTRICTS OPERATING SMALL HIGH SCHOOLS. (1) Response to legislative mandate. The policy of the state board of education with respect to state assistance in school building construction to non-high school districts contemplating establishment of high schools and to school districts operating small high schools is the state board's response to the legislative mandate that such assistance must be considered in light of "the need for improvement of school administrative units and school attendance areas among or within such districts."

(2) Small high schools—Effectiveness and remoteness. In administering the program of state assistance to

school districts in providing school plant facilities consideration will be given to (a) the effectiveness of the small high school when considered from the point of view of curriculum offerings and per capita expenditures required for operations and for facilities, and (b) the advisability of providing high school services in areas so remote or isolated that students residing therein could not live at home and attend other high schools.

Except in rare instances, it is inadvisable for nonhigh school districts to establish high schools or for existing high schools with limited enrollment to be continued because they are unnecessary from the viewpoint of convenience and the educational opportunities of students—the primary factors to be considered in determining if a new high school is to be established or an existing high school is to be continued.

(3) Purposes and objectives. The program of state assistance in providing school plant facilities shall be administered in conformity with the policies and principles hereinbefore set forth and in accordance with the following purposes and objectives:

(a) To encourage the establishment of a single area high school through the unification of two or more existing high school districts wherever physical features, travel time for students and other conditions permit.

(b) To allot state funds to nonhigh school districts for construction of secondary school facilities only upon prior approval by the state board of education pursuant to provisions of RCW ((28A.04.120)) 28A.305.130(5) for the establishment of a new secondary program or any new grade in grades nine through twelve.

(c) To allot state funds to high school districts for use in providing school plant facilities only when such allotments will not result in the continuation of small high schools in cases where (i) the students involved or affected can be served without undue inconvenience in a neighboring high school or schools of larger size or (ii) the operating district can be united with another district or districts for the purpose of establishing a high school of more acceptable size. In such cases an allotment may be made only for providing necessary additional elementary school facilities.

(d) To make high school operations possible in areas that are found to be remote or isolated, and likely to remain so, because of physical features, distance from population centers, lack of transportation and other factors related thereto. Eligibility for an allotment of state funds on the basis of remoteness must be determined in the light of (i) the situation, with respect to the items hereinbefore mentioned, which prevails at the time of the application; (ii) the best obtainable information about possible future changes in the situation aforesaid; and (iii) the number of high school students living in the area who cannot reside at home and attend another high school.

AMENDATORY SECTION (Amending Order 3-75, filed 2/4/75)

WAC 180-30-105 BASIC STATE SUPPORT LEVEL—STATE MATCHING PERCENTAGE. (1) The percentage of state assistance to a school district, if otherwise qualified under prevailing statutory provisions

and rules and regulations of the state board of education, shall be determined in accordance with the state matching formula as in RCW ((28A.47.803)) 28A.525.166 set forth: PROVIDED, That in the event the percentage of state assistance to any school district computed as herein provided is less than twenty per cent and such school district otherwise is eligible for state assistance under statutory provisions and state board regulations, the percentage for such district shall be twenty percent of the matchable cost of the project.

(2) Pursuant to provisions of RCW ((28A.47.804)) 28A.525.168, the value of the taxable property of the school district and the percentage of state assistance prevailing at the time the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory and state board of education fiscal requirements for state assistance in providing school facilities shall be the value and the percentage used for the purpose of determining the eligibility of the district for an allotment of state funds and the amount or amounts of such allotments, respectively, for all projects for which the voters authorized the capital funds as aforesaid: PROVIDED, That in the event a higher percentage of state assistance prevails on the date that preliminary plan approval or final plan approval for assistance in financing a project is granted by the state board of education, then that higher percentage of state assistance shall govern the project.

AMENDATORY SECTION (Amending Order 7-71, filed 10/13/71)

WAC 180-30-220 ADDITIONAL STATE ASSISTANCE—IMPROVED SCHOOL DISTRICT ORGANIZATION. Additional state assistance in school building construction to provide for improvement in school district organization may be allowed when it is found by the state board of education that through the formation of larger units of administration and areas of attendance there is need for such additional state assistance to achieve improvement and equalization of educational opportunities of pupils, economies in the administration and operation of schools and equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per-pupil valuation.

Eligibility for and the amount of such additional state assistance shall be determined in accordance with the provisions hereinafter set forth.

(1) Acceptable administrative unit a prerequisite for additional state assistance consideration. Determination by the state board of education that a plan for the formation of a new school district constitutes an acceptable administrative unit shall be a prerequisite for additional state assistance consideration. For the purpose of this section, an acceptable administrative unit shall be defined as a single school district comprising grades kindergarten through twelve offering an educational program recognized by the division of curriculum and instruction of the office of superintendent of public instruction as a comprehensive program.

(2) Resolution of intent to form a new school district and evidence of need for additional state assistance to

provide facilities. When the boards of directors of two or more school districts, at least one of which shall be a high school district, contemplate the formation of a new school district in accordance with the provisions of chapter ((28A-57)) 28A.315 RCW and subsequent to such formation to make application for additional state assistance under the provisions of this section, the respective boards of directors shall file with the state board of education a joint resolution of intent which shall set forth the proposed organizational pattern and evidence of the need for additional state assistance, including but not limited to the following:

- (a) Map of the proposed new school district.
 - (b) Current and projected enrollment for a five-year period.
 - (c) Number of secondary school students, grades seven through twelve, in each component district of the proposed new district.
 - (d) Reasons why existing buildings cannot satisfactorily house the projected enrollment of the proposed new district.
 - (e) Financial status of the proposed new district.
 - (f) Number of school buses currently in operation by the component districts and number required subsequent to formation of the new district.
 - (g) Analysis of the improvement in educational opportunities through the formation of the proposed new district.
 - (h) Statement of impetus new facilities would provide in effecting the formation of the proposed new district.
 - (i) Complete description of the site for proposed new facility or modernization, including but not limited to its location with respect to pupils to be served, size and adequacy.
 - (j) Such additional data as the boards of directors deem pertinent to a thorough analysis of the proposal.
- (3) Approval of proposed administrative unit and need for additional state assistance. When in the judgment of the state board of education a proposal for the formation of a new school district will provide an acceptable administrative unit as defined in subsection (1) above and the state board has determined that additional state assistance is necessary to achieve the objectives in this section set forth, the state board shall notify the boards of directors of the component districts (a) of its approval of the proposed school district organizational pattern, and (b) that upon approval by the voters of the proposal for formation of the new school district, an application by the board of directors of the newly formed school district for state assistance in construction or modernization of school facilities and additional state assistance for improvement in school district organization will receive favorable consideration, the amount of such state assistance to be determined in accordance with provisions of subsections (4) through (7) hereinafter set forth.
- (4) Regulations governing. In addition to the regulations herein prescribed, the regulations governing the basic state assistance program shall be applied to an application for additional state assistance for improvement of school district organization except as hereinafter in subsections (5) and (6) provided.

(5) Eligibility on basis of number of unhoused pupils. For the purpose of this section, the pertinent requirements of WAC 180-30-030 and 180-30-110(3) relating to eligibility on the basis of number of unhoused pupils, as determined by the state board of education, shall not be applied: **PROVIDED**, That the component school districts furnish evidence of utilization and/or disposition of facilities to be vacated as the result of construction or modernization of facilities satisfactory to the state board of education.

(6) School district effort to provide capital funds. For the purpose of this section, the bonded and/or excess tax levy requirements as set forth in WAC 180-30-035 may be reduced or waived as determined by the state board of education to constitute a reasonable local effort to achieve improvement in school district organization: **PROVIDED**, That the newly formed school district shall be required to apply local funds toward the financing of the total project cost eligible for state matching purposes an amount currently collectible of not less than one-fourth of one percent of the value of its taxable property and, in addition thereto, provide the total cost of site acquisition, site improvement and equipment.

(7) Determination of amount of additional state assistance. When in the judgment of the state board of education an improvement in school district organization will be achieved and additional state assistance in financing school construction or modernization is necessary to provide for such improvement, additional state assistance may be allowed in an amount to be determined by the state board: **PROVIDED**, That the total amount allotted shall not exceed ninety percent of the total project cost determined eligible for state matching purposes.

AMENDATORY SECTION (Amending Order 5-75, filed 5/27/75)

WAC 180-30-450 NONHIGH SCHOOL DISTRICT PARTICIPATION IN FINANCING COST OF SECONDARY SCHOOL FACILITIES—BASIC POLICY. The state board of education construes the intent and purpose of chapter ((28A-56)) 28A.540 RCW to be that nonhigh school districts which choose to retain their identity as school administrative units shall be placed in the same position with respect to responsibility for providing secondary facilities as are former nonhigh school districts that elected to become a part of a high school district. It shall be the policy of the state board of education therefore to approve a proposed plan for participative financing prepared in accordance with provisions of chapter ((28A-56)) 28A.540 RCW when it provides for equitable contributions by the nonhigh school districts and by the high school district.

AMENDATORY SECTION (Amending Order 7-71, filed 10/13/71)

WAC 180-30-460 INTERDISTRICT COOPERATION IN FINANCING CONSTRUCTION OF SCHOOL PLANT FACILITIES—STATUTORY AUTHORITY. Pursuant to authority under RCW ((28A-58-075)) 28A.335.160, approval of a cooperative

financing plan for the construction or modernization of school plant facilities by two or more school districts shall be subject to compliance with the rules and regulations hereinafter in WAC 180-30-465 through 180-30-495 set forth.

AMENDATORY SECTION (Amending Order 11-75, filed 10/28/75)

WAC 180-30-495 INTERDISTRICT COOPERATION IN FINANCING SCHOOL CONSTRUCTION—PROJECT CONSTRUCTION APPROVAL REQUIRED—RULES AND REGULATIONS GOVERNING. A project to be constructed under interdistrict cooperative financing pursuant to provisions of RCW ((28A-58-075)) 28A.335.160 shall be subject to approval by the state board of education irrespective of whether state funds are involved in the financing thereof and shall be in conformity with the applicable rules and regulations hereinafter prescribed. The applicant school district shall be responsible for compliance with said rules and regulations.

(1) Projects financed entirely with school district local funds. All rules and regulations promulgated by the state board of education relating to school building construction as in chapter 180-30 WAC set forth shall govern the approval of a project financed entirely with interdistrict cooperative funds except those rules relating to determination of amount of state assistance and such other rules deemed by the superintendent of public instruction to be inapplicable to the said construction.

(2) Projects financed with state assistance.

(a) All rules and regulations promulgated by the state board of education relating to school building construction as in chapter 180-30 WAC set forth shall govern the approval of an application for state assistance in financing an interdistrict cooperative project except such rules deemed by the superintendent of public instruction to be inapplicable to the said construction: PROVIDED, That in the interest of program improvement and/or improvement in equalization of educational opportunities, the pertinent requirements of WAC 180-30-030 and 180-30-110(3) relating to eligibility on the basis of number of unhoused children may be waived as shall be determined by the state board of education.

(b) In determination of the amount of state assistance the principle to be applied shall be that each participating district, otherwise eligible for state assistance, shall receive such assistance on the basis of the computed area ratio. The amount that each participating district shall provide may be the percentage proportion that the value of its taxable property bears to the total value of taxable property of all participating districts or such other amounts as set forth in the contract submitted as are accepted and approved by the state board of education.

(3) Application for additional state assistance. In the financing of interdistrict cooperative projects, applications for state assistance in addition to the amount determined allocable under basic state support level provisions shall be judged by the state board of education on the basis of the need for said facilities for the expressed

purpose of (a) providing educational opportunities, including vocational skills programs, not otherwise provided, (b) avoiding unnecessary duplication of specialized or unusually expensive educational programs or facilities, or (c) improving racial balance within and among participating districts.

(4) Determination of amount of additional state assistance. When in the judgment of the state board of education an expressed need exists for an interdistrict cooperative project to achieve one or more of the expressed purposes as set forth in subsection (3) above and additional state assistance in financing said joint construction is necessary to meet such need, additional state assistance may be allowed in an amount to be determined by the state board: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total project cost determined eligible for state matching purposes: PROVIDED FURTHER, That the total funds available to the state board for the biennial period are sufficient to meet state-wide needs for state assistance in providing necessary school facilities to individual school districts as well as for this purpose.

AMENDATORY SECTION (Amending Order 5-75, filed 5/27/75)

WAC 180-30-725 DISBURSEMENT OF FUNDS FOR CONSTRUCTION OF SCHOOL PLANT FACILITIES—PAYMENTS FROM SCHOOL DISTRICT LOCAL FUNDS—REQUIREMENTS AND PROCEDURES. (1) General provisions. Disbursements of school district local funds shall be made in accordance with school district procedures and regulations not inconsistent with applicable rules and regulations of the state board of education, pertinent statutory provisions and regulations of such county officials as have responsibilities in the matter of school district funds.

(2) Certification of total disbursements to be submitted to state superintendent. At such time as the total amount of school district local funds obligated by the district for its share of the cost of the building project has been fully expended, a certified statement of the said disbursements shall be submitted to the superintendent of public instruction, such statement to comprise a listing of all payments to architects, contractors, and when applicable escrow agents, including warrant numbers, dates of payments, names of payees and amounts of payments. The certification for first-class school districts shall be made by the appropriate school district official, and the certification for second- and third-class school districts shall be made by the county auditor: PROVIDED, That the certification for second- and third-class school districts shall be made by the appropriate school district official in such districts drawing and issuing warrants pursuant to provisions of RCW ((28A-60-328)) 28A.330.230.

AMENDATORY SECTION (Amending Order 13-83, filed 10/17/83)

WAC 180-31-005 AUTHORITY. This chapter is adopted pursuant to RCW ((28A-47-830)) 28A.525.200

relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions and disbursements of allotments to school facilities. In accordance with RCW ((~~28A.47.830~~)) 28A.525.200, the only provisions of chapter ((~~28A.47~~)) 28A.525. RCW currently applicable to state assistance for school plant facilities are RCW ((~~28A.47.073, 28A.47.075, 28A.47.080, and 28A.47.801 through 28A.47.809~~)) 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 15-83, filed 10/17/83)

WAC 180-32-005 AUTHORITY. This chapter is adopted pursuant to RCW ((~~28A.47.830~~)) 28A.525.200 which authorizes the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW ((~~28A.47.830~~)) 28A.525.200, the only provisions of chapter ((~~28A.47~~)) 28A.525 RCW currently applicable to state assistance for school facilities are RCW ((~~28A.47.073, 28A.47.075, 28A.47.080, and 28A.47.801 through 28A.47.809~~)) 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 16-83, filed 10/17/83)

WAC 180-33-005 AUTHORITY. This chapter is adopted pursuant to RCW ((~~28A.47.830~~)) 28A.525.200 which authorizes the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW ((~~28A.47.830~~)) 28A.525.200, the only provisions of chapter ((~~28A.47~~)) 28A.525 RCW currently applicable to state assistance for school facilities are RCW ((~~28A.47.073, 28A.47.075, and 28A.47.801 through 28A.47.809~~)) 28A.525.030, 28A.525.040, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 16-83, filed 10/17/83)

WAC 180-33-020 FORMULA FOR DETERMINING THE AMOUNT OF STATE ASSISTANCE. State assistance in an approved modernization project shall be derived by applying the percentage of state assistance determined pursuant to provisions of RCW ((~~28A.47.803~~)) 28A.525.166 and WAC 180-27-025 to the eligible cost which shall be calculated by multiplying the approved square foot area of the modernization project by the area cost allowance for state support by the factor in WAC 180-33-040 set forth, any cost in excess thereof shall be financed entirely by the school district.

AMENDATORY SECTION (Amending Order 26-85, filed 11/27/85)

WAC 180-33-030 CERTIFICATION OF CONTINUED USE. Any school facilities modernized under WAC 180-33-015 must be used for at least five years beyond the completion of modernization. School directors will pass a resolution and submit it to the state board of education that the modernized facility will be used for instructional purposes for five years after the completion of the project. If the school facility is not used for instructional purposes during this five-year period, the amount of state money allocated and spent for the modernization project must be returned to the state school building construction fund. The five-year use requirement and the five year prohibition against additional modernization funding shall be waived in the event that a facility is rendered permanently unusable before the end of the five-year period by an unforeseen natural event. The definition of "unforeseen natural event" shall be as set forth in RCW ((~~28A.41.170~~)) 28A.150.290.

AMENDATORY SECTION (Amending Order 3-76, filed 3/23/76)

WAC 180-34-005 AUTHORITY AND PURPOSE. The purpose of this chapter is to establish the terms and conditions governing sales of school district surplus real property pursuant to real estate sales contracts as authorized by RCW ((~~28A.58.045~~)) 28A.335.120.

AMENDATORY SECTION (Amending Order 3-76, filed 3/23/76)

WAC 180-34-010 GENERAL CONDITIONS. When in the judgment of the board of directors of a school district a greater amount may be received for surplus real property and the sale facilitated by selling pursuant to a real estate sales contract, the board of directors may do so consistent with the provisions of this chapter. Any school district that sells real property pursuant to a real estate sales contract shall have the proposed contract approved in advance by the county prosecuting attorney or a private attorney as to legal propriety and compliance with (1) the laws of the state of Washington including, but not limited to, RCW ((~~28A.58.045~~)) 28A.335.120 and (2) the provisions of this chapter.

AMENDATORY SECTION (Amending Order 2-83, filed 6/2/83)

WAC 180-36-005 AUTHORITY AND PURPOSE. The purposes of this chapter are to implement RCW ((~~28A.58.040~~)) 28A.335.100 and establish the conditions pursuant to which certain associations established by school districts may purchase real and personal property and create a purchase money security interest therein.

AMENDATORY SECTION (Amending Order 20-85, filed 9/25/85)

WAC 180-38-005 AUTHORITY. The authority for this chapter is RCW ((28A-31-118)) 28A.210.160 which authorizes the state board of education to adopt rules which establish the procedural and substantive due process requirements governing the exclusion of students from public and private schools for failure to comply with the immunization requirement of the state of Washington.

AMENDATORY SECTION (Amending Order 20-85, filed 9/25/85)

WAC 180-38-025 DEFINITION—CHIEF ADMINISTRATOR. As used in this chapter, the term "chief administrator" shall mean the same as defined in RCW ((28A-31-102)) 28A.210.070(1), to wit: "'Chief administrator' shall mean the person with the authority and responsibility for the immediate supervision of the operation of a school . . . or, in the alternative, such other person as may hereafter be designated in writing for the purposes of . . . [this chapter] by the statutory or corporate board of directors of the school district, school . . . or, if none, such other persons or person with the authority and responsibility for the general supervision of the operation of the school district, [or] school" This definition of chief administrator is unique to this chapter and in application may or may not include the principal or headmaster of a school depending on the degree of authority delegated to such principal or headmaster and whether the responsibility has been delegated to another school official.

AMENDATORY SECTION (Amending Order 20-85, filed 9/25/85)

WAC 180-38-030 DEFINITION—FULL IMMUNIZATION. As used in this chapter, the term "full immunization" shall mean the same as defined in RCW ((28A-31-102)) 28A.210.070(2), to wit: "'Full immunization' shall mean immunization against certain vaccine-preventable diseases in accordance with schedules and with immunizing agents approved by the state board of health." This definition of full immunization is unique to this chapter and includes immunization only against diseases as required by rules of the state board of health.

AMENDATORY SECTION (Amending Order 20-85, filed 9/25/85)

WAC 180-38-040 DEFINITION—CERTIFICATE OF EXEMPTION. As used in this chapter, the term "certificate of exemption" shall mean the filing with the chief administrator of the school, on a form prescribed by the department of social and health services, which complies with RCW ((28A-31-106)) 28A.210.090, to wit:

"(1) A written certification signed by any physician licensed to practice medicine pursuant to chapter 18.71 or 18.57 RCW that a particular vaccine required by rule of the state board of health is, in his or her judgment, not advisable for the . . . [student]; PROVIDED, That

when it is determined that this particular vaccine in no longer contraindicated, the . . . [student] will be required to have the vaccine; or

(2) A written certification signed by any parent or legal guardian of the . . . [student] or any adult in loco parentis to the . . . [student] that the religious beliefs of the signator are contrary to the required immunization measures; or

(3) A written certification signed by any parent or legal guardian of the . . . [student] or any adult in loco parentis to the . . . [student] that the signator has either a philosophical or personal objection to the immunization of the . . . [student]."

AMENDATORY SECTION (Amending Order 20-85, filed 9/25/85)

WAC 180-38-045 ATTENDANCE CONDITION UPON COMPLIANCE. It is the public policy of this state, as codified in RCW ((28A-31-104)) 28A.210.080, that "[t]he attendance of every . . . [student] in the state . . . shall be conditioned upon the presentation before or on each . . . [student's] first day of attendance at a particular school . . . , of proof of . . . [:] (1) full immunization, (2) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (3) a certificate of exemption as provided for in RCW ((28A-31-106)) 28A.210.090. [See WAC 180-38-040]"

The statutory scheme requires exclusion from school prior to a termination hearing on the implied basis that such students are an immediate and continuing danger to themselves or others—i.e., the constitutional basis for an emergency expulsion from public schools and the exemption from providing a pretermination due process hearing.

AMENDATORY SECTION (Amending Order 20-85, filed 9/25/85)

WAC 180-38-050 NOTICE PRIOR TO EXCLUSIONS FROM SCHOOL. It is the public policy of this state, as codified in RCW ((28A-31-114)) 28A.210.120, that "each school . . . shall provide written notice to the parent(s) or legal guardian(s) of each . . . [student] or to the adult(s) in loco parentis to each . . . [student] who is not in compliance with . . . [the public policy stated in WAC 180-38-045]," prior to the exclusion of such student.

AMENDATORY SECTION (Amending Order 5-83, filed 6/2/83)

WAC 180-39-005 AUTHORITY AND PURPOSE. This chapter is adopted pursuant to authority vested in the state board of education by RCW ((28A-58-190)) 28A.225.160 which authorizes the state board of education to establish uniform entry qualifications.

AMENDATORY SECTION (Amending Order 5-83, filed 6/2/83)

WAC 180-39-020 KINDERGARTEN EXPERIENCE QUALIFICATION FOR FIRST GRADE. Any

child not otherwise eligible for entry to first grade who successfully has completed a kindergarten program in a public or private school shall be permitted entry to the school program: PROVIDED, That the kindergarten program standards substantially equaled or exceeded the applicable basic education program requirements of RCW ((~~28A.58.754~~) 28A.150.220 and WAC 180-16-200 through 180-16-220, each as now or hereafter amended: PROVIDED FURTHER, That if the district of entry has reason to believe that an individual child so qualified may not succeed in the district's first grade program, the district shall have the option of placing the child in either kindergarten or the first grade for evaluation in the areas specified in WAC 180-39-025 and a final determination of the child's appropriate grade level placement no later than the thirtieth calendar day following the child's first day of attendance.

AMENDATORY SECTION (Amending Order 4-82, filed 10/1/82)

WAC 180-40-200 PURPOSE AND APPLICATION. The purpose of this chapter is to implement RCW ((~~28A.04.132~~) 28A.305.160 by prescribing the substantive and procedural due process rights of students served by any program or activity conducted by or in behalf of a common school district: PROVIDED, That the enforcement of rules promulgated by the Washington interscholastic activity association and like organizations that govern the participation of students in interschool activities, and appeals in connection therewith, shall be governed by rules of the organization that have been adopted pursuant to RCW ((~~28A.58.125~~) 28A.600.200 and approved by the state board of education—not by this chapter. The procedures and standards set forth in this chapter and those adopted by a school district in conformance with this chapter shall govern the imposition of corrective action or punishment (i.e., discipline, suspension, and expulsion) upon any student by a school district and its agents.

The provisions of this chapter are intended to establish the minimum procedural and substantive due process rights of students. School districts are free to establish additional due process requirements and limitations and shall do so as necessary to accommodate the constitutional rights of students as now or hereafter established.

For rules regarding student conduct which supplement this chapter see chapter 392-145 WAC governing the operation of school buses, particularly WAC 392-145-015(4) regarding the responsibility of bus drivers and certificated staff members who accompany students for the behavior of students, and WAC 392-145-035 regarding the duty to adopt and post rules, including rules of conduct, governing school bus passengers.

AMENDATORY SECTION (Amending Order 6-77, filed 6/2/77, effective 8/1/77)

WAC 180-40-210 STUDENT RESPONSIBILITIES AND DUTIES. The mission of the common

school system is to provide learning experience which will assist all students to develop skills, competencies, and attitudes that are fundamental to an individual's achievement as a responsible, contributing citizen. In order to maintain and advance this mission, it shall be the responsibility and duty of each student to pursue his/her course of studies, comply with written rules of a common school district which are adopted pursuant to and in compliance with WAC 180-40-225 and RCW ((~~28A.58.101~~) 28A.600.010, and submit to reasonable corrective action or punishment imposed by a school district and its agents for violation(s) of such rules. The provisions of this chapter do not lessen the foregoing responsibilities and duties of each student. This chapter is intended to assure that corrective action or punishment is imposed for just cause and in a fair and just manner.

AMENDATORY SECTION (Amending Order 11-80, filed 8/4/80)

WAC 180-40-225 SCHOOL DISTRICT RULES DEFINING MISCONDUCT—DISTRIBUTION OF RULES. (1) It shall be the responsibility and duty of each school district to adopt, publish, and make available to all students and parents written rules which state with reasonable clarity the types of misconduct for which discipline, suspension, and expulsion may be imposed. In addition, written procedures for administering corrective action shall be developed and reviewed periodically as follows:

(a) Each school district shall provide for the development with parent and community participation of written procedures for administering corrective action at each school as required by RCW ((~~28A.58.1011~~) 28A.600.020(3).

(b) In a manner consistent with the district procedures developed pursuant to (a) above, the principal and certificated employees in each school building shall confer at least annually for the purpose of developing, or reviewing, or both, building discipline standards and the uniform enforcement of those standards, as required by RCW ((~~28A.58.201~~) 28A.400.110.

(2) Rules that establish types of misconduct pursuant to this section must have a real and substantial relationship to the lawful maintenance and operation of the school district including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process which is conducive to learning.

(3) The rules set forth in this chapter, the rules of a school district that establish types of misconduct pursuant to subsection (1) above, and the written procedures of a district for administering corrective action adopted pursuant to subsection (1)(a) above, shall be published and made available to all students and parents on an annual basis. If a school district chooses not to distribute such rules to all students and parents, then notice which describes the contents of such rules and specifies the person(s) to contact for a copy thereof shall be provided to students and parents on an annual basis in a manner reasonably calculated to come to their attention.

AMENDATORY SECTION (Amending Order 14-85, filed 6/5/85)

WAC 180-40-245 SHORT-TERM SUSPENSION—CONDITIONS AND LIMITATIONS. A short-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions, the prior informal conference procedures set forth in WAC 180-40-250, and the grievance procedures set forth in WAC 180-40-255:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a short-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) short-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a short term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to short-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers may grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to short-term suspension, and/or (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to short-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall

be constituted with the intent and purpose of representing various socio economic, minority and majority populations of the school district to the extent deemed practical.

(3) No student subject to compulsory attendance pursuant to chapter ((28A-27)) 28A.225 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to short-term suspensions for more than a total of five school days during any single semester or trimester as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(5) Grade five and above program—No student in the grade five and above program shall be subjected to short-term suspensions for more than a total of fifteen school days during any single semester or ten school days during any single trimester, as the case may be.

(6) Any student subject to a short-term suspension shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the short-term suspension if:

(a) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades, or

(b) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(7) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

AMENDATORY SECTION (Amending Order 14-85, filed 6/5/85)

WAC 180-40-260 LONG-TERM SUSPENSION—CONDITIONS AND LIMITATIONS. A long-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions and the notice requirements set forth in WAC 180-40-265 and the hearing requirements set forth in WAC 180-40-270:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a long-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) long-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a long term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to long-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to long-term suspension, and/or (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to long-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of

representing various socio economic, minority and majority populations of the school district to the extent deemed practical.

(3) No student subject to compulsory attendance pursuant to chapter ((28A-27)) 28A.225 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and, where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to short-term and long-term suspensions for more than a total of ten school days during any single semester or trimester, as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(5) Grade five and above program—No single long-term suspension shall be imposed upon a student in the grade five and above program in a manner which causes the student to lose academic grades or credit for in excess of one semester or trimester, as the case may be, during the same school year.

(6) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

(7) All long-term suspensions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

AMENDATORY SECTION (Amending Order 14-79, filed 10/16/79)

WAC 180-40-275 EXPULSION—CONDITIONS AND LIMITATIONS. A student may be expelled for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations

or conditions, the notice requirements set forth in WAC 180-40-280, and the hearing requirements set forth in WAC 180-40-285:

(1) The nature and circumstances of the violation must reasonably warrant the harshness of expulsion.

(2) No student shall be expelled unless other forms of corrective action or punishment reasonably calculated to modify his or her conduct have failed or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed.

(3) In addition to the alternative corrective action requirement of subsection (2) of this section, no student subject to compulsory attendance pursuant to chapter ((28A.27)) 28A.225 RCW, as now or hereafter amended, shall be expelled by reason, in whole or part, of one or more unexcused absences unless the school district has also first:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and, where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Once a student has been expelled in compliance with this chapter the expulsion shall be brought to the attention of appropriate local and state authorities including, but not limited to, juvenile authorities acting pursuant to chapter 13.04 RCW in order that such authorities may address the student's educational needs.

(5) Any student who has been expelled shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

(6) All expulsions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the expulsion.

AMENDATORY SECTION (Amending Order 10-70, filed 10/22/70)

WAC 180-41-010 EVACUATION OF BUILDINGS IN SUDDEN EMERGENCY—REGULATORY PROVISIONS RELATING TO RCW ((28A.04-120)) 28A.305.130(11). Pursuant to RCW ((28A.04-120)) 28A.305.130(11), all pupils in the public and private schools of the state carrying out a kindergarten through twelve program, or any part thereof, shall receive instruction so that in case of sudden emergency they shall be able to leave their particular building in the shortest possible time, or take such other steps as the particular emergency demands, and without confusion or panic. Instruction of pupils, training of school personnel and preparatory measures with respect to the building and equipment shall include but not be limited to the provisions hereinafter in WAC 180-41-015 through 180-41-040 set forth.

AMENDATORY SECTION (Amending Order 2-80, filed 2/5/80)

WAC 180-43-005 PURPOSE AND APPLICATION. The purpose of this chapter is to establish rules and regulations which implement RCW ((28A.58-125)) 28A.600.200 (1) and (3).

AMENDATORY SECTION (Amending Order 2-80, filed 2/5/80)

WAC 180-43-010 ANNUAL REPORT. The Washington interscholastic activities association and any other voluntary nonprofit entities which have been delegated powers by a school district pursuant to RCW ((28A.58-125)) 28A.600.200, shall submit an annual report to the state board of education of student appeal determinations, assets, and financial receipts and disbursements.

(1) The annual report shall be delivered to the secretary of the board not later than November 1 of each calendar year.

(2) The annual report shall include the standard financial statement for the preceding fiscal year of the association or entity, prepared in accordance with generally accepted accounting principles. The financial statements shall include adequate information to inform the state board of education of the activities of the interscholastic activities association during the year reported upon. At a minimum, the certified financial statements as prepared by a certified public accountant or licensed public accountant shall list all assets and liabilities in a statement of financial position; a statement of cash receipts and disbursements; and other exhibits detailing salary expenses, office expenses, state tournament finances, and the basis for distributing profits to the school districts.

(3) The annual report shall include a section summarizing student eligibility appeal cases by local interscholastic activities association districts for the preceding school year (September 1 through August 31). Details of the summary shall include student's first name and surname initial, school, the rule and factual issue involved, interscholastic activities association district disposition

and date, and if ruled ineligible at the district level, interscholastic activities association executive board disposition and date.

AMENDATORY SECTION (Amending Order 2-80, filed 2/5/80)

WAC 180-43-015 RULES AND POLICIES. All rules and policies applied by the Washington interscholastic activities association and any other voluntary non-profit entities which have been delegated powers by a school district pursuant to RCW ((28A-58-125)) 28A.600.200 and which govern student participation in any interschool activity, shall be written and subject to the annual review and approval of the state board of education.

No such rule or policy shall be valid and enforceable during any school year unless first approved by the state board for that particular school year. All such rules shall be submitted annually by the association and other non-profit entities to the state board office on or before March 1 for initial review at the board's March meeting and, if subsequently revised, again on or before May 1 for final action by the board at its May meeting. The state board may modify the foregoing schedule of submissions and actions in its discretion at the request of the association or other nonprofit entity.

AMENDATORY SECTION (Amending Order 7-77, filed 6/1/77)

WAC 180-44-005 REGULATORY PROVISIONS RELATING TO RCW ((28A-04-120)) 28A.305.130(6) AND ((28A-58-101)) 28A.600.010. Pursuant to authority vested in the state board of education under provisions of RCW ((28A-04-120)) 28A.305.130(6) and ((28A-58-101)) 28A.600.010 to prescribe rules and regulations for the government of the common schools, pupils and teachers, the state board of education hereby adopts rules and regulations provided in WAC 180-44-007 through 180-44-060 relating to teachers.

AMENDATORY SECTION (Amending Order 1-76, filed 2/3/76)

WAC 180-46-005 PURPOSE. The purpose of this chapter is to implement RCW ((28A-04-134)) 28A.305.180, through the adoption of rules and regulations establishing minimum standards for integrating school district library and media services into learning resources centers.

AMENDATORY SECTION (Amending Order 12-84, filed 10/4/84)

WAC 180-50-100 AUTHORITY. The general authority for this chapter is RCW ((28A-04-120)) 28A.305.130(6) which authorizes the state board of education to prepare an outline of study for the common schools and RCW ((28A-04-120)) 28A.305.130(8) which authorizes the state board of education to adopt rules and regulations to meet the educational needs of

students. Where applicable, specific statutory authority is cited within sections of this chapter.

AMENDATORY SECTION (Amending Order 12-84, filed 10/4/84)

WAC 180-50-105 PURPOSES. The purposes of this chapter are to:

(1) Implement RCW ((28A-04-120)) 28A.305.130 (6) and (8) by prescribing state requirements for a course of study in the common schools;

(2) Implement courses of study specifically required by statutes;

(3) Establish procedural and substantive requirements for the granting of credit for equivalent courses of study which may be in conjunction with or as a substitution for courses of study in common schools.

AMENDATORY SECTION (Amending Order 12-84, filed 10/4/84)

WAC 180-50-115 MANDATORY AREAS OF STUDY IN THE COMMON SCHOOL. (1) Pursuant to RCW ((28A-05-010)) 28A.230.020 all school districts shall provide instruction in reading, penmanship, spelling, mathematics, geography, English grammar, physiology, hygiene, and history of the United States.

(2) Pursuant to RCW ((28A-05-015)) 28A.230.030, unless instruction in a language other than English will aid the educational advancement of the student, all students shall be taught in English.

(3) Pursuant to RCW ((28A-05-070)) 28A.230.130, after July 1, 1986, each school district offering a high school program shall provide a course of study which includes the preparation for uniform college and university entrance requirements as published by the council of postsecondary education.

(4) In addition to the requirements in the above subsections, each such school district shall offer all required courses for a high school diploma as provided in chapter 180-51 WAC and shall provide an opportunity for high school students to take at least one course in the following areas of study:

- (a) Art;
- (b) Career education;
- (c) Computer education;
- (d) Consumer education;
- (e) Economics;
- (f) Environmental education;
- (g) Foreign language;
- (h) Health education;
- (i) Home and family life;
- (j) Music;

(k) Remedial education, including at least, remedial education in reading, language arts, and mathematics.

(5) Districts shall make available to all high school students enrolled therein the areas of study enumerated above either within the district or by alternative means which shall include equivalent education programs set forth in this chapter, interdistrict cooperative programs as permitted by RCW ((28A-58-240)) 28A.225.220,

and/or the full-time or part-time release of such students to attend nonresident districts pursuant to chapter 392-137 WAC.

AMENDATORY SECTION (Amending Order 13-85, filed 6/3/85)

WAC 180-50-120 WASHINGTON STATE HISTORY AND GOVERNMENT REQUIREMENTS.

(1) Grades 1-6. A one semester course—i.e., 90 (50 minute) hours of instruction—or its equivalent in Washington state history and government shall be required in the common schools in grades one through six.

(2) Grades 7-12. A one semester course—i.e., 90 (50 minute) hours of instruction—or its equivalent in Washington state history and government shall be required in the common schools in grades seven through twelve. Such course shall include a study of the Washington state Constitution. Pursuant to RCW ((~~28A.02.080, 28A.05.050, and 28A.05.060~~)) 28A.230.170, 28A.230.060, and 28A.230.090 this course also shall be required for high school graduation unless waived pursuant to WAC 180-51-075.

AMENDATORY SECTION (Amending Order 12-84, filed 10/4/84)

WAC 180-50-125 UNITED STATES HISTORY—HIGH SCHOOL REQUIREMENT. A one year course—i.e., 180 (50 minute) hours of instruction—or its equivalent in United States history shall be required in the common schools in the high school (grades 9-12) program. Such course shall include a study of the United States Constitution. Pursuant to RCW ((~~28A.02.080, 28A.05.050, and 28A.05.060~~)) 28A.230.170, 28A.230.060, and 28A.230.090 this course also shall be required for high school graduation.

AMENDATORY SECTION (Amending Order 12-84, filed 10/4/84)

WAC 180-50-130 SOCIAL STUDIES COURSE—HIGH SCHOOL REQUIREMENT. A one year course—i.e., 180 (50 minute) hours of instruction—or its equivalent in contemporary world history, geography and problems and/or specific course in economics, sociology, civics, political science, international relations, or related social studies with emphasis on current problems shall be required in the common schools in the high school (grades 9-12). Pursuant to RCW ((~~28A.05.060~~)) 28A.230.090 this course also shall be required for high school graduation.

AMENDATORY SECTION (Amending Order 19-85, filed 9/24/85)

WAC 180-50-135 PHYSICAL EDUCATION—GRADE SCHOOL AND HIGH SCHOOL REQUIREMENT. (1) Grades 1-8. An average of at least twenty instructional minutes per day per year in physical education shall be required of all pupils in the common schools in the grade school (grades 1-8) program unless waived pursuant to RCW ((~~28A.05.030~~)) 28A.230.040.

(2) Grades 9-12. A one year course—i.e., 180 (50 minute) hours of instruction—or its equivalent shall be offered in physical education for each grade (grades 9-12) in the high school program. Pursuant to RCW ((~~28A.05.040 and 28A.05.060~~)) 28A.230.050 and 28A.230.090, two credits in physical education also shall be required for high school graduation unless waived pursuant to RCW ((~~28A.05.040~~)) 28A.230.050.

AMENDATORY SECTION (Amending Order 11-86, filed 9/29/86)

WAC 180-51-005 AUTHORITY. The authority for this chapter is RCW ((~~28A.05.062~~)) 28A.230.100 which authorizes the state board of education to establish high school graduation requirements or equivalencies for students who commence the ninth grade subsequent to July 1, 1985.

AMENDATORY SECTION (Amending Order 12-85, filed 6/5/85)

WAC 180-51-075 SOCIAL STUDIES REQUIREMENT—MANDATORY COURSES—EQUIVALENCIES. The social studies requirement in WAC 180-51-060 shall consist of the following mandatory courses or equivalencies:

(1) Pursuant to the provisions of RCW ((~~28A.02.080, 28A.05.050, and 28A.05.060~~)) 28A.230.170, 28A.230.060, and 28A.230.090, one credit shall be required in United States history and government which shall include study of the Constitution of the United States. No other course content may be substituted as an equivalency for this requirement;

(2) Pursuant to the provisions of RCW ((~~28A.02.080, 28A.05.050, and 28A.05.060~~)) 28A.230.170, 28A.230.060, and 28A.230.090, one-half credit shall be required in Washington state history and government which shall include study of the Constitution of the state of Washington. The provisions of WAC 180-51-030 notwithstanding, the Washington state history and government course requirement may be fulfilled by students in grades seven or eight or both. Credits earned in grades seven or eight shall not be applied toward the minimum number of credits required for high school graduation. For students who transfer from without the state, northwest history and government may serve as an equivalent course for Washington state history and government in grades seven through twelve if such course included the study of the Constitution of the state of Washington pursuant to RCW ((~~28A.02.080~~)) 28A.230.170 or if this statutory requirement is fulfilled through an alternative learning experience. The Washington state history and government requirement for twelfth grade students who transfer from without the state who have or will have earned two credits in social studies at graduation but who will not be able to make normal progress toward graduation with their class without an exception may have this requirement waived by their principal;

(3) Pursuant to the provision of chapter ((~~28A.05~~)) 28A.230 RCW, one credit shall be required in contemporary world history, geography, and problems. Courses

in economics, sociology, civics, political science, international relations, or related courses with emphasis on current problems may be accepted as equivalencies.

AMENDATORY SECTION (Amending Order 12-85, filed 6/5/85)

WAC 180-51-080 OCCUPATIONAL EDUCATION REQUIREMENT. The one credit occupational education requirement may be met by any approved vocational education course or any course which qualifies as a work skill pursuant to RCW ((28A.58.754)) 28A.150.220 (1)(b).

AMENDATORY SECTION (Amending Order 12-85, filed 6/5/85)

WAC 180-51-085 PHYSICAL EDUCATION REQUIREMENT—EXCUSE. The two credit physical education requirement shall be met by physical education courses. The content of courses shall be determined locally pursuant to WAC 180-51-025. Students shall be excused from physical education pursuant to RCW ((28A.05.040)) 28A.230.050. Such excused students shall be required to substitute equivalency credits in accordance with policies of boards of directors of districts.

AMENDATORY SECTION (Amending Order 12-85, filed 6/5/85)

WAC 180-51-100 TEMPORARY EXEMPTION FROM 1985 COURSE AND CREDIT REQUIREMENTS. The board of directors of any school district may petition the state board of education for temporary exemption from the course requirements specified in RCW ((28A.05.060)) 28A.230.090:

(1) A delay of one year may be granted if such board states within its petition that the high school affected has fewer than four hundred students and does not have within its staff certified persons qualified to teach the additional courses required by the 1985 graduation requirements;

(2) A delay of one year may be granted if such board states within its petition that the implementation of the 1985 requirements would be disruptive to the scheduling of classes and the assignment of teachers due to a reorganization of the district's grade configuration from a grade ten through twelve high school program to a grade nine through twelve program;

(3) The state board of education may grant annual exemptions to the definition of an annualized high school credit upon the request of a public or approved private school which offers evidence that delineates content, time, or competency assessments which are substantially equivalent to the definition stated in WAC 180-51-050.

AMENDATORY SECTION (Amending Order 7-84, filed 5/17/84)

WAC 180-51-105 EXCEPTIONS TO GRADUATION REQUIREMENTS FOR FORMER EDUCATIONAL CLINIC STUDENTS. Pursuant to the provisions of RCW ((28A.97.030)) 28A.205.030 and chapter

392-184 WAC, the provisions of this chapter are modified in order to provide for the exemptions required by RCW ((28A.97.030)) 28A.205.030 for former educational clinic students.

AMENDATORY SECTION (Amending Order 7-84, filed 5/17/84)

WAC 180-51-115 PROCEDURES FOR GRANTING HIGH SCHOOL GRADUATION CREDITS FOR STUDENTS WITH SPECIAL EDUCATIONAL NEEDS. No student shall be denied the opportunity to earn a high school diploma solely because of limitations on the student's ability. The board of directors of districts granting high school diplomas shall develop rules, including procedures, for meeting the unique limitations of each student. Such procedures may provide for:

(1) The extension of time the student remains in school up to and including the school year in which such student reaches twenty-one years of age;

(2) A special education program in accordance with chapter ((28A.13)) 28A.155 RCW if the student is eligible; and

(3) Special accommodations for individual students, or in lieu thereof, exemption from any requirement in this chapter, if such requirement impedes the student's progress toward graduation and there is a direct relationship between the failure to meet the requirement and the student's limitation.

AMENDATORY SECTION (Amending Order 7-83, filed 8/1/83)

WAC 180-52-015 PUPIL TESTS AND RECORDS—AUTHORITY. Pursuant to authority under provisions of RCW ((28A.04.120)) 28A.305.130, the state board of education, hereby prescribes the rules and regulations relating to pupil tests and records hereinafter in WAC 180-52-020, 180-52-025, 180-52-030 and 180-52-035 set forth.

AMENDATORY SECTION (Amending Order 12-86, filed 9/29/86)

WAC 180-53-005 AUTHORITY. The authority for this chapter is RCW ((28A.58.085)) 28A.320.200, which authorizes the state board of education to develop rules and regulations governing procedural criteria for a self-study process of educational quality for all public schools within each district.

AMENDATORY SECTION (Amending Order 2-85, filed 3/26/81)

WAC 180-55-005 STATUTORY AUTHORITY. Pursuant to provision of RCW ((28A.04.120)) 28A.305.130(4), the state board of education hereby establishes standards and procedures for accreditation of all schools as hereinafter set forth.

AMENDATORY SECTION (Amending Order 8-84, filed 5/17/84)

WAC 180-55-015 DEFINITIONS. (1) An accredited school is a public or an approved private school that meets all statutory provisions for schools in the state of Washington and all regulations established by the state board of education, and one that has completed either self-study or standards-only accreditation procedures described by the state superintendent of public instruction pursuant to RCW ((28A-04-120)) 28A.305.130(4) and WAC 180-55-005 through 180-55-135.

(2) "Accredited" status shall be assigned to public or approved private schools that:

(a) Complete and meet fully the requirements for self-study accreditation procedures as described in WAC 180-55-040 through 180-55-065, or;

(b) Complete and meet substantially the requirements for standards-only accreditation procedures as described in WAC 180-55-070 through 180-55-135; or

(c) Participate and qualify in accordance with standards and procedures established by the Northwest Association of Schools and Colleges (NWASC).

(3) "Self-study" shall mean an approved comprehensive set of needs-assessment and program improvement plan procedures as described in WAC 180-55-040 through 180-55-065.

(4) "Standards-only" shall mean an appraisal where-by requirements established by the state board of education are applied to an individual school as described in WAC 180-55-070 through 180-55-135.

(5) "Plan for program improvement" shall mean a formal document produced as a result of the self-study procedure for implementation at an accredited school.

(6) "Validation" shall mean an objective, external review of self-study or standards-only activities for the purposes of establishing their correctness, accuracy and thoroughness, and in the case of self-study accreditation procedures, an objective, external review of the plan for program improvement in terms of its feasibility of operation, as described in WAC 180-55-035.

(7) "Northwest Association of Schools and Colleges alternative" shall mean the secondary and vocational-technical institute school accreditation activities provided through school membership in the NWASC and shall be accepted by the state board of education in lieu of state board accreditation procedures as described in WAC 180-55-025 through 180-55-135.

(8) "Approved private school" shall mean a school approved by the state board of education pursuant to chapter 180-90 WAC.

(9) "Vocational-technical institute" shall mean a specialized area nongraded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area for persons sixteen years of age or older without regard to residence, pursuant to laws and rules and regulations pertaining to the maintenance, operation, and funding of vocational-technical institutes. In applying the provisions of this chapter the terms "school" and "principal" shall mean a vocational-technical institute and director of such institute, respectively.

AMENDATORY SECTION (Amending Order 6-76, filed 6/1/76)

WAC 180-56-205 NEW SECONDARY PROGRAM OR NEW GRADES NINE THROUGH TWELVE—REGULATORY PROVISIONS PURSUANT TO RCW ((28A-04-120)) 28A.305.130(5). Pursuant to provisions of RCW ((28A-04-120)) 28A.305.130(5), the state board of education hereby establishes rules and regulations as hereinafter set forth in WAC 180-56-210 through 180-56-270 to govern the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve.

AMENDATORY SECTION (Amending Order 6-76, filed 6/1/76)

WAC 180-56-260 NEW SECONDARY PROGRAM OR NEW GRADES NINE THROUGH TWELVE—SCHOOL DISTRICT ORGANIZATION. The proposal for establishment of a new secondary school must be consistent with sound, comprehensive planning for secondary school facilities and services and shall be in agreement with provisions of chapter ((28A-57)) 28A.315 RCW and any subsequent statutory provisions or policies established by the state board of education pertaining thereto.

AMENDATORY SECTION (Amending Order 18-84, filed 12/10/84)

WAC 180-57-005 AUTHORITY. The authority for this chapter is RCW ((28A-04-155)) 28A.305.220 which authorizes the state board of education to develop a standardized high school transcript and to establish definitions for credits and hours for use by all common school districts.

AMENDATORY SECTION (Amending Order 18-84, filed 12/10/84)

WAC 180-57-100 TRANSCRIPT RELEASE PROCEDURES. All common school districts shall adopt written procedures for the release of official student transcripts. Such procedures shall recognize the limited exception to the release of transcripts provided in RCW ((28A-87-120)) 28A.635.060 and shall provide that student transcripts are released to persons other than the student or the student's parents or guardians only upon the written authorization of the student or the student's parents or guardians, whichever is applicable, or as set forth in the Family Educational Rights and Privacy Act of 1974 and subsequent amendments. Except as provided in RCW ((28A-87-120)) 28A.635.060, all common school districts shall provide or make available to students upon request complete copies of their high school transcripts, with graduation noted thereon, within forty-five calendar days following the student's graduation from high school.

AMENDATORY SECTION (Amending Order 10-71, filed 12/13/71)

WAC 180-58-015 GENERAL STATEMENT OF PURPOSE. The basic purpose of section 1, chapter 285, Laws of 1971 ex. sess., authorizing the state board of education to offer vocational education programs in the elementary and secondary schools and to adopt rules and regulations for programs authorized by RCW ((~~28A.58-245~~) 28A.225.250 and 28B.50.770 is to unify the vocational education delivery system in this state in order to provide the optimum educational opportunities to children and adults, to eliminate duplication of effort and expenditures, and to serve the population and the economy of the state most effectively.

AMENDATORY SECTION (Amending Order 10-71, filed 12/13/71)

WAC 180-58-075 INTERDISTRICT COOPERATION VOCATIONAL EDUCATION PROGRAMS—OPERATIONAL REQUISITES. Those rules and regulations as promulgated and set forth by the superintendent of public instruction in chapter 192-15 WAC pursuant to authority under RCW ((~~28A.58-245~~) 28A.225.250 shall control for purposes of this chapter.

AMENDATORY SECTION (Amending Order 9-89, filed 4/17/89)

WAC 180-59-005 AUTHORITY. The authority for this chapter is RCW ((~~28A.34.120~~) 28A.215.320 which directs the state board of education to establish standards and procedures for voluntary accreditation of all public and nonpublic preschools.

AMENDATORY SECTION (Amending Order 9-89, filed 4/17/89)

WAC 180-59-035 PUBLIC SCHOOLS—DEFINITION. As used in this chapter, the term "public schools" shall mean those schools maintained at public expense as defined in RCW ((~~28A.01.055 and 28A.01.060~~) 28A.150.010 and 28A.150.020.

AMENDATORY SECTION (Amending Order 9-89, filed 4/17/89)

WAC 180-59-145 APPEALS. Pursuant to RCW ((~~28A.34.120~~) 28A.215.320 any preschool may appeal the actions of the superintendent of public instruction or state board of education as provided in chapter ((~~34.04~~) 34.05 RCW and chapter 180-08 WAC.

AMENDATORY SECTION (Amending Order 14-84, filed 10/4/84)

WAC 180-72-045 AUTHORITY—REGULATORY PROVISIONS RECOGNIZE INTENT OF SPECIFIC ACTS. The policies, rules and regulations hereinafter in WAC 180-72-050 through 180-72-075 set forth recognize the intent of (1) chapter 28B.50 RCW to (a) place major responsibility for adult education in the community colleges, (b) provide for the conduct of adult education programs by the common

schools under arrangements between the appropriate community college and common school district, (c) permit the issuance of high school diplomas by the community colleges under rules and regulations promulgated by the superintendent of public instruction and the state board of education, and (d) provide for the administration of certain federally supported adult education programs by the superintendent of public instruction in cooperation with the state director of community colleges; (2) RCW ((~~28A.58.240~~) 28A.225.220 to permit boards of directors of common school districts to make arrangements with adults wishing to attend school; and (3) chapter ((~~28A.05~~) 28A.305 RCW which provides that the state board of education shall prescribe course requirements for high school completion.

AMENDATORY SECTION (Amending WSR 89-22-010, filed 10/20/89, effective 11/20/89)

WAC 180-75-003 AUTHORITY. The authority for this chapter is RCW ((~~28A.70.005~~) 28A.410.010 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state. (Note: RCW ((~~28A.02.201~~) 28A.195.010 (3)(a) requires most private school classroom teachers to hold appropriate Washington state certification with few exceptions.)

AMENDATORY SECTION (Amending WSR 89-22-010, filed 10/20/89, effective 11/20/89)

WAC 180-75-065 FEE FOR CERTIFICATION. (1) In accordance with provisions of RCW ((~~28A.70.110 and 28A.71.100~~) 28A.410.060 and 28A.415.010, the fee for certificates which are valid for more than one year, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be as follows:

(a) The continuing certificate is seventy dollars;

(b) The reinstatement, additional endorsement on the certificate, duplicate certificates, substitute certificates, and certificates issued for the purpose of showing a name change is fifteen dollars; and

(c) Any other certificate or credential or any renewal thereof shall be five dollars for each year of validity;

(d) PROVIDED, That the fee for all vocational certificates shall be one dollar.

(2) The fee for any other certificate/credential, or for any renewal thereof, issued by the authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be five dollars.

(3) Officials authorized to collect certification fees are educational service district superintendents, local school district superintendents, deans and directors of education at colleges and universities, and designees of program units. The fee must accompany the application for a certificate and shall be transmitted by the receiving district, college or university, or program unit designee at least quarterly to the educational service district within which the application is filed for disposition in accordance with provisions of RCW ((~~28A.70.110~~) 28A.410.060. The fee shall not be refunded unless the

application is withdrawn before it is finally considered (i.e., the issuance of a certificate or a written communication denying such issuance) by the superintendent of public instruction or his or her designee. Fees not refunded shall apply as a credit to a reapplication for the same or one or more other certificates if such applicant reapplies within twenty-four months of the date of denial. Moneys accrued from certification fees within the boundaries of an educational service district shall be divided in the following manner:

(a) Local school districts employing more than one hundred teachers and other professional staff and collecting certification fees may retain one dollar of each fee in order to hold a professional training institute. If such district does not hold an institute all such moneys shall be placed to the credit of the educational service district.

(b) No less than fifty percent of the funds accruing within the boundaries of an educational service district shall be used to support program activities related to state-wide precertification professional preparation and evaluation.

(c) The remaining funds shall be used to support professional inservice training programs and evaluations thereof.

AMENDATORY SECTION (Amending WSR 89-22-010, filed 10/20/89, effective 11/20/89)

WAC 180-75-085 GENERAL REQUIREMENTS—TEACHERS, ADMINISTRATORS, EDUCATIONAL STAFF ASSOCIATES. The following requirements are to be met by candidates for certification as teachers, administrators, or educational staff associates:

(1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.

(2) Character. Applicants for certificates in Washington state who are not holders of a valid Washington state teacher's, administrator's, educational staff associate's, or vocational certificate must give evidence of good moral character and personal fitness as specified in WAC 180-75-082 and must make arrangements with the Washington state patrol for a background check as required by RCW ((~~28A.70.005~~) 28A.410.010): **PROVIDED**, That applicants for vocational teaching certificates who do not make such an arrangement with the state patrol shall have placed on such certificates by the superintendent of public instruction a provision which restricts the certificate holder to the teaching of vocational technical institute students who are sixteen years of age or older.

(3) Academic. A candidate for certification shall have successfully completed an approved professional preparation program within the state of Washington and hold appropriate degrees, licenses, and additional course work as prescribed in chapter 180-79 WAC or have qualified under WAC 180-79-245.

(4) Program completion. A candidate for an initial or continuing certificate shall provide verification that he or she has completed an approved professional preparation program.

Subsections (3) and (4) of this section shall not apply to vocational or limited certificates. Vocational certificates are issued under academic and experience requirements set forth in chapter 180-77 WAC. Limited certificates are issued pursuant to WAC 180-79-230.

AMENDATORY SECTION (Amending WSR 89-22-010, filed 10/20/89, effective 11/20/89)

WAC 180-75-087 REINSTATEMENT OF CERTIFICATES. Only a continuing certificate may be reinstated. A holder of a lapsed, surrendered, or revoked continuing professional certificate at the time of application for reinstatement of such certificate must submit the following:

(1) Character evidence as required by WAC 180-75-085(2) for candidates for certification.

(2) An affidavit that he or she has not intentionally and knowingly practiced with an expired, lapsed, surrendered, or revoked certificate in a professional position for which certification is required under the rules of the state board of education or the submission of a statement why such practice, if conducted, should not reflect on such applicant's good moral character or personal fitness at the time of application.

(3) In accordance with RCW ((~~28A.70.180~~) 28A.410.110), a revoked certificate may not be reinstated within one calendar year from the date of revocation.

(4) **PROVIDED**, That no certificate may be reinstated if more than five calendar years has passed since the date of lapsing, surrender, or revocation; however, such applicants may apply pursuant to WAC 180-75-061 for a new certificate under standards in effect at the time of application.

(5) **PROVIDED FURTHER**, That notwithstanding any regulation to the contrary, any person whose Washington state initial or provisional certificate has expired for any reason may apply prior to August 31, 1990, and be issued an initial certificate under the rules in effect at the time of application upon submission of the following:

(a) The character evidence required in subsection (1) of this section.

(b) The affidavit or statement required in subsection (2) of this section.

(c) Evidence of completion of fifteen quarter hours (ten semester hours) of course work at an accredited college or university within the seven years prior to the application for reinstatement.

AMENDATORY SECTION (Amending WSR 89-22-010, filed 10/20/89, effective 11/20/89)

WAC 180-75-100 CERTIFICATION OF OUT-OF-STATE TRAINED EDUCATIONAL PERSONNEL—INTERSTATE EDUCATIONAL PERSONNEL CONTRACTS. The superintendent of public instruction is authorized to enter into interstate educational personnel contracts with states party to the interstate agreement on qualifications of educational personnel in accordance with provisions of RCW ((~~28A.93.010~~ and

~~28A.93.020~~) 28A.690.010 and 28A.690.020 which authorize on an interstate basis Washington state certification of persons of other states having preparation and qualifications comparable even though not identical to Washington state board of education standards.

AMENDATORY SECTION (Amending Order 3-87, filed 4/3/87)

WAC 180-78-003 AUTHORITY. The authority for this chapter is RCW (~~(28A.70.005)~~) 28A.410.010 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility and certification of personnel employed in the common schools of this state. This authority is supplemented by RCW (~~(28A.04.120)~~) 28A.305.130 (1) and (2) which authorizes the state board of education to approve professional preparation programs in institutions of higher education.

AMENDATORY SECTION (Amending Order 26-88, filed 12/14/88)

WAC 180-78-010 DEFINITION OF TERMS. The following definitions shall be used in this chapter:

(1) "College or university" means any regionally accredited baccalaureate degree granting Washington institution of higher learning or cooperative group of such institutions which has or develops professional programs of preparation in education which are submitted to the state board of education for approval.

(2) "Endorsement" means a specification placed on a certificate to indicate the subject area, grade level, and/or specialization for which the individual is prepared to teach or serve as an administrator or educational staff associate.

(3) "Interstate compact" means the contractual agreement among several states authorized by RCW (~~(28A.93.010 and 28A.93.020)~~) 28A.690.010 and 28A.690.020 which facilitates interstate reciprocity.

(4) "Program approval" means the approval by the state board of education of a professional preparation program within Washington state.

(5) "Field experience" means a sequence of learning experiences which occur in actual school settings or clinical or laboratory settings. Such learning experiences are related to specific program outcomes and are designed to integrate educational theory, knowledge, and skills in actual practice under the direction of a qualified supervisor.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-130 SUBSTITUTE PAY FOR MEMBERS OF PROFESSIONAL EDUCATION ADVISORY BOARDS. Service on professional education advisory boards by certificated employees is deemed by the state board of education as a committee formed for the purpose of furthering education within the state; and, the superintendent of public instruction, in conformance with the provisions of RCW (~~(28A.41.180)~~) 28A.160.220, shall make payments to school districts for needed substitutes.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-225 SPECIAL CONSIDERATION FOR CERTAIN FORMER TEACHER AIDES. If a former teacher aide presents evidence to the college or university that such candidate has served as a teacher aide in public or approved private school within the previous seven calendar years and that at least fifty percent of the candidate's work as a teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for any one school year, the college or university must weigh the following evidence:

(1) The written joint assessment of the candidate performance, required by RCW (~~(28A.04.120)~~) 28A.305.130 (3)(b), which was prepared and submitted by the supervising teacher and building principal.

(2) Any other information which the college or university determines relevant to its individual determination.

AMENDATORY SECTION (Amending Order 29-88, filed 12/14/88)

WAC 180-81-003 AUTHORITY. The authority for this chapter is RCW 28A.04.172 which authorizes the state board of education to develop the standards for a masters in teaching degree. (Note: RCW 28A.04.172 has been decodified by section 602, chapter 33, Laws of 1990.)

AMENDATORY SECTION (Amending Order 23-85, filed 12/2/85)

WAC 180-90-105 AUTHORITY. The authority for this chapter is RCW (~~(28A.02.240)~~) 28A.195.040 which authorizes the state board of education to promulgate rules and regulations for the approval of private schools for the purpose of implementing RCW (~~(28A-27.010)~~) 28A.225.010.

AMENDATORY SECTION (Amending Order 7-87, filed 4/14/87)

WAC 180-90-125 DEFINITIONS—EXCEPTIONAL CASE, UNUSUAL COMPETENCE, AND GENERAL SUPERVISION. As used in this chapter the term:

(1) "Exceptional case" means that a circumstance exists within a private school in which:

(a) A certified teacher is not available for employment for the school year or remainder thereof and documents related to unsuccessful efforts to recruit a certified teacher are on file in the school records and will be forwarded to the superintendent of public instruction upon request; and

(b) The educational program offered by the private school either will be significantly impaired without the employment of the noncertified employee or will be significantly improved with the employment of the noncertified employee; and

(c) The school which employs a noncertified employee or employees pursuant to this subsection employs at least one person certified pursuant to rules of the state board of education to every twenty-five FTE students enrolled in grades one through twelve.

(2) "Unusual competence":

(a) As applied to an exceptional case wherein the educational program as specified in RCW ((28A.02.201)) 28A.195.010(7) and WAC 180-90-160(7) will be significantly impaired without the employment of a noncertified employee, means that the noncertified employee possesses a minimum of forty-five quarter credits beyond the baccalaureate degree with a minimum of forty-five quarter credits in courses in the subject matter to be taught or in courses closely related to the subject matter to be taught; or

(b) As applied to an exceptional case wherein the educational program will be significantly improved with the employment of a noncertified employee, means that the noncertified employee possesses a minimum of three calendar years of experience in a specialized field. For purposes of this subsection, the term "specialized field" means a specialized area of the curriculum where skill or talent is applied and where entry into an occupation in such field generally does not require a baccalaureate degree, including, but not limited to the fields of art, drama, dance, music, physical education, and vocational or occupational education.

(3) "General supervision" means that:

(a) A certified teacher or administrator shall be generally available at the school site to observe and advise the noncertified employee; and

(b) The noncertified employee shall be evaluated pursuant to policies of the private school.

(4) PROVIDED, That the noncertified employee of the private school, employed pursuant to this section, and as verified by the private school:

(a) Meets the age, good moral character, and personal fitness requirements of WAC 180-75-085 (1) and (2); and

(b) Has not had his or her teacher's certificate revoked by any state or foreign country; and

(c) Is not eligible for an initial or continuing teacher's certificate in the state of Washington.

(5) PROVIDED FURTHER, That the provisions of this section shall not be applicable until the state board of education takes action to approve private schools for the 1988-89 school year.

AMENDATORY SECTION (Amending Order 23-85, filed 12/2/85)

WAC 180-90-150 APPEALS. Pursuant to RCW ((28A.02.230)) 28A.195.030 any private school may appeal the actions of the superintendent of public instruction or state board of education as provided in chapter ((34.04)) 34.05 RCW and chapter 180-08 WAC.

AMENDATORY SECTION (Amending Order 23-88, filed 12/14/88)

WAC 180-90-160 MINIMUM STANDARDS AND CERTIFICATE FORM. The annual certificate

required by WAC 180-90-130 shall be in substantial compliance with the form and substance of the following:

CERTIFICATE OF COMPLIANCE
WITH STATE STANDARDS

ESD/County/Public
School District
Private School/
District Address

I,, do hereby certify that I am the principal or chief administrator of the above named school; that said school is located at the address listed above, and conducts grades through with a projected enrollment of; and that said school is scheduled to meet throughout the school year, the following standards with the exception only of such deviations, if any, as are set forth in an attachment to this certificate of compliance

or

I,, do hereby certify that I am the superintendent of the above named private school district; and that the private schools under my jurisdiction are scheduled to meet throughout the school year, the following standards with the exception only of such deviations as are set forth in an attachment to this certificate of compliance; and that a list of such schools, including the grades conducted and the projected enrollment for each school, accompanies this certificate:

(1) The minimum school year for instructional purposes consists of no less than 180 school days or the equivalent in annual minimum program hour offerings as prescribed in RCW ((28A.58.754)) 28A.150.220.

(2) On each school day, pupils enrolled in the school are provided the opportunity to be engaged in educational activity planned by and under the direction of the staff, as directed by the administration and/or governing board; and that pupils are provided a total program hour offering as prescribed in RCW ((28A.58.754)) 28A.150.220 except that the percentages for basic skills, work skills, and optional subjects and activities prescribed in RCW ((28A.58.754)) 28A.150.220 do not apply to private schools and that the total program hour offering, except as otherwise specifically provided in RCW ((28A.58.754)) 28A.150.220, made available is at least:

(a) 2700 hours for students in grades one through three.

(b) 2970 hours for students in grades four through six.

(c) 1980 hours for students in grades seven and eight.

(d) 4320 hours for students in grades nine through twelve.

(3) All classroom teachers hold appropriate Washington State certification except for:

(a) Teachers for religious courses or courses for which no counterpart exists in the public schools: PROVIDED, That a religious course is a course of study separate from the courses of study defined in RCW ((28A.02.201)) 28A.195.010 including occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of

the appreciation of art and music all in sufficient units for meeting state board of education graduation requirements; and/or

(b) A person of unusual competence who is not certified but who will teach students in an exceptional case under the general supervision of a certified teacher or administrator pursuant to WAC 180-90-125. The non-certified employee, the certified person who will supervise, and the exceptional circumstances are listed on the addendum to this certificate: PROVIDED, That if a noncertified person is employed subsequent to the filing of this certificate, this same information shall be forwarded to the superintendent of public instruction within thirty days from the date of employment.

(4) If the school operates an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody, the extension program meets the following requirements:

(a) The parent, guardian, or custodian is supervised by a person certified under chapter ((28A-70)) 28A.410 RCW and who is employed by the school;

(b) The planning by the certified person and the parent, guardian, or person having legal custody includes objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spends a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the extension program;

(d) Each student's progress is evaluated by the certified person; and

(e) The certified person does not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Measures have been taken to safeguard all permanent records against loss or damage through either the storage of such records in fire-resistant containers or facilities, or the retention of duplicates in a separate and distinct area;

(6) The physical facilities of the school are adequate to meet the program offered, and all school facilities and practices are in substantial compliance with reasonable health and fire safety standards, as substantiated by current inspection reports of appropriate health and fire safety officials which are on file in the chief administrator's office;

(7) The school's curriculum includes instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music in sufficient units for meeting state board of education graduation requirements, as set forth in chapter 180-51 WAC;

(8) The school or its organized district maintains up-to-date policy statements related to the administration and operation of the school or district;

(9) The school does not engage in a policy of racial segregation or discrimination;

(10) The governing authority of this private school or private school district has been apprised of the requirements of chapter 180-90 WAC relating to the minimum requirements for approval of private schools and such

governing authority has further been apprised of all deviations from the rules and regulations of the state board of education and the standards contained in chapter 180-90 WAC. I have reported all such deviations herewith.

(11) Approval by the state board of education is contingent upon on-going compliance with the standards certified herein. The superintendent of public instruction shall be notified of any deviation from these standards which occurs after the action taken by the state board of education. Such notification shall be filed within thirty days of occurrence of the deviation.

(12) Failure to comply with the requirements of this chapter may result in the revocation of the approval of the private school and shall be considered in subsequent application for approval as a private school.

DATED this day of, 19. . .

.....
(signed)

.....
(title)

.....
(phone number)

AMENDATORY SECTION (Amending Order 2-78, filed 2/8/78)

WAC 180-95-005 PURPOSE. The purpose of this chapter is to implement RCW ((28A.97.010, 28A.97-020, 28A.97.030, 28A.97.040, 28A.97.050)) 28A.205.010, 28A.205.020, 28A.205.030, 28A.205.040, 28A.205.050 and to establish the criteria and procedures to be used in certification of an educational clinic.

AMENDATORY SECTION (Amending Order 2-78, filed 2/8/78)

WAC 180-95-010 DEFINITIONS. The following definitions shall apply to terms used in this chapter:

(1) "Educational clinic" shall mean a private educational institution certified by the state board of education which employs a clinical, client-centered approach and is devoted to (a) teaching the basic academic skills including specific attention to improvement of student motivation for achieving and (b) employment orientation: PROVIDED, That no educational clinic certified by the state board of education pursuant to this section shall be deemed a common school under RCW ((28A-01-060)) 28A.150.020 or a private school for the purposes of RCW ((28A.02.20+)) 28A.195.010 through ((28A.02-250)) 28A.195.050, or proprietary school under chapter 18.82 RCW.

(2) "Basic academic skills" shall mean the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and courses deemed nonessential to the accrediting of common schools or the approval of private schools under RCW ((28A.04-120)) 28A.305.130.

(3) "A clinical, client-centered basis" shall mean an approach to education which includes the individual diagnosis of the person's educational abilities, determining and setting of individual goals, prescribing and providing individual programs of instruction, and evaluating the individual student's progress in his or her educational program.

(4) "Individual diagnostic procedure" shall mean the individual assessment by a certified teacher, or when deemed necessary, by a psychometrist, psychologist, and/or another professional who is appropriately certificated or licensed to conduct specific diagnostic evaluations and to prescribe an individual educational and instructional program in conjunction with the teacher, student, parents, and others as necessary.

(5) "General educational development (GED) tests" shall mean that battery of tests designed and published by the GED testing service of the American council on education to measure the major outcomes and concepts generally associated with four years of high school education. Each GED testing center must have a current contract with the American council on education and be authorized by the state superintendent of public instruction.

(6) "Educational gain" shall mean (a) measurable increases in the student's achievement, (b) increased motivation for achieving, and/or (c) increased knowledge and skills relevant to employment orientation as defined in (8) below: PROVIDED, That consideration is given to the student's background in determining the extent of such gain.

(7) "Eligible common school dropout" shall be defined as set forth in WAC 392-185-010(2).

(8) "Employment orientation" shall normally include, but not be restricted to instruction and practical experience in the following areas: Job applications, interview techniques, expectations for attendance and production, learning to translate skills and abilities in terms of job needs, examination by the student of job descriptions and exploration of the student's ability to fulfill the job needs.

AMENDATORY SECTION (Amending Order 21-88, filed 12/14/88)

WAC 180-96-005 AUTHORITY. The authority for this chapter is RCW ((28A-04-135)) 28A.305.190 which authorizes the state board of education to adopt regulations governing the conditions by and under which a certificate of educational competence may be issued.

AMENDATORY SECTION (Amending Order 21-88, filed 12/14/88)

WAC 180-96-050 RIGHT TO APPEAL. The following shall govern the finality of decisions of the designated employee:

(1) If the decision of the designated employee is that the applicant has a substantial and warranted reason for leaving the regular high school education program, the decision of such designated employee shall be final.

(2) If the decision of the designated employee is to deny the existence of a substantial and warranted reason

for leaving the regular high school education program, the applicant shall have the right to appeal the decision to such board of directors in accordance with procedures adopted by the board of directors. The board of directors shall issue a decision within thirty calendar days of receipt of any appeal.

(3) If a decision has been made by the board of directors of the district, such decision shall be final subject to an appeal to a court of law pursuant to RCW ((28A-88-010)) 28A.645.010.

AMENDATORY SECTION (Amending Order 6-88, filed 2/19/88)

WAC 180-110-010 AUTHORITY. The authority for this chapter is RCW ((28A-100-054)) 28A.630.210.

AMENDATORY SECTION (Amending Order 8-88, filed 4/4/88)

WAC 180-115-005 AUTHORITY. The authority for this chapter is RCW ((28A-70-400)) 28A.410.150, which authorizes the state board of education to develop rules to establish student teaching pilot projects.

WSR 90-17-010

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed August 6, 1990, 2:25 p.m.]

Continuance of WSR 90-13-011.

Title of Rule: Amending WAC 458-20-118 Sale or rental of real estate, license to use real estate.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA 98504, on August 20, 1990, at 1:15 p.m.

Submit Written Comments to: Les Jaster, Rules Coordinator, Department of Revenue, Interpretation and Appeals, Mailstop AX-02, Olympia, Washington 98504, by August 31, 1990.

Date of Intended Adoption: September 7, 1990.

August 6, 1990

Edward L. Faker
Assistant Director

WSR 90-17-011

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed August 6, 1990, 2:26 p.m.]

Continuance of WSR 90-13-012.

Title of Rule: Amendatory section WAC 458-20-200 leased departments.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA 98504, on August 20, 1990, at 1:15 p.m.

Submit Written Comments to: Les Jaster, Rules Coordinator, Department of Revenue, Interpretation and Appeals, Mailstop AX-02, Olympia, Washington 98504, by August 31, 1990.

Date of Intended Adoption: September 7, 1990.

August 6, 1990
Edward L. Faker
Assistant Director

WSR 90-17-012

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-64—Filed August 6, 1990, 2:41 p.m.]

Date of Adoption: August 3, 1990.

Purpose: Sport fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-245 and 220-56-255.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of halibut exists off the Washington coast, and these rules are adopted at the recommendation of the International Pacific Halibut Fisheries Commission and conform state rules with rules in off-shore waters.

Effective Date of Rule: Immediately.

August 3, 1990
Joseph R. Blum
Director

NEW SECTION

WAC 220-56-24500H HALIBUT—BAG AND POSSESSION LIMITS. Notwithstanding the provisions of WAC 220-56-245, effective immediately it is unlawful to fish for or possess more than one halibut taken daily from any Washington waters or waters of the Pacific Ocean off the Washington coast.

NEW SECTION

WAC 220-56-25500G HALIBUT—SEASONS. Notwithstanding the provisions of WAC 220-56-255, effective immediately until further notice it is unlawful to fish for or possess halibut taken for personal use except as provided for in this section:

(1) Those waters of Puget South and the Strait of Juan de Fuca east of the Bonilla-Tatoosh Line are closed to the taking of halibut.

(2) Those waters west of the Bonilla-Tatoosh Line and north of the mouth of the Queets River are open:

(a) Immediately through August 30, 1990 - Fridays and Saturdays only.

(b) August 31 until further notice - seven days per week.

(3) Those waters south of the mouth of the Queets River are open seven days per week through September 30, 1990.

WSR 90-17-013

EMERGENCY RULES

BOARD OF

REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

[Filed August 6, 1990, 2:48 p.m.]

Date of Adoption: August 6, 1990.

Purpose: Amend the provisions of WAC 196-24-060 relative to license renewal fees. This amendment specifies the expiration date of an individual's license as a professional engineer or land surveyor.

Citation of Existing Rules Affected by this Order:
Amending WAC 196-24-060.

Statutory Authority for Adoption: RCW 18.43.035.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A previous amendment to this rule inadvertently removed the specification for the expiration date of an individual's license. Without this specification, no authority exists for the current staggered renewal system, which expires on the licensee's birthday.

Effective Date of Rule: Immediately.

August 6, 1990
Alan E. Rathbun, P.E.
Registrar

AMENDATORY SECTION (Amending Order 81-10, filed 12/18/81)

WAC 196-24-060 RENEWAL FEES. (1) Renewals are issued on an annual basis. The director of the department of licensing has determined that all licenses for individuals registered as a professional engineer and/or professional land surveyor shall expire on the licensee's birth date. It shall be the licensee's responsibility to submit payment of the prescribed renewal fee to the department of licensing on or before the date of expiration.

(2) Under the staggered license renewal system the late payment penalty provision will be applied as follows: Before the expiration date of the individual's license the director of the department of licensing shall mail a notice for renewal of license to the last known address of every person holding a current license. The licensee must return such notice along with current renewal fees prior to the expiration of said license. Regardless of whether a renewal notice is received by the licensee, said license shall become invalid if the required fee is not paid by the date of expiration. If the licensee fails to pay the prescribed renewal fees within ninety days after the expiration date of the license, then the renewal fee will be the current fee plus an amount equal to one year's renewal fee.

(3) The renewal fee for engineers, land surveyors, engineering corporations and engineering partnerships are determined by the director of the department of licensing.

WSR 90-17-014
EMERGENCY RULES
DEPARTMENT OF LICENSING
 [Filed August 6, 1990, 2:49 p.m.]

Date of Adoption: August 6, 1990.

Purpose: The director of the department has the authority to establish a staggered license renewal process. This rule establishes the expiration date for individuals, corporations and partnerships licensed under chapter 18.43 RCW.

Statutory Authority for Adoption: RCW 43.24.140.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A staggered renewal system with licenses expiring on an individual's birth date was implemented several years ago. However, the director did not adopt a rule specifying the date of expiration. A rule by the engineer's board previously existed but was inadvertently repealed. No authority for birth date renewal currently exists.

Effective Date of Rule: Immediately.

August 6, 1990
 Marsha Tadano Long
 Assistant Director

NEW SECTION

WAC 196-26-030 LICENSE RENEWALS. *The licenses for those individuals registered as a professional engineer and/or a professional land surveyor shall be renewed annually. The date of renewal shall be the licensee's birth date. Licensees who fail to pay the prescribed renewal fee within ninety days of the license expiration date will be subject to the late payment penalty fee as set forth in WAC 196-24-060.*

The certificates of authorization for corporations and partnerships shall be renewed annually. The date of renewal shall be the last day of the month of December. Failure to pay the prescribed fee by the date of expiration shall cause the certificate to become invalid.

WSR 90-17-015
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
 [Order 571—Filed August 7, 1990, 11:28 a.m.]

Date of Adoption: August 7, 1990.

Purpose: Suspending rule burn and burn barrel privileges on department protected lands.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 332-26-030.

Statutory Authority for Adoption: RCW 76.04.165.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Weather conditions have created a situation of increasing fire danger throughout the state, whereby there is a need to further regulate outdoor burning to protect life and property.

Effective Date of Rule: Immediately.

August 7, 1990
 Brian Boyle
 Commissioner of
 Public Lands

NEW SECTION

WAC 332-26-080 OUTDOOR RULE BURN SUSPENSION. *Effective midnight Tuesday, August 7, 1990 to midnight Saturday, October 6, 1990 privileges to have an outdoor fire without a written burning permit, as allowed by WAC 332-24-201 and 332-24-205, and the use of a burning barrel without a written burning permit, as allowed by WAC 332-24-201 and WAC 332-24-225, on lands protected by the Department of Natural Resources in Whatcom, Skagit, Snohomish, San Juan, Island, King, Pierce, Kitsap, Mason, Jefferson, Clallam, Grays Harbor, Thurston, Lewis, Pacific, Wahkiakum, Cowlitz, Clark, Skamania, Chelan, Kittitas, Yakima, Klickitat, Walla Walla, Garfield, Columbia, Asotin, Okanogan, Ferry, Stevens, Pend Oreille, Spokane counties, and Lincoln County north of U.S. Highway 2, are suspended: PROVIDED, That campfires and barbecues in established and approved campgrounds are exempt from these restrictions.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 332-26-030 OUTDOOR RULE BURN SUSPENSION.

WSR 90-17-016
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
 [Memorandum—August 3, 1990]

Regretfully, the September board meeting date change I sent you last week was in error.

Instead of Thursday, September 13, the board changed the regular meeting to Wednesday, September 12. The study session will begin at 2:00 p.m. and the regular meeting will begin at 3:00 p.m.

WSR 90-17-017
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT
[Order 90-72—Filed August 7, 1990, 4:45 p.m.]

Date of Adoption: August 7, 1990.
Purpose: Establish state pay dates for calendar year 1991.

Citation of Existing Rules Affected by this Order: Amending WAC 82-50-021.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Pursuant to notice filed as WSR 90-14-077 on July 2, 1990.

Effective Date of Rule: Thirty-one days after filing.
August 7, 1990
Dan Pensula
Assistant Director
Accounting and Fiscal
Services Division

AMENDATORY SECTION (Amending Order 89-70, filed 8/22/89, effective 9/22/89)

WAC 82-50-021 OFFICIAL LAGGED, SEMI-MONTHLY PAY DATES ESTABLISHED. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years ((1989 and)) 1990 and 1991:

Table with 2 columns: CALENDAR YEAR 1989 and CALENDAR YEAR 1990. Lists dates from January 10, 1989 to December 22, 1989 and corresponding dates for 1990.

CALENDAR YEAR 1990 CALENDAR YEAR 1991

Table with 2 columns: CALENDAR YEAR 1990 and CALENDAR YEAR 1991. Lists dates from January 10, 1990 to April 10, 1990 and corresponding dates for 1991.

CALENDAR YEAR 1990 CALENDAR YEAR 1991

Table with 2 columns: CALENDAR YEAR 1990 and CALENDAR YEAR 1991. Lists dates from Wednesday, April 25, 1990 to Monday, December 24, 1990 and corresponding dates for 1991.

WSR 90-17-018
WITHDRAWAL OF PROPOSED RULES
LIQUOR CONTROL BOARD
(By the Code Reviser's Office)
[Filed August 7, 1990, 4:46 p.m.]

WAC 314-16-170, proposed by the Liquor Control Board in WSR 90-03-088, appearing in issue 90-03 of the State Register, which was distributed on February 7, 1990, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-17-019
WITHDRAWAL OF PROPOSED RULES
LIQUOR CONTROL BOARD
(By the Code Reviser's Office)
[Filed August 7, 1990, 4:47 p.m.]

WAC 314-20-025, proposed by the Liquor Control Board in WSR 90-03-089, appearing in issue 90-03 of the State Register, which was distributed on February 7, 1990, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-17-020
WITHDRAWAL OF PROPOSED RULES
FRUIT COMMISSION
(By the Code Reviser's Office)
[Filed August 7, 1990, 4:48 p.m.]

WAC 224-12-090, proposed by the Fruit Commission in WSR 90-03-091, appearing in issue 90-03 of the State Register, which was distributed on February 7,

1990, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-17-021

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(By the Code Reviser's Office)**

[Filed August 7, 1990, 4:49 p.m.]

WAC 296-155-225 and 296-155-227, proposed by the Department of Labor and Industries in WSR 90-03-093, appearing in issue 90-03 of the State Register, which was distributed on February 7, 1990, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-17-022

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF PERSONNEL
(By the Code Reviser's Office)**

[Filed August 7, 1990, 4:50 p.m.]

WAC 356-42-056, proposed by the Department of Personnel in WSR 90-03-103, appearing in issue 90-03 of the State Register, which was distributed on February 7, 1990, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-17-023

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF LICENSING
(By the Code Reviser's Office)**

[Filed August 7, 1990, 4:51 p.m.]

WAC 460-90A-015, 460-90A-055, 460-90A-105, 460-90A-125 and 460-90A-140, proposed by the Department of Licensing in WSR 90-03-106, appearing in issue 90-03 of the State Register, which was distributed on February 7, 1990, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-17-024

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF LICENSING
(By the Code Reviser's Office)**

[Filed August 7, 1990, 4:52 p.m.]

WAC 308-30-030, 308-30-040, 308-30-050, 308-30-060, 308-30-070, 308-30-080 and 308-30-090 proposed by the Department of Licensing in WSR 90-03-107, appearing in issue 90-03 of the State Register, which was distributed on February 7, 1990, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-17-025

**EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 90-65—Filed August 7, 1990, 4:59 p.m.]

Date of Adoption: August 7, 1990.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-32-05100Z [220-32-051].

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of chinook salmon are available in the Columbia River. This rule is consistent with the actions of the August 2, 1990, meeting of the Columbia River Compact.

Effective Date of Rule: Immediately.

August 7, 1990

Gene DiDonato

for Joseph R. Blum

Director

NEW SECTION

WAC 220-32-05100Z COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-051 and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

Open Periods: 6 AM August 8 to 6 PM August 11, 1990;
6 AM August 13 to 6 PM August 18, 1990;
6 AM August 20 to 6 PM August 25, 1990;
6 AM August 27 to 6 PM August 31, 1990.

Area: 1F, 1G, and 1H

Mesh: 8 inch minimum mesh.

(3) Notwithstanding the provisions of WAC 220-32-058, closed area at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2-mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek is those waters of the Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway, except that during the period August 27 through September 20, the closed area is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a

boundary marker located 1 1/2 miles downstream of the Spring Creek Hatchery fishway and the downstream marker of the Big White Salmon sanctuary located approximately 1/2 mile upstream of the fishway.

(4) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G shall include those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H shall include those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

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

WSR 90-17-026
EMERGENCY RULES
DEPARTMENT OF LICENSING
[Filed August 8, 1990, 8:49 a.m.]

Date of Adoption: August 8, 1990.

Purpose: To adopt/amend procedural rules pertaining to adjudicative proceedings conducted by the Department of Licensing, and to repeal procedural rules that conflict with chapter 34.05 RCW and/or that are inconsistent with current agency jurisdiction.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-08-080; and amending WAC 308-08-005.

Statutory Authority for Adoption: RCW 34.05.220 (1)(a).

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Chapter 34.05 RCW sets forth general procedures for adjudicative proceedings and requires the agency to adopt specific procedural rules. The processes involved are for the protection of

the public. In order to utilize the administrative processes, the parties involved must have notice of those processes.

Effective Date of Rule: Immediately.

August 6, 1990
Mary Faulk
Director

AMENDATORY SECTION (Amending Order 504-DOL, filed 7/20/78)

~~WAC 308-08-005 ((PORTIONS OF UNIFORM PROCEDURAL RULES APPLICABLE TO VARIOUS SUBAGENCIES)) APPLICATION OF THIS CHAPTER. ((With the purpose of uniformity in mind, the director, under authority granted by statute and pursuant to chapter 34.04 RCW et seq., does hereby adopt the rules of practice and procedure in the subsequent sections:~~

~~(1) Rules WAC 308-08-010 through 308-08-590 apply to administrative procedure in reference to:~~

~~RCW chapter~~

- ~~18.32 Dentists~~
- ~~18.78 Practical nurses~~
- ~~18.85 Real estate brokers and salesmen~~
- ~~18.92 Veterinarians~~
- ~~21.20 Securities Act of the state of Washington~~
- ~~46.70 Dealers' licenses (motor vehicles)~~
- ~~82.36 Liquid fuel tax~~
- ~~82.38 Special fuel tax~~

~~(2) Rules WAC 308-08-540 through 308-08-590 do not apply to the following agencies:~~

- ~~18.08 Architects~~
- ~~18.36 Drugless healing~~
- ~~18.57 Osteopathy~~
- ~~18.33 Psychologists~~
- ~~46.82 Commercial driver training schools~~

~~(3) Rules WAC 308-08-150 through 308-08-220 do not apply to the following agencies:~~

- ~~18.15 Barbers~~
- ~~18.18 Beauty culture~~
- ~~18.22 Chiropodists~~
- ~~18.39 Embalmers~~
- ~~18.74 Physical therapy~~
- ~~46.80 Motor vehicle wreckers~~
- ~~81.72 Passenger for hire licenses~~

~~(4) Rules WAC 308-08-150 through 308-08-220 and WAC 308-08-540 through 308-08-590 do not apply to the following agencies:~~

- ~~18.25 Chiropractors~~
- ~~18.29 Dental hygienists~~
- ~~18.34 Dispensing opticians~~
- ~~18.50 Midwifery~~
- ~~18.53 Optometry~~
- ~~18.90 Sanitarians~~
- ~~43.74 Basic science committee~~

~~(5) Only rules WAC 308-08-540 through 308-08-590 apply to the following license procedures under the motor vehicle laws:~~

- ~~46.12 Certificates of ownership~~

~~46.16 Vehicle licenses~~

~~[and] 46.29 Financial and safety responsibility~~

~~46.76 Motor vehicle transporters~~

~~46.84 Reciprocity~~

~~The exclusion of certain rules or the applicability of certain rules under this section is based upon the statutory authority given to the director of licensing by the legislature of the state of Washington. The word agency as used in these sections is interchangeable used with the word department, commission, or board.)) This chapter applies to all adjudicative proceedings under the jurisdiction of the department of licensing or the director of the department of licensing, provided that the rules shall not apply to adjudicative proceedings held pursuant to chapters 46.20, 46.25 and 46.65 RCW, except for hearings held pursuant to RCW 46.20.329 as provided in WAC 308-08-600 through 308-08-660.~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-08-080 NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES.

NEW SECTION

WAC 308-08-085 REQUESTS FOR ADJUDICATIVE PROCEEDINGS. (1) All applications that the Department of Licensing conduct an adjudicative proceeding, including but not limited to requests for a hearing in a proceeding initiated by the department, shall be made on the applicable form for such requests provided by the department or on a form which is substantially similar.

(2) Applications to the department for an adjudicative proceeding shall be made within the following time limitations:

(a) Within twenty (20) calendar days of receipt by the applicant of a written notice of an opportunity to request a hearing upon agency action, or contemplated agency action; or

(b) Within twenty (20) calendar days from notice to the applicant from any source of administrative action by the department which the applicant believes has or will adversely affect the applicant.

(3) Failure of an applicant to file an application for an adjudicative proceeding within the time limits set forth in subsections (2)(a) or (2)(b) above, constitutes a default and results in the loss of the applicant's right to an adjudicative proceeding, and the department may proceed to resolve the case pursuant to RCW 34.05.440(1).

(4) The department shall not grant any request for an adjudicative proceeding to an applicant who does, or will, not have standing to request judicial review of the agency actions, or contemplated agency actions pursuant to RCW 34.05.530.

(5) The department shall process applications for adjudicative proceedings as provided in RCW 34.05.416 and RCW 34.05.419.

NEW SECTION

WAC 308-08-416 *PETITION FOR RECONSIDERATION OF FINAL ORDERS.* Pursuant to RCW 34.05.470, a petition for reconsideration of a final order must be filed in the Office of the Director, Department of Licensing, Highways-Licenses Building, Olympia, Washington, within ten days of service of the final order.

WSR 90-17-027
NOTICE OF PUBLIC MEETINGS
BOARD FOR
VOCATIONAL EDUCATION
 [Memorandum—August 8, 1990]

SEPTEMBER 11, 1990
 GRIFFIN BUSINESS COLLEGE
 AUDITORIUM
 2111 SOUTH 90TH STREET
 TACOMA, WASHINGTON

Public hearing, September 11, 1990, 8:00 – 9:00 a.m., the Washington State Board for Vocational Education will hold a public hearing on proposed WACs for the Private Vocational School Act.

Work study session, September 11, 1990, 9:00 a.m. – noon, members of the Washington State Board for Vocational Education will meet in a work study session to discuss progress and outcomes reports on FY 90 JSP projects, PY 89 JTPA projects, and FY 90 offender and community based organization/local education agency projects funded with Carl Perkins dollars. In addition, the board members will discuss the priorities and process for distribution of the discretionary funds.

Regular meeting, September 11, 1990, 1:00 p.m., the regular business meeting of the state board will convene at 1:00 p.m. Primary agenda items include: Consideration of job skills program applications, adoption of the proposed Private Vocational School Act WACs, adoption of the priorities and process for distribution of the discretionary funds, and consideration and approval of the Carl Perkins offender and community based organization/local education agency proposals.

People needing special accommodations, please call Patsi Justice at (206) 753-5660 or 234-5660 scan.

WSR 90-17-028
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed August 8, 1990, 1:47 p.m.]

Date of Adoption: August 8, 1990.

Purpose: Establish definition of recreational vehicles for commercial driver license purposes, provide for the release of driving records to insurance companies for commercial motor vehicles, correct a drafting error in WAC 308-104-050.

Citation of Existing Rules Affected by this Order: Amending WAC 308-100-010 and 308-104-050.

Statutory Authority for Adoption: RCW 46.01.110 and 46.25.140.

Pursuant to notice filed as WSR 90-14-039 on June 29, 1990.

Effective Date of Rule: Thirty days after filing.

August 8, 1990
 Mary Faulk
 Director

NEW SECTION

WAC 308-100-210 **RECREATIONAL VEHICLE — DEFINITION.** For the purposes of RCW 46.25.050 (1)(c), the term "recreational vehicle" shall include vehicles used exclusively for non-commercial purposes which are:

- (1) Primarily designed for recreational, camping, or travel use;
- (2) Towing a horse trailer; or
- (3) Rental trucks having no more than two axles (one steering and one drive axle) used strictly and exclusively to transport personal possessions.

NEW SECTION

WAC 308-104-145 **DRIVING RECORD ABSTRACTS—RELEASE TO INSURANCE COMPANIES.** For purposes of RCW 46.52.130, an abstract of driving record provided to an insurance company that has insurance in effect covering a person's employer or a prospective employer shall exclude any information pertaining to the person's operation of a noncommercial motor vehicle. The abstract provided to the insurance company that has insurance in effect covering the person, or the insurance company to which the person has applied, shall exclude any information pertaining to the person's operation of a commercial motor vehicle. The abstract provided to the insurance company shall also exclude any information pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.020, or any member of the Washington state patrol, while driving official vehicles in the performance of occupational duty during an emergency situation if the chief of the officer's or fire fighter's department certifies on the accident report that the actions of the officer or fire fighter were reasonable under the circumstances as they existed at the time of the accident. As used in this section, "commercial motor vehicle" shall have the meaning defined in RCW 46.25.010(6).

AMENDATORY SECTION (Amending WSR 89-18-003, filed 8/24/89, effective 9/24/89)

WAC 308-100-010 **VEHICLES REQUIRING ENDORSEMENT OR COMMERCIAL DRIVER LICENSE FOR THEIR OPERATION.** The director of the department of licensing hereby finds that the following vehicles require special operating skills by the drivers of those vehicles: Single vehicles with a gross vehicle weight rating (GVWR) of 26,001 pounds or more, and any such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds; or any single vehicles with a GVWR of less than 26,001 pounds or any such vehicle

towing a vehicle with a GVWR not in excess of 10,000 pounds consisting of:

- (1) Vehicles designed to transport sixteen or more passengers, including the driver;
- (2) Vehicles used in the transportation of hazardous materials that requires the vehicle to be identified with a placard under 49 C.F.R., part 172, subpart F; and
- (3) All school buses regardless of capacity.

All persons driving such vehicles, other than those exempt under RCW 46.25.020, must have an endorsement on their driver's license designated as INTERMEDIATE or must possess a commercial driver's license with the proper classification(s). Drivers of trucks having two axles and with a GVWR of 26,001 pounds or more must obtain a commercial driver's license in the manner prescribed by ~~((WAC 308-100-... (Commercial driver license conversion)))~~ WAC 308-100-100, no later than April 1, 1992.

AMENDATORY SECTION (Amending Order DS 3, filed 9/22/87)

WAC 308-104-050 WAIVER OF DRIVER EDUCATION REQUIREMENT—WHEN GRANTED. No waiver of the traffic safety education course requirement for applicants under the age of 18 years shall be issued unless:

(1) The parent, guardian, or other person having the care, custody and control of the ~~((applicants))~~ applicant certifies that the ~~((applicant[s]))~~ applicant is:

(a) Unable to take or successfully complete a traffic safety education course and the reasons therefor, and

(b) That there exists an immediate need to operate a motor vehicle. The immediate need shall be set forth in as much detail as possible. For the purpose of meeting this requirement, "an immediate need exists" shall be construed to mean that the capability to drive will reduce or help eliminate the negative consequences of the situation that created the immediate need to drive. If operating a motor vehicle does not reduce the hardship which was created by the situation, "an immediate need" does not exist; and

(2) The waiver is approved by a majority of a three member committee consisting of two department of licensing members which shall include any two of the following: The assistant director for driver services, the administrator of hearings, the administrator of driver responsibility, the administrator or assistant administrator(s) for driver operations, and one member who shall be the supervisor of driver and safety education in the office of the superintendent of public instruction or his/her designee. The committee shall have the power to set definite restrictions as to hours of the day and routes or areas of travel permitted under the waiver until the applicant has completed a driver education course or has reached the age of 18 years.

WSR 90-17-029

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF HEALTH (Psychology Board)

[Memorandum—August 7, 1990]

Please publish the following changes of locations for the Psychology Board meetings:

Date	Location
November 9-10, 1990	West Coast Ridpath Hotel West 515 Sprague Spokane, WA 99204-0367 Rooms - Terrace A and B
December 14-15, 1990	Silverdale on the Bay 3073 Bucklin Hill Road Silverdale, WA 98383 East Bay Room

WSR 90-17-030

PROPOSED RULES WESTERN WASHINGTON UNIVERSITY

[Filed August 9, 1990, 9:10 a.m.]

Original Notice.

Continuance of WSR [90-13-081].

Title of Rule: Bicycle traffic and parking regulations.

Purpose: Proposed changes to bicycle regulations.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Statute Being Implemented: RCW 28B.10.560.

Summary: The proposed changes regulate the use of bicycles on pedestrian walkways on campus.

Reasons Supporting Proposal: During regular class days, walkways are often congested. In an effort to improve safety conditions, bicycles [bicyclists] will be required to "walk" their bikes on walkways.

Name of Agency Personnel Responsible for Drafting: Wendy Bohlke, Assistant Attorney General, 320 BNB, Bellingham, WA 98225, (206) 676-2037; Implementation and Enforcement: George A. Pierce, VPB&FA, Western Washington University, Bellingham, 98225, (206) 676-3180.

Name of Proponent: Western Washington University, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: [No information supplied by agency.]

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

Small Business Economic Impact Statement: [No information supplied by agency.]

Hearing Location: 341 Wilson Library, Western Washington University, 516 High Street, Bellingham, WA, on November 27, 1990, at 2:00 p.m.

Submit Written Comments to: Attorney General's Office, Attn: Wendy Bohlke, 320 BNB, Bellingham, Washington 98225, by November 26, 1990.

Date of Intended Adoption: December 7, 1990.
July 27, 1990
Dennis A. Kole
Assistant Attorney General

AMENDATORY SECTION (Amending Order 6-02-83, Motion No. 6-02-83, filed 6/28/83, effective 9/19/83)

WAC 516-13-030 **IMPOUNDING OF BICYCLES.** (1) Bicycles may be impounded (~~(for illegal parking)~~) if parked or ridden illegally.
(2) Bicycles will be released upon presentation of proof of ownership and payment of a ~~(((\$3.00))~~) five dollar fee if claimed within seven days. Bicycles unclaimed after seven days will be released to the Bellingham police department. If the owner of an impounded bicycle can be identified they will be notified immediately after impound.

AMENDATORY SECTION (Amending Order 6-02-83, Motion No. 6-02-83, filed 6/28/83, effective 9/19/83)

WAC 516-13-080 **OPERATION.** (~~(Pedestrians have the right-of-way on all sidewalks, pathways, and plaza areas on campus. Bicyclists will use due caution when riding bicycles on campus.)~~) On weekdays and evenings during regularly-scheduled class hours, bicycles shall not be ridden on any sidewalks, pathways, plazas, or lawn areas of the campus unless so designated by conventional signs. Bicycles shall use vehicular roadways or other designated routes to reach bicycle parking areas. Bicycles may be walked on any pedestrian walkway.

WSR 90-17-031

PERMANENT RULES

WESTERN WASHINGTON UNIVERSITY

[Filed August 9, 1990, 9:11 a.m., effective September 1, 1990]

Date of Adoption: August 3, 1990.

Purpose: Provide means to exercise control of firearms and dangerous weapons on campus.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Pursuant to notice filed as WSR 90-13-080 on June 20, 1990.

Effective Date of Rule: September 1, 1990. The presently enforced rules were previously adopted on an emergency basis and the effective date ends August 31, 1990. These new rules need to have an effective date of September 1, 1990, in order to best protect and promote the public health, safety and welfare of the university.

August 3, 1990

Dennis A. Kole

Assistant Attorney General

[NEW SECTION]

WAC 516-52-020 **FIREARMS AND DANGEROUS WEAPONS.** (1) Only such persons who are authorized to carry firearms or other weapons as duly appointed and commissioned law enforcement officers in the state of Washington, or commissioned by agencies of the United States government, shall possess firearms or other weapons issued for their possession by their respective law enforcement agencies while on the campus or other university-controlled property, including residence halls. No one may possess explosives unless licensed to do so for purposes of conducting activities relating to building construction or demolition.

(2) Other than the law enforcement officers referenced in paragraph (1) above, members of the campus

community and visitors who bring firearms or other weapons to campus must immediately place the firearms or weapons in the university-provided storage facility. The storage facility is located at the university Public Safety Department and is accessible 24 hours per day.

(3) If any member of the campus community or visitor wishes to bring a weapon to the campus for display or demonstration purposes directly related to a class, seminar, or other educational activity, permission for such possession may be obtained at the university Public Safety Department, which shall review any such proposal and may establish the conditions of the possession on campus.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 90-17-032

PERMANENT RULES

WESTERN WASHINGTON UNIVERSITY

[Filed August 9, 1990, 9:12 a.m.]

Date of Adoption: August 3, 1990.

Purpose: Minor changes to the university's parking regulations, including lot number changes, and clean up some punctuation.

Citation of Existing Rules Affected by this Order: Amending Parking and traffic regulations, i.e., WAC 516-12-430, 516-12-440 and 516-12-470.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Pursuant to notice filed as WSR 90-13-081 on June 20, 1990.

Effective Date of Rule: Thirty days after filing.

August 6, 1990

Dennis A. Kole

Assistant Attorney General

AMENDATORY SECTION [(Amending Resolution No. 85-05, filed 7/2/85)]

WAC 516-12-430 **GENERAL REGULATIONS.** (1) The registered owner(s) and operator of a vehicle or the person to whom a permit is issued involved in a violation of these regulations will be jointly and severally responsible for the violation.

(2) All vehicles, attended or unattended, must display a valid Western Washington University parking permit when parked on the campus unless parked in a metered parking space (with meter payment), a time-limited space, or, with approval of the parking services office, a space designated for visitors.

(3) Policy on assignments to parking lots will be established by the parking manager.

(4) If a parking permit holder cannot locate a parking space in the assigned lot, he/she may park in the nearest visitor area and then must call the parking services office. Motorcycle permit holders will go to the next nearest motorcycle lot.

(5) The university reserves the right to refuse ~~((issuance of a parking permit))~~ parking privileges to anyone who has

- (a) Had a permit revoked.
- (b) Falsified a parking application or registration.
- (c) Counterfeited or altered an(;) area designator or permit.
- (d) Failed to pay outstanding citations.
- (e) Been identified as a habitual offender.
- (f) Been found to be in possession of or using a lost or stolen permit.

(6) The speed limit on campus is 10 mph or as posted. Vehicles must be operated in a careful and prudent manner at all times and must be operated in compliance with established speed limits. Drivers of vehicles must obey all regulatory signs and comply with directions given by members of the transportation and parking department and officers of the public safety department in the control and regulation of parking and traffic.

(7) The operator of a vehicle must yield the right-of-way to pedestrians crossing streets and roadways within the campus, and at intersections or clearly marked crosswalks or city streets which cross the campus. Pedestrians must not cross any street or roadway except at an intersection or clearly marked crosswalk. Pedestrians must utilize sidewalks where provided on streets and roadways. If no sidewalk is provided, pedestrians will utilize the extreme left-hand side and move to their left and clear of the roadway or street upon meeting an oncoming vehicle.

(8) Vehicles owned by or assigned on a permanent basis to administrative units on campus and bearing "E," "B" or "M" license plates or a university insignia may be parked in "G" or ((^AP^B)) "C" lots for brief periods while the driver is on university business. Long-term parking is not permitted, nor is any parking allowed in reserved spaces except when a space is designated for that specific vehicle. University vehicles may be parked in metered spaces provided that meter regulations are observed. Violations incurred will be the responsibility of the driver. All operators of these or other state vehicles will abide by all traffic and parking regulations.

(9) No person may utilize any vehicle parked on campus as a living unit without specific approval from the parking manager. Violators will be cited and/or towed.

(10) Vehicles are to be maintained in operating condition at all times on university property. Repairs will not be made on campus unless authorization has been received in advance from the parking manager. A vehicle which appears to be abandoned, with or without current Western Washington University registration or license plates, may be impounded after an attempt is made to locate and notify the owner of the impending action.

(11) The university rents space to individuals who wish to park on campus and who are issued a parking permit. The university assumes no responsibility or liability under any circumstances for vehicles or bicycles parked on campus nor does it assume any personal liability in connection with its parking program. No bailment of any sort is created by the issuance of a permit.

(12) The person who obtains a permit is responsible for assuring that the vehicle, regardless of who drives it, is parked in conformance with these regulations.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: RCW 34.05.395 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 Resolution No. 85-05, filed 7/2/85)]

WAC 516-12-440 PARKING AREAS. (1) Parking is prohibited in any area not specifically marked as a parking space, designated by a sign, wheelstop, white/painted lines, and/or white traffic buttons.

(2) Vehicles will not be parked in any parking area without a parking permit for that area except as provided in WAC 516-12-430(2).

(3) Parking in a time-limited space is limited to the time posted or assigned.

(4) Visitors will park only where assigned by permit or in metered visitor areas with meter payment.

(5) Vehicles displaying valid permits for other parking areas on campus may not park in metered visitor lots except as provided in WAC 516-12-430(4).

(6) Metered lots are reserved for visitors and should not be used by members of the campus community. "Feeding" meters is prohibited.

(7) Motorcycles and moped-type vehicles will be parked in designated "M" (motorcycle) lots only and will not use space assigned to automobiles or bicycles.

(8) Automobiles will not park in areas assigned to motorcycles.

(9) Bicycles must be parked in bicycle racks where provided. (Chapter 516-13 WAC.)

(10) Personal notes left on vehicles describing reasons for parking without a proper and valid permit or for parking in an unauthorized manner will not be accepted.

(11) Spaces designated for specific use are restricted to assigned vehicles.

(12) Resident student ((~~€~~)) "R" lots are restricted to permit holders 24 hours per day.

(13) All parking spaces are defined by signs, painted surface lines, traffic "buttons," and/or wheelstops. All other areas are no parking zones. Using more than one space when parking is prohibited.

(14) The fact that other vehicles are parked improperly does not constitute a valid excuse. Should an individual parked in violation of any regulation not receive a citation, it does not indicate that such parking is authorized, that the regulation is no longer in effect, or that a future ticket is invalid.

(15) The fact that one vehicle is parked in such a manner as to occupy more than one parking space is not an acceptable excuse for another operator to do the same. [Statutory Authority: RCW 28B.10.560. 85-14-098 (Resolution No. 85-050. & 516-12-440, filed 7/2/85.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

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 in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION [(Amending Resolution No. 6-04-87, filed 8/20/87)]

WAC 516-12-470 ENFORCEMENT. (1) General

(a) A vehicle which is parked in a manner which endangers or potentially endangers members of the university community or their property, state property, and/or prevents a person having a valid permit from parking in their designated parking area, will be impounded on the first violation.

(b) Upon receiving a third parking citation with two previous unpaid parking citations outstanding for more than seventy-two hours, a vehicle is subject to impound.

(c) A student with unpaid parking citations may not be allowed to have a copy of his/her transcript released by the registrar's office.

(d) Parking permits will not be issued until all outstanding citations are paid.

(e) After identifying the registered owner of any vehicle (without a parking permit or a permit number which has ~~((three))~~ one or more unpaid citations, the parking services office will contact the owner in writing that payment is required. If payment for outstanding citations is not made by the date required, the matter will be referred to the appropriate collection agent and/or civil court for resolution.

(f) The operator and owner(s) of a vehicle which is involved in a violation of the university's parking regulations are jointly and severally responsible for the violation. The person to whom a permit is issued is responsible for all citations issued to that permit number.

(g) These enforcement measures are cumulative and resort to one or more will not waive or impair the university's right to use any other enforcement measure.

(h) The fine and penalty for illegal possession of a lost or stolen permit will be a fine equal to the original value of the highest priced period plus \$5.00 and revocation of parking privileges for a period of one year.

(2) When regulations are in effect

(a) Except as stated in b and c of this section, the regulations in this chapter will be enforced throughout the calendar year from 7 a.m. to 5 p.m. but will not be enforced on Saturdays, Sundays, and official university holidays unless otherwise posted. For purposes of this section, intersessions are not considered a university holiday.

(b) A vehicle which is parked in a manner which endangers or potentially endangers members of the university or their property or state property will be impounded on the first violation regardless of when the violation occurs.

(c) Intersession regulations will be determined and published by the parking manager as required.

(3) Night parking

(a) The hours of night parking are 5 p.m. to 7 a.m.

(b) During the hours of night parking all lots except ((("C")) "R" (campus resident) lots and reserved spaces in any lot are open to parking unless otherwise designated by the parking manager.

(c) ((("C")) "R" parking lots are restricted to ((("C" decal)) "R" permit holders at all times.

(4) Citations. A vehicle which is in violation of the university's parking regulations will be issued a citation, and fines will be assessed for violations of these regulations according to the following schedule:

(a) \$5.00 violations:

(i) Occupying more than one space;

(ii) Parking at an expired meter;

(iii) Improper display of permit;

(iv) Overtime parking;

(b) \$10.00 violations:

(i) No valid permit displayed;

(ii) Parking in prohibited area (except handicapped spaces);

(iii) Parking on grass or landscaped area;

(iv) Parking out of assigned area;

(v) Parking in a no parking zone;

(vi) Parking in a reserved area;

(vii) Parking in a driveway or walkway.

(c) \$15.00 violation((:)): Blocking traffic.

(d) \$25.00 violations:

(i) Parking in a designated handicapped space;

(ii) Parking within ten feet of a fire hydrant or in a fire lane;

(e) \$100.00 violation. Display of lost, stolen or forged permit.

(f) Citations will remain in effect for a period of five years.

(5) Continued violations. A vehicle which remains in violation of any regulations may receive additional citations for every four hours of the violation.

(6) Impoundment:

(a) All violators are subject to having their vehicles impounded at their own risk and expense.

(i) Upon receiving a third parking citation with two previous unpaid citations outstanding for more than 72 hours.

(ii) When the vehicle is parked in such a manner as to endanger the university community((:)); or

(iii) The vehicle is parked so as to deprive a permit holder of his/her parking space((:)); or

(iv) When a vehicle is left under circumstances which indicate it has been abandoned((:)); or

(v) When a vehicle displays a permit that has been forged or reported lost or stolen((:));

(vi) At any time their vehicles are parked on campus when parking privileges have revoked.

(b) The operator/owner of the vehicle must provide positive personal identification and proof of ownership of the vehicle and pay all outstanding citations at the parking services office (or public safety office when parking services office is closed) before a vehicle release form is completed.

(i) The release form is issued to the vehicle operator/owner who must then present it in person at the towing

company and pay all towing charges including any storage fees incurred((?));

(ii) A towing fee is charged if the driver of the tow truck has performed any labor prior to the operator/owner returning to the vehicle before the impound is completed.

(7) It is prohibited to park:

- (a) Without a valid permit;
- (b) Double parked;
- (c) In reserved spaces without a proper permit;
- (d) In no parking areas;
- (e) In a handicapped space without a proper permit;
- (f) In fire lanes, service roads, fire exits or within 10 feet of a fire hydrant;
- (g) In loading zones unless actually loading (time is limited);
- (h) In service entrances, construction sites, spaces reserved for maintenance vehicles, handicapped access areas, dumpster access;
- (i) On lawns, sidewalks, crosswalks, parking lot driveways((?)), straddling painted lines or buttons, or angle parking where prohibited;
- (j) Exceeding time in time-limited or metered spaces;
- (k) In areas where permit is not valid;
- (l) Over or adjacent to yellow lines or curbs;
- (m) Against the flow of traffic;
- (n) In areas or spaces closed by barricades or other control devices.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 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.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

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

WSR 90-17-033
PERMANENT RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 453—Filed August 9, 1990, 2:53 p.m., effective August 11, 1990]

Date of Adoption: August 4, 1990.

Purpose: To reopen the fishing seasons on Warden and South Warden Lake (Grant County) after the normal July 31 closure.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 90-13-103 on June 21, 1990.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Reopening the season on August 11, 1990, is necessary to provide angling opportunity on remaining game fish that will otherwise be killed when the lakes are treated with rotenone in October 1990.

Effective Date of Rule: August 11, 1990.

August 7, 1990

Curt Smitch

Director

for John McGlenn

Chairman, Wildlife Commission

NEW SECTION

WAC 232-28-61808 1990-92 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS - WARDEN LAKE AND SOUTH WARDEN LAKE (GRANT COUNTY). Notwithstanding the provisions of WAC 232-28-618, the following regulations apply to the game fish season for Warden Lake and South Warden Lake (Grant County):

WARDEN LAKE (Grant Co.): Mar. 1-July 31 season.

Additional season Aug. 11, 1990-Oct. 31, 1990.

WARDEN LAKE, SOUTH (Grant Co.): Mar. 1-July 31 season.

Additional season Aug. 11, 1990-Oct. 31, 1990.

WSR 90-17-034
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed August 9, 1990, 3:52 p.m.]

Continuance of WSR 90-14-086.

Title of Rule: WAC 296-116-300 Pilotage rates for the Puget Sound pilotage district.

Purpose: To provide a transportation fee in Port Angeles for the Puget Sound pilotage district.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: RCW 88.16.035.

Summary: The pilotage rates for the Puget Sound pilotage district failed to contain a transportation fee for Port Angeles.

Reasons Supporting Proposal: Vessels routinely use the berths in Port Angeles necessitating the need for the transportation charge.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Admiral Chet Richmond, Pier 52, Seattle, Washington, 464-7818.

Name of Proponent: Port Angeles Pilots Association, private.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 296-116-300 establishes the tariffs for pilotage services performed aboard vessels in the Puget Sound pilotage district. Although vessels routinely dock in Port Angeles, there was no transportation fee included for Port Angeles.

Proposal Changes the Following Existing Rules: The proposed amendment to the rule establishes a ten dollar fee for Port Angeles.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Conference Room, Pier 52, Seattle, Washington 98104, on September 13, 1990, at 9:00 a.m.

Submit Written Comments to: Admiral Chet Richmond, by August 30, 1990.

Date of Intended Adoption: September 13, 1990.

August 9, 1990

Marjorie T. Smitch

Assistant Attorney General

WSR 90-17-035
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3049—Filed August 10, 1990, 8:51 a.m.]

Date of Adoption: August 10, 1990.

Purpose: WAC 388-24-074 incorporates proposed changes exempting census employment from the 100 hour rule for AFDC-E qualifying parent and changes references from OPPORTUNITIES to JOBS.

Citation of Existing Rules Affected by this Order: Amending WAC 388-24-074.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to implement the federal JOBS program and obtain federal matching funds.

Effective Date of Rule: August 11, 1990, 12:01 a.m.

August 10, 1990

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2808, filed 6/7/89)

WAC 388-24-074 AID TO FAMILIES WITH DEPENDENT CHILDREN-EMPLOYABLE-DEPRIVATION DUE TO UNEMPLOYMENT OF A PARENT. (1) The department shall consider a child ~~((to-be))~~ deprived of parental care and support due to the unemployment of a parent when the child lives with two parents, one of which meets all the requirements in this section.

(2) The department shall designate the qualifying parent as that parent ~~((who-earned))~~ earning the greater amount of income in the twenty-four-calendar-month period immediately preceding the month the application for assistance is filed. The department shall:

(a) Designate the qualifying parent using the best evidence available; ~~((and))~~

(b) Consider the earnings of both parents regardless of when the relationship began;

(c) Continue the designation for each consecutive month the family remains on assistance based on the current application; and

(d) Designate the qualifying parent if both parents earned an identical amount of income.

(3) The department shall consider ~~((a))~~ the qualifying parent ~~((to-be))~~ unemployed when the qualifying parent:

(a) Is employed less than one hundred hours a month;

(b) Exceeds this standard for a particular month if the excess is of a temporary nature evidenced by being under the one hundred hour standard for the two prior months and is expected to be under the standard during the next month; ~~((or))~~

(c) Participates in institutional and work experience training ~~((or-in-public-service-employment))~~ under the ~~((OPPORTUNITIES))~~ JOBS program and is not otherwise employed over one hundred hours; or

(d) Works temporarily for the 1990 federal census demonstration project in a position exempted by the project waiver and is not otherwise employed over one hundred hours.

(4) The qualifying parent shall be unemployed as defined in subsection (3) of this section for ~~((at-least))~~ thirty days ~~((prior-to))~~ or more before the date AFDC-E is authorized except when:

(a) AFDC-E is terminated due to employment of the qualifying parent; ~~((and))~~

(b) The full-time employment ends within thirty days of termination; and

(c) The qualifying parent reapplies and is found otherwise eligible for AFDC-E.

(5) During the same thirty-day period, or subsequently, the qualifying parent shall not have:

(a) Refused a bona fide offer of employment; ~~((or))~~

(b) Refused training for employment; ~~((or))~~

(c) Voluntarily left a job without good cause; or

(d) If eligible, refused to apply for or accept unemployment compensation.

(6) The qualifying parent shall~~((:~~

~~((a) Register for the WIN program; and~~

~~((b)))~~ participate, as required in the ~~((OPPORTUNITIES))~~ JOBS program.

(7) The qualifying parent shall have one of the following:

(a) Six or more quarters of work within any thirteen calendar quarter period ending within one year ~~((prior to))~~ before the application for assistance.

(i) A "quarter of work" means a calendar quarter in which the parent earned income of ~~((at-least))~~ fifty dollars or more, or participated in the OPPORTUNITIES or JOBS program.

(ii) A "calendar quarter" means three consecutive months ending March 31st, June 30th, September 30th, or December 31st~~((or))~~.

(b) Within one year ~~((prior-to))~~ before the application, received, or had such a work history to be eligible to receive, unemployment compensation.

WSR 90-17-036
NOTICE OF PUBLIC MEETINGS
HIGHER EDUCATION
PERSONNEL BOARD
 [Memorandum—August 10, 1990]

NOTICE OF MEETING CHANGES
HIGHER EDUCATION PERSONNEL BOARD MEETINGS
 (REFERENCE: RCW 42.30.075)

New Schedule:

DATE	LOCATION
September 6, 1990	University of Washington Terry-Lander Hall, Room 135 Seattle, Washington
September 25, 1990	Green River Community College 12401 S.E. 320th Auburn, WA
Cancelled:	
October 4, 1990	Green River Community College

WSR 90-17-037
PERMANENT RULES
HIGHER EDUCATION
PERSONNEL BOARD

[Filed August 10, 1990, 9:33 a.m., effective October 1, 1990]

Date of Adoption: August 2, 1990.

Purpose: Amends and/or repeals rules to reflect requirements of HB 2567 and to clarify effective date for determining length of a temporary appointment.

Citation of Existing Rules Affected by this Order: Repealing WAC 251-18-185 and 251-18-270; and amending WAC 251-04-040, 251-18-240 and 251-18-280.

Statutory Authority for Adoption: RCW 28B.16.100.

Pursuant to notice filed as WSR 90-13-120 and 90-13-121 on June 21, 1990.

Effective Date of Rule: October 1, 1990.

August 8, 1990
 John A. Spitz
 Director

AMENDATORY SECTION (Amending WSR 90-06-023, filed 2/28/90, effective 4/1/90)

WAC 251-04-040 EXEMPTIONS. The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.

(1) Members of the governing board of each institution/related board; all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed

pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2) Students employed by the institution at which they are enrolled (or related board) and who either:

(a) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not:

(i) Take the place of a classified employee laid off due to lack of funds or lack of work; or

(ii) Fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(b) Are employed in a position directly related to their major field of study to provide training opportunity; or

(c) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

(3) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.

(4) Students employed through the state or federal work/study programs.

(5) Persons employed to work one thousand fifty hours or less in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later. Such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked exceeds one thousand fifty hours in any twelve consecutive month period from the original date of hire (~~(for October 1, 1989, whichever is later))~~ or October 1, 1989, whichever is later, exclusive of overtime or work time as described in subsection (2) of this section.

(6) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

(7) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(8) The personnel director of the higher education personnel board and his confidential secretary.

(9) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the higher education personnel board under this provision.

(10) Any employee who believes that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080, et seq.

(11) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary (~~(, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the board may approve one extension of no more than four years, and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982).~~). Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment. A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

(12) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-19-160.

AMENDATORY SECTION (Amending Order 145, filed 2/28/86, effective 4/1/86)

WAC 251-18-240 CERTIFICATION—METHOD. (1) Upon receipt of a personnel request, the personnel officer shall provide the following number of names to the employing official in writing:

(a) When there are names on the institution-wide layoff list for the class, a single name for each vacancy to be filled by the certification.

(b) When there are no names on the institution-wide layoff list for the class, four more names than there are vacancies to be filled by the certification (~~(and, as provided in WAC 251-23-060, up)~~), provided that:

(i) When other applicants on the eligible list in use have scores equal to the lowest score among the names certified, their names shall be certified; and

(ii) Up to three additional names of eligibles who meet the applicable affirmative action criteria shall be certified as provided in WAC 251-23-060.

(2) Names shall be certified in strict order of standing on the eligible list(s) as established in WAC 251-18-180.

(3) When it is necessary to use more than one eligible list to complete a certification, each eligible list must be exhausted before progressing to the next eligible list. Eligible lists shall be used for filling classified vacancies in the strict order of priority listed below:

(a) Unless the personnel officer has established a combined eligible list in accordance with WAC 251-18-180(10):

- (i) Institution-wide layoff list;
- (ii) Organizational unit promotional list;
- (iii) Institution-wide promotional list;
- (iv) Special employment program layoff list;

- (v) State-wide layoff list;
- (vi) Interinstitutional employee list;
- (vii) Intersystem employee list;
- (viii) Open competitive or noncompetitive list.

(b) When the personnel officer has established a combined eligible list:

- (i) Institution-wide layoff list;
- (ii) Combined eligible list.

(4) Permanent employees certified from an eligible list for consideration of appointment shall be notified by the institution at the time of referral. Upon appointment, the institution shall advise those employees certified but not appointed of the action taken.

AMENDATORY SECTION (Amending Order 98, filed 7/22/82, effective 9/1/82)

WAC 251-18-280 CERTIFICATION—SELECTION—ACTIONS REQUIRED. (1) The employing official shall consider all eligibles certified.

(2) Following certification and consideration of eligibles ((and upon completion of the resulting interviews)), the personnel officer shall record one of the following dispositions of the employing official for each name certified:

(a) Eligible was (~~(interviewed and)~~) considered but not appointed;

(b) Eligible waived consideration for the position;

(c) Eligible could not be contacted (~~(; provided he/she had been given at least two working days to respond to notice of certification;~~

~~(d) Eligible))~~ or failed to appear for ~~((the))~~ an interview; or

~~((te))~~ (d) Eligible was appointed to the position.

(2) When the number of certified eligibles available is reduced to less than four more than there are positions to be filled, upon request from the employing official the personnel officer may provide a replacement name for each eligible who has waived consideration, been determined to be unavailable, or did not appear for the scheduled interview.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 251-18-185 ELIGIBLE LISTS—TIED SCORES—CERTIFICATION.

WAC 251-18-270 CERTIFICATION—INTERVIEW OF ELIGIBLES.

WSR 90-17-038

PERMANENT RULES

INSURANCE COMMISSIONER

[Order R 90-7—Filed August 10, 1990, 11:52 a.m.]

Date of Adoption: August 10, 1990.

Purpose: Amend portions of chapter 284-55 WAC to conform that chapter to the recently adopted chapter 284-66 WAC (which regulates Medicare supplemental insurance policies which have effective dates after December 31, 1988, and all Medicare supplemental insurance policies which are not "guaranteed renewable").

Citation of Existing Rules Affected by this Order: Repealing WAC 284-55-172 and 284-55-177; and amending WAC 284-55-010, 284-55-020 and 284-55-030.

Statutory Authority for Adoption: RCW 48.02.060 and 48.66.041.

Pursuant to notice filed as WSR 90-13-085 on June 20, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 10, 1990

Dick Marquardt

Insurance Commissioner

by David H. Rodgers

Chief Deputy

Insurance Commissioner

AMENDATORY SECTION (Amending Order R 88-9, filed 11/1/88)

WAC 284-55-010 LIMITED PURPOSE OF THIS CHAPTER. (1) Regulation of Medicare supplemental insurance policies under chapter 284-55 WAC is limited to those guaranteed renewable policies which were delivered to residents of this state prior to January 1, 1989. Such guaranteed renewable policies shall also be subject to the requirements of chapter 284-66 WAC as provided at WAC 284-66-020 (2)(a). All Medicare supplemental insurance policies delivered to residents of this state after December 31, 1988, are regulated by the provisions of chapter 284-66 WAC, adopted March 16, 1990. Policies that are not guaranteed renewable and which were delivered to residents of this state prior to January 1, 1990, are also subject to the provisions of chapter 284-66 WAC.

(2) The purpose of this regulation, chapter 284-55 WAC, is to effectuate the provisions of RCW 48.20.450, 48.20.460 and 48.20.470, and to supplement the requirements of chapter 48.66 RCW, the Medicare Supplemental Health Insurance Act, by establishing minimum standards for benefits and specific standards for Medicare supplement insurance, by prescribing the "outline of coverage" to be used in the sale of Medicare supplemental insurance, by establishing other disclosure requirements, by prohibiting the use of certain provisions in Medicare supplement insurance policies, by defining and prohibiting certain practices as unfair acts and practices, and establishing loss ratio requirements; to assure the orderly implementation and conversion of Medicare supplement insurance benefits and premiums due to changes in the federal Medicare program; to provide for the reasonable standardization of the coverage, terms, and benefits of Medicare supplement insurance policies; to eliminate policy provisions which may duplicate Medicare benefits; and to provide for refunds of premiums associated with benefits duplicating Medicare program benefits.

AMENDATORY SECTION (Amending Order R 88-9, filed 11/1/88)

WAC 284-55-020 APPLICABILITY AND SCOPE. (1) ~~((Except as otherwise specifically provided; this regulation shall apply to))~~ This chapter applies to guaranteed renewable Medicare supplemental insurance policies delivered to residents of this state prior to January 1, 1989, including every such group and individual policy of disability insurance and to every such subscriber contract of an insurer, fraternal benefit society, health care service contractor, or health maintenance organization, which relates its benefits to Medicare, or which is advertised, marketed, or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare by reason of age. Such policy or contract is referred to in this ((regulation)) chapter as "Medicare supplemental insurance" or "Medicare supplement insurance policy."

(2) Except as required by federal law, this regulation shall not apply to:

(a) A policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or combination thereof, or for members or former members, or combination thereof, of the labor organizations;

(b) A policy or contract of any professional, trade, or occupational association for its members or former members, or combination thereof, if such association:

(i) Is composed of individuals all of whom are or have been actively engaged in the same profession, trade or occupation;

(ii) Has been maintained in good faith for purposes other than obtaining insurance; and

(iii) Has been in existence for at least two years prior to the date of initial offering of such policy or plan to its members;

(c) Individual policies or contracts issued pursuant to a conversion privilege under a policy or contract of group or individual insurance when such group or individual policy or contract includes provisions which are inconsistent with the requirements of this regulation;

(d) Policies issued to employees or members as additions to franchise plans in existence on the effective date of this regulation, or

(e) Health maintenance organization contracts specified in RCW 48.66.160, to the extent they may be in conflict with this regulation.

AMENDATORY SECTION (Amending Order R 88-9, filed 11/1/88)

WAC 284-55-030 DEFINITIONS. For purposes of this regulation:

(1) "Applicant" means:

(a) In the case of an individual Medicare supplement insurance policy or subscriber contract, the person who seeks to contract for insurance benefits, and

(b) In the case of a group Medicare supplement insurance policy or subscriber contract, the proposed certificate holder.

(2) "Certificate" means any certificate issued under a group Medicare supplement insurance policy, which policy has been delivered or issued for delivery in this state.

(3) "Insurer" includes insurance companies, fraternal benefit societies, health care service contractors and health maintenance organizations.

(4) "Direct response insurer" means an insurer who, as to a particular transaction, is transacting insurance directly with a potential insured without solicitation by, or the intervention of, a licensed insurance agent.

(5) "Guaranteed renewable" means a Medicare supplemental insurance policy or certificate which is renewable solely at the option of the insured by the timely payment of premiums, except that the insurer may make changes in premium rates by classes.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-55-172 FORM OF ANNUAL ADJUSTMENT NOTICE—POLICY CHANGES EFFECTIVE JANUARY 1, 1990.

WAC 284-55-177 FORM OF ANNUAL ADJUSTMENT NOTICE—POLICY CHANGES EFFECTIVE JANUARY 1, 1991.

WSR 90-17-039
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 10, 1990, 2:35 p.m.]

Original Notice.

Title of Rule: Prevailing wage fees.

Purpose: To reduce fees for filing prevailing wage forms with the department.

Statutory Authority for Adoption: RCW 43.22.270.

Statute Being Implemented: RCW 39.12.070.

Summary: The fee for filing a statement of intent to pay prevailing wage and an affidavit of wages paid is reduced from \$25 to \$12.50.

Reasons Supporting Proposal: Fees collected are in excess of those authorized by RCW 39.12.070. Legislation authorizing the current fee level was not approved last season [session] and subsequent efforts to amend the fees, along with other rule versions, have been delayed.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mark M. McDermott, 406 Legion Way, S.E., Olympia, (206) 753-3487.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Fees are collected to cover the cost of processing prevailing wage forms. Fees were increased in 1988 in

anticipation of funding expanded duties. Fees are proposed to be reduced to the the level necessary to match processing costs. A fee reduction by emergency rule was effective May 1, 1990.

Proposal Changes the Following Existing Rules: See above.

Small Business Economic Impact Statement: The department has considered whether this rule is subject to the Regulatory Fairness Act and has determined that it is not because the act applies to rules that have a negative economic impact in terms of costs or expenditure of resources (equipment, supplies, labor, administrative costs, etc.). This rule modification reduces the filing fees the department charges contractors being awarded public works contracts. The annual cost of this reduced filing fee does not create an economic burden for any regulated business; and in practice is often reimbursed to the contractor by the agency awarding the contract.

Hearing Location: General Administration Building, Main Auditorium, Olympia, Washington, on October 3, 1990, at 9:00 a.m.

Submit Written Comments to: Mark M. McDermott, Assistant Director, 406 Legion Way S.E., HC-710, Olympia, WA 98504, by October 15, 1990.

Date of Intended Adoption: November 2, 1990.

August 10, 1990

Joseph A. Dear
Director

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 88-22, filed 10/31/88)

WAC 296-127-040 STATEMENT OF INTENT TO PAY PREVAILING WAGES. (1) All statements of intent to pay prevailing wages ((for contracts in excess of two thousand five hundred dollars)) submitted to the industrial statistician of the department shall be accompanied by a fee of ((twenty-five dollars)) twelve dollars and fifty cents for each statement. ((All statements of intent to pay prevailing wages for contracts of two thousand five hundred dollars or less submitted to the department shall be accompanied by a fee of twelve dollars fifty cents for each statement.)) Fees shall be made payable to the department of labor and industries.

(2) Any agency, division, or department of the state of Washington which through agreement with the department certifies statements of intent for its own contracts shall provide to the industrial statistician each month the number of statements of intent certified and quarterly shall send a fee of ((~~\$10.00~~)) ten dollars for each statement of intent to pay prevailing wages it has certified. This fee shall be sent to the industrial statistician and be made payable to the department of labor and industries.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 88-22, filed 10/31/88)

WAC 296-127-045 AFFIDAVIT OF WAGES PAID. (1) All affidavits of wages paid ((for contracts in excess of two thousand five hundred dollars)) submitted to the industrial statistician of the department shall be accompanied by a fee of ((twenty-five dollars)) twelve dollars and fifty cents for each affidavit of wages paid. ((All affidavits of wages paid for contracts of two thousand five hundred dollars or less submitted to the industrial statistician of the department shall be accompanied by a fee of twelve dollars fifty cents for each affidavit.)) All fees shall be made payable to the department of labor and industries.

(2) Any agency, division, or department of the state of Washington which through agreement with the department certifies affidavits of wages paid for its own contracts shall provide to the industrial statistician each month the number of affidavits of wages paid it has certified and quarterly shall send a fee of ((~~\$10.00~~)) ten dollars for each affidavit of wages paid it has certified. This fee shall be sent to the industrial statistician and be made payable to the department of labor and industries.

WSR 90-17-040
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed August 10, 1990, 2:36 p.m.]

Date of Adoption: August 10, 1990.

Purpose: To bring filing fees into conformance with statutory requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 296-127-040 and 296-127-045.

Statutory Authority for Adoption: RCW 43.22.270 and 39.12.070.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Fees collected are in excess of those authorized by RCW 39.12.070. Legislation authorizing the current fee level was not approved last season [session] and subsequent efforts to amend the fees, along with other rule versions, have been delayed.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: A hearing on a permanent rule will be held on October 3, 1990.

Effective Date of Rule: Immediately.

August 10, 1990
 Joseph A. Dear
 Director

READOPTED/AMENDATORY

SECTION (Readopting and Amending Order 88-22, filed 10/31/88)

WAC 296-127-040 STATEMENT OF INTENT TO PAY PREVAILING WAGES. (1) All statements of intent to pay prevailing wages (~~for contracts in excess of two thousand five hundred dollars~~) submitted to the industrial statistician of the department shall be accompanied by a fee of (~~twenty-five dollars~~) twelve dollars and fifty cents for each statement. (~~All statements of intent to pay prevailing wages for contracts of two thousand five hundred dollars or less submitted to the department shall be accompanied by a fee of twelve dollars fifty cents for each statement.~~) Fees shall be made payable to the department of labor and industries.

(2) Any agency, division, or department of the state of Washington which through agreement with the department certifies statements of intent for its own contracts shall provide to the industrial statistician each month the number of statements of intent certified and quarterly shall send a fee of (~~\$10.00~~) ten dollars for each statement of intent to pay prevailing wages it has certified. This fee shall be sent to the industrial statistician and be made payable to the department of labor and industries.

READOPTED/AMENDATORY

SECTION (Readopting and Amending Order 88-22, filed 10/31/88)

WAC 296-127-045 AFFIDAVIT OF WAGES PAID. (1) All affidavits of wages paid (~~for contracts in~~

~~excess of two thousand five hundred dollars~~) submitted to the industrial statistician of the department shall be accompanied by a fee of (~~twenty-five dollars~~) twelve dollars and fifty cents for each affidavit of wages paid. (~~All affidavits of wages paid for contracts of two thousand five hundred dollars or less submitted to the industrial statistician of the department shall be accompanied by a fee of twelve dollars fifty cents for each affidavit.~~) All fees shall be made payable to the department of labor and industries.

(2) Any agency, division, or department of the state of Washington which through agreement with the department certifies affidavits of wages paid for its own contracts shall provide to the industrial statistician each month the number of affidavit of wages paid it has certified and quarterly shall send a fee of (~~\$10.00~~) ten dollars for each affidavit of wages paid it has certified. This fee shall be sent to the industrial statistician and be made payable to the department of labor and industries.

WSR 90-17-041
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed August 10, 1990, 2:37 p.m.]

Date of Adoption: August 10, 1990.

Purpose: Proposed amendments to WAC 296-46-910 are changes made to cover the increasing costs of making electrical inspections; proposed amendments to WAC 296-46-915 are changes made to cover the increasing costs of electrical contactor licensing, electrical administrator certification and document copy fees; and proposed amendments to WAC 296-401-175 are changes made to cover the increasing costs of electrician and electrical trainee certification.

Citation of Existing Rules Affected by this Order: Amending WAC 296-46-910, 296-46-915 and 296-401-175.

Statutory Authority for Adoption: WAC 296-46-910: RCW 19.28.060 and 19.28.210(6); WAC 296-46-915: RCW 19.28.060, 19.28.120(2) and 19.28.510; and WAC 296-401-175: RCW 19.28.060, 19.28.600, 19.28.510(2), 19.28.540(2) and 19.28.550.

Pursuant to notice filed as WSR 90-12-104 on June 6, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 10, 1990
 Joseph A. Dear
 Director

AMENDATORY SECTION (Amending Order 87-07, filed 5/1/87)

WAC 296-46-910 INSPECTION FEES. To calculate the inspection fees, the amperage is based on the larger of the conductor ampacity or the (~~over-current~~) overcurrent device.

(1) The fee for inspection of the installation, alteration, or maintenance of the following service(s), or feeder(s), is:

	Residential Services Column A	Commercial/Industrial Column B	Commercial/Industrial Column C
1 - 100 AMP	\$ 30	\$ 40	\$ 10
101 - 200 AMP	\$ 40	\$ 60	\$ 15
201 - 400 AMP	\$ 55	\$100	\$ 25
401 - 600 AMP	\$ 70	\$140	\$ 35
601 - 1000 AMP	\$ 85	\$180	\$ 45
1001 - Over AMP	\$100	\$220	\$ 55
Two family dwelling	\$ 50		
Temporary Construction Service	(\$ 25))		

	Residential Services Column A	Commercial/Industrial Column B	Additional Feeders in Commercial/Industrial Column C
1 - 100 AMP	\$ 33	\$ 44	\$ 11
101 - 200 AMP	\$ 44	\$ 55	\$ 17
201 - 400 AMP	\$ 60	\$110	\$ 28
401 - 600 AMP	\$ 77	\$154	\$ 39
601 - 1000 AMP	\$ 94	\$198	\$ 50
1001 - Over AMP	\$110	\$242	\$ 60
Two family dwelling	\$ 55		
Temporary Construction Service	\$ 30		

No additional fee for inspection of branch circuits when included on the service/feeder permit.

- Column A - Residential.
 - Single family residential services.
 - Multi-family residential services.
- Column B - Commercial and industrial.
 - Each service or the first feeder when the service is not being installed, increased or altered.
 - Feeders that terminate in a separate building.
 - Secondaries of transformers that have a capacity greater than 600 VA.
 - Each service or feeder that is over 600 volts.
- Column C - Additional feeders in commercial and industrial facilities.
 - Each feeder inspected with a service or feeder in Column B ~~((at the same time and))~~ on the same permit.

(2) The following fees shall be provided for the inspection of each of the following units:

	Single/first Unit Column A	Additional Units Column B
a. Mobile home, modular home, or commercial coach service. (200 Amp. Max.)	((25)) 28	(5*)) 7*
b. Mobile home feeder.	((25)) 28	(5*)) 7*
c. Each lot for a recreational vehicle.	((25)) 28	(5)) 7
d. Berth at a marina or dock.	((25)) 28	(5)) 7

	Single/first Unit Column A	Additional Units Column B
e. Yard pole meter loops or similar isolated metering installations.	((25)) 28	(5)) 7
f. Outbuilding(s) on residential property	((25)) 28	(5)) 7
g. Motors 10 HP or larger	((25)) 28	(5)) 7
h. Multi-family dwelling feeders	((25)) 28	(5)) 7
i. Signs	((25)) 28	(5)) 7
j. Low voltage temperature control circuits per building story or system	((25)) 28	(5)) 7

Column A The fee for inspection of a single unit or the first of several units when a service or feeder in (1)(A) or (1)(B) is not installed.

Column B The fee for inspection of additional units when they are inspected at the same time, at the same location and on the same permit as a unit in Column (1)(A), (1)(B), or (2)(A).

*Total fee for inspection of one service and feeder for a mobile home when they are inspected at the same time is ~~((30.00))~~ \$35.00.

The above fees are in addition to master-meter, mobile home park, recreational vehicle park, marina shore services and/or the main service(s).

(3) The fee for new circuits, circuit extensions, and circuit alterations where the service or feeder is not modified, shall be ~~((25))~~ \$28 for one to four circuits inspected at the same time on the same premises under a single permit plus ~~((1))~~ \$2 for each additional circuit. The total fee shall be no greater than the fee for a new service ~~((of like ampacity))~~ for the building.

(4) Low voltage systems. The fee for inspection of residential, burglar or fire alarm systems, and other Class 2, low voltage systems shall be ~~((25))~~ \$28. For commercial or industrial, Class 2, low voltage system installations, the minimum fee shall be ~~((25))~~ \$28 for the control panel and up to four circuits or zones plus ~~((5))~~ \$7 for each additional circuit (zone).

(5) In addition to the service and feeder installation fees, the fee for inspecting each electrically driven irrigation machine is \$50 including tower and drive motors.

(6) The fee for emergency, standby, and resource recovery generators up to 50 KVA is ~~((25))~~ \$28. The fee for a generator installation larger than 50 KVA, or that is the main source of power, is that ~~((for the applicable service))~~ in the appropriate Column B or C in subsection (1) of this section.

(7) A firm, corporation or other entity which has a regularly employed electrical maintenance staff which is exempted from the requirement to have an electrician certificate of competency by RCW 19.28.610, may choose to purchase an annual electrical work permit rather than a work permit for each installation or alteration in accordance with this section. A separate fee shall be provided for each plant location or complex. The following fee will entitle the purchaser to the number of

inspections shown for a one year period after the date of purchase of an electrical work permit.

	FEE	INSPECTIONS
1 thru 3 plant electricians	((\\$1,300)) 1,430 per year	12
4 thru 6 plant electricians	((\\$2,600)) \$2,860 per year	24
7 thru 12 plant electricians	((\\$3,900)) \$4,290 per year	36
13 thru 25 plant electricians	((\\$5,200)) \$5,720 per year	52
more than 25 plant electricians	((\\$6,500)) \$7,150 per year	52

(8) Fees for carnival electrical inspections.

a. Preseason or first field inspection per year, ((\\$40 per hour)) \$15 per ride and generator truck and \$2 per remote distribution equipment, concession or gaming show with a minimum fee of \$50. Amusement rides shall be set up prior to inspection.

b. ~~((The first field inspection of each ride, concession, or generator which has not had a preseason inspection shall be \$10.~~

c.) For subsequent inspections, the fee shall be ((\\$40)) \$50 for the first ten rides, concessions, ((or)) generators, remote distribution equipment or gaming shows and \$2 each for all additional rides, concessions, ((and)) generators, remote distribution equipment and gaming shows. If a ride, concession, ((or)) generator, remote distribution equipment or gaming show has no insignia of inspection for the calendar year, the fee ((for that ride, concession, or generator)) shall be that charged in ((b.)) a. of this subsection.

(9) Trip fees. A fee ~~((of \$25))~~ shall be paid before approval of the installation if the following services are necessary:

a. \$56 for requests to inspect existing installations. ((After the first one half hour, an additional \$25 fee shall be provided for each one half hour of inspection time.))

b. \$28 for trips to inspect when the permit submitter has given notice to the ((inspector)) department that the work is ready for inspection when it is not.

c. \$28 where an additional inspection trip is necessary because the submitter has given an erroneous or incomplete address.

d. \$28 for more than one additional inspection trip per permit to inspect corrections ((required by the inspector as a result of)) or for repeated carelessness ((or))₂ neglect, or ((for)) improperly ((responding to a corrective notice)) installing electrical conductors or equipment.

e. \$28 for each trip necessary to remove a noncompliance citation from the jobsite, posted because unlicensed electrical contractors or uncertified electricians or trainees were working on the jobsite.

f. ~~((When))~~ \$28 per day where corrections have not been made in the prescribed time, unless an exception has been requested and granted.

(10) Double fees. A double inspection fee shall be charged for:

a. Installations that are covered or concealed before inspection;

b. Failure to obtain the electrical work permit prior to beginning the installation or alteration. Exception -

electrical work permits for emergency repairs to existing electrical systems shall be obtained no later than the next business day.

(11) On jobs requiring partial or progress inspections, "one" inspection of one half hour duration is allowed per ~~((\\$25))~~ \$28 of fee.

(12) The fee for a plan review request pursuant to WAC 296-46-140 (1) and (2) is thirty-five percent of the electrical work permit fee as determined by WAC 296-46-495, plus a plans submission fee of ((\\$35)) \$50. The fee for review of ~~((electrical plans voluntarily requested pursuant to WAC 296-46-140(4) and for))~~ supplemental submissions of plans is ~~((\\$30))~~ \$40 per hour or a fraction of an hour.

AMENDATORY SECTION (Amending Order 86-23, filed 8/29/86)

WAC 296-46-915 ELECTRICAL CONTRACTOR LICENSE, ADMINISTRATOR CERTIFICATE AND EXAMINATION, AND COPY FEES.

- (1) General or specialty contractor license (per twenty-four month period) ~~((\\$72))~~
\$80
- (2) Administrator certificate examination application (nonrefundable) ~~((\\$20))~~
\$25
- (3) Administrator original certificate ~~((examination))~~ (submitted with application) ~~((\\$50))~~
\$40
- (4) Administrator certificate ~~((or))~~ renewal (per twenty-four month period) ~~((\\$48))~~
\$52
- (5) Late renewal of administrator certificate (per twenty-four month period) ~~((\\$96))~~
\$104
- (6) Transfer of administrator designation within 10 days ~~((\\$10))~~
\$20
\$50
- (7) Certified copy of each document (maximum ~~((\\$24))~~ \$44 per file) ~~((\\$24))~~
\$20 first document
\$2 each additional document ((\\$2))

AMENDATORY SECTION (Amending Order 86-23, filed 8/29/86)

WAC 296-401-175 JOURNEYMAN, SPECIALTY AND TRAINEE CERTIFICATE, AND EXAMINATION FEES.

- (1) Journeyman or specialty electrician certificate renewal (per 24-month period) - ~~((\\$-24))~~
\$ 26
- (2) Late renewal of journeyman or specialty electrician certificate (per 24-month period) - ~~((\\$-48))~~
\$ 52
- (3) Journeyman or specialty electrician examination application (nonrefundable) - ~~((\\$-20))~~
\$ 25
- (4) Journeyman or specialty electrician ~~((examination))~~ original certificate (submitted with application) - ~~((\\$-30))~~
\$ 20
- (5) Trainee certificate (expires one year after purchase) - ~~((\\$-12))~~
\$ 15
- (6) Trainee certificate renewal or update of hours - ~~((\\$-12))~~
\$ 20

WSR 90-17-042
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Nursing)

[Order 079—Filed August 10, 1990, 2:40 p.m.]

Date of Adoption: July 27, 1990.

Purpose: To implement the provisions of chapter 18-.52A RCW and the Federal Omnibus Budget Reconciliation Act of 1987 (OBRA).

Statutory Authority for Adoption: RCW 18.88.080.

Pursuant to notice filed as WSR 90-10-084 on May 2, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 9, 1990

Patricia O. Brown
Executive Secretary

NEW SECTION

WAC 308-121-110 STANDARDS OF PRACTICE AND COMPETENCIES OF NURSING ASSISTANTS. The following standards are supported by statements of the competencies that a nursing assistant must hold to meet the standard to be certified to practice in the state of Washington. The competencies are statements of skills and knowledge, and are written as descriptions of behaviors which can be observed and measured. All competencies are performed, as per RCW 18-.52B.030, under the direction and supervision of a licensed (registered) nurse or licensed practical nurse. The level or depth of accomplishment of any given competency is as appropriate to the "assisting" role of basic nursing care under supervision of the licensed nurse.

(1) Basic technical skills. The nurse assistant demonstrates basic technical skills which facilitates an optimal level of functioning for the client, recognizing individual, cultural, and religious diversity. Competencies:

(a) Demonstrates proficiency in cardiopulmonary resuscitation (CPR).

(b) Takes and records vital signs.

(c) Measures and records height and weight.

(d) Measures and records fluid and food intake and output of client.

(e) Recognizes and reports abnormal signs and symptoms of common diseases and conditions.

(f) Demonstrates sensitivity to client's emotional, social, and mental health needs.

(g) Makes observations of client's environment to ensure safety and comfort of client.

(h) Participates in care planning and nursing reporting process.

(2) Personal care skills. The nurse assistant demonstrates basic personal care skills. Competencies:

(a) Assists client with bathing, mouth care, and skin care.

(b) Assists client with grooming and dressing.

(c) Provides toileting assistance to client.

(d) Assists client with eating and hydration.

(e) Utilizes proper feeding techniques.

(3) Mental health and social service needs. The nurse assistant demonstrates the ability to identify the psychosocial characteristics of all clients including persons with

mental retardation, mental illness, dementia, Alzheimer's disease, and related disorders. Competencies:

(a) Modifies his/her own behavior in response to the client's behavior.

(b) Identifies adaptations necessary to accommodate the aging process.

(c) Provides training in, and the opportunity for, self care according to clients' capabilities.

(d) Demonstrates skills supporting client's personal choices.

(e) Identifies ways to use the client's family as a source of emotional support for the patient.

(4) Basic restorative services. The nurse assistant incorporates principles and skills of restorative nursing in providing nursing care. Competencies:

(a) Demonstrates knowledge and skill in using assistive devices in ambulation, eating, and dressing.

(b) Demonstrates knowledge and skill in the maintenance of range of motion.

(c) Demonstrates proper techniques for turning/positioning client in bed and chair.

(d) Demonstrates proper techniques for transferring client.

(e) Demonstrates knowledge about methods for meeting the elimination needs of clients.

(f) Demonstrates knowledge and skill for the care and use of prosthetic devices.

(5) Clients' rights and promotion of clients' independence. The nurse assistant demonstrates behavior which maintains and respects clients' rights and promotes clients' independence, regardless of race, religion, lifestyle, sexual preference, disease process, or ability to pay. Competencies:

(a) Recognizes that the client has the right to participate in decisions about his/her care.

(b) Recognizes and respects the clients' need for privacy and maintenance of confidentiality.

(c) Promotes and respects the client's right to make personal choices to accommodate their needs.

(d) Reports client's concerns.

(e) Provides assistance in getting to and participating in activities.

(f) Provides care of client's personal possessions.

(g) Provides care which maintains the client free from abuse, mistreatment or neglect; and reports any instances to appropriate facility staff.

(h) Maintains the client's environment and care through appropriate nurse assistant behavior so as to minimize the need for physical and chemical restraints.

(6) Communication and interpersonal skills. The nurse assistant uses communication skills effectively in order to function as a member of the nursing team. Competencies:

(a) Reads, writes, speaks, and understands English at the level necessary for performing duties of the nursing assistant.

(b) Listens and responds to verbal and nonverbal communication in an appropriate manner.

(c) Recognizes how one's own behavior influences client's behavior and know resources for obtaining assistance in understanding client's behavior.

(d) Makes adjustments for client's physical or mental limitations.

(e) Uses terminology accepted in the nursing facility to record and report observations and pertinent information.

(f) Records and reports observations, actions, and information accurately and timely.

(g) Demonstrates ability to explain policies and procedures before and during care of the client.

(7) Infection control. The nurse assistant uses procedures and techniques to prevent the spread of microorganisms. Competencies:

(a) Uses principles of medical asepsis and demonstrates infection control techniques and universal precautions.

(b) Explains how disease causing microorganisms are spread; lists ways that HIV and Hepatitis B can spread from one person to another.

(c) Demonstrates knowledge of cleaning agents and methods which destroy microorganisms on surfaces.

(8) Safety/emergency procedures. The nurse assistant demonstrates the ability to identify and implement safety/emergency procedures. Competencies:

(a) Provides adequate ventilation, warmth, light, and quiet measures.

(b) Uses measures that promote comfort, rest, and sleep.

(c) Promotes clean, orderly, and safe environment and equipment for the client.

(d) Identifies and utilizes measures for accident prevention.

(e) Identifies and demonstrates principles of body mechanics.

(f) Demonstrates proper use of protective devices in care of clients.

(g) Demonstrates knowledge of fire and disaster procedures.

(h) Identifies and demonstrates principles of health and sanitation in the service of food.

(i) Demonstrates the proper use and storage of cleaning agents and other potentially hazardous materials.

(9) Rules and regulations knowledge. The nurse assistant demonstrates knowledge of and is responsive to the laws and regulations which affect his/her practice including but not limited to: Client abuse and neglect, client complaint procedures, workers right to know, and the Uniform Disciplinary Act.

NEW SECTION

WAC 308-121-120 PURPOSE OF REVIEW AND APPROVAL OF NURSING ASSISTANT TRAINING PROGRAMS. The board of nursing approves nursing assistant education programs in health care facilities qualifying graduates for admission to the federally mandated examination for the following purposes:

(1) To assure preparation for safe practice as a nursing assistant by setting minimum standards for education programs.

(2) To provide guidance for the development of new training programs.

(3) To comply with federal and state laws and regulations affecting nursing assistant practice in nursing homes.

(4) To identify training standards and achieved competencies of nursing assistants in nursing homes in the state of Washington for the purpose of interstate communications and endorsements.

NEW SECTION

WAC 308-121-130 REQUIREMENTS FOR NURSING ASSISTANT TRAINING PROGRAM APPROVAL. Those institutions or facilities seeking approval to offer a program of training for nursing assistants in nursing homes which qualifies graduates for the certification examination shall:

(1) Request an application/guidelines packet from department of health, professional licensing. The packet will include forms and instructions for the program to submit:

(a) Program objectives.

(b) Program content outline.

(c) Qualifications of program director and additional instructional staff.

(d) Agency agreements as appropriate.

(e) A sample lesson plan for one unit.

(f) A sample skills checklist.

(g) Description of physical resources.

(h) Statement of assurance of compliance with administrative guidelines.

(2) If a program currently in existence as an approved program on the date of implementation of this regulation, submit the completed application, including all forms, fees, and assurances as specified, within sixty days of the effective date of the regulation for review for reapproval of the program.

(3) If a program not currently holding approval status, submit the completed application packet and fees as instructed, with all forms and assurances as specified, sixty days prior to the anticipated start date of the first class offered by the institution.

(4) Agree to on-site survey of the training program, as requested by the board, on a date mutually agreed upon by the institution and the board.

(5) Provide review and update of program information every year, or as requested by the board.

(6) Comply with any future changes in training standards and guidelines in order to maintain approved status.

(7) Notify the board of any changes in overall curriculum plan or major curriculum content changes prior to implementation.

(8) Notify the board of changes in program director or instructors.

NEW SECTION

WAC 308-121-140 DENIAL OF APPROVAL OR WITHDRAWAL OF APPROVAL FOR PROGRAMS FOR WHICH THE BOARD IS THE APPROVING AUTHORITY. (1) The board may deny approval to new programs when it determines that a nursing assistant training program fails substantially to

meet the standards for training as contained in WAC 308-121-160 through 308-121-180. All such board actions shall be in accordance with the Washington Administrative Procedure Act and/or the administrative rules and regulations of the board.

(2) The board may withdraw approval from existing programs when it determines that a nursing education program fails substantially to meet the standards for nursing assistant training as contained in WAC 308-121-160 through 308-121-180. All such actions shall be effected in accordance with the Administrative Procedure Act and/or the administrative rules and regulations of the board.

NEW SECTION

WAC 308-121-145 REINSTATEMENT OF APPROVAL. The board may consider reinstatement of withdrawn approval of a nursing assistant training program upon submission of satisfactory evidence that the program meets the standards of nursing assistant training, WAC 308-121-160 through 308-121-180.

NEW SECTION

WAC 308-121-150 APPEAL OF BOARD DECISIONS. A nursing assistant training program deeming itself aggrieved by a decision of the board affecting its approval status shall have the right to appeal the board's decision in accordance with the provisions of chapter 18.88 RCW and the Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

WAC 308-121-155 CLOSING OF AN APPROVED NURSING ASSISTANT TRAINING PROGRAM. When a facility decides to close a program it shall notify the board in writing, stating the reason and the date of intended closing.

NEW SECTION

WAC 308-121-160 PROGRAM DIRECTORS AND INSTRUCTORS IN APPROVED TRAINING PROGRAMS. (1) The program director will be a registered nurse licensed in the state of Washington.

(2) The program director will complete a "train-the-trainer" program approved by the state or have demonstrated competence to teach adults as defined by the state.

(3) The program director will have a minimum of three years of experience as an RN, of which at least one year will be in direct patient care.

(4) Program director responsibilities:

(a) Develop and implement a curriculum which meets as a minimum the requirements of WAC 308-121-170.

(b) Assure compliance with and assume responsibility for all regulations as stipulated in WAC 308-121-165 through 308-121-180.

(c) Directly supervise each course offering.

(d) Create and maintain an environment conducive to teaching and learning.

(e) Select and supervise all other instructors involved in the course, to include clinical instructors.

(f) Assure that students are not asked to, nor allowed to, perform any clinical skill with patients or clients until first demonstrating the skill satisfactorily to an instructor in a practice setting.

(g) Assure evaluation of competency of knowledge and skills of students before issuance of verification of completion of the course.

(h) Assure that students receive a verification of completion when requirements of the course have been satisfactorily met.

(5) Additional instructional staff:

(a) The program director may select instructional staff to assist in the teaching of the course, teaching in their area of expertise.

(b) All instructional staff must have a minimum of one year experience within the past three years in caring for the elderly and/or chronically ill of any age.

(c) A guest lecturer, or individual with expertise in a specific course unit may be utilized for the teaching of that unit, following the program director's review of the currency of the content.

(d) All instructional staff must be, where applicable, currently licensed, registered, and/or certified in their field in the state of Washington.

(e) Instructional staff may assist the program director in development of curriculum, teaching modalities, and evaluation but will in all cases be under the supervision of the program director.

NEW SECTION

WAC 308-121-165 STUDENTS (TRAINEES) IN APPROVED TRAINING PROGRAMS. (1) Students shall register with the department within three days of hire at a health care facility.

(2) Students shall wear name tags which clearly identify them as students or trainees at all times in interactions with patients, clients, and families.

NEW SECTION

WAC 308-121-170 CORE CURRICULUM IN APPROVED TRAINING PROGRAMS. (1) Curriculum will be competency based; that is composed of learning objectives and activities that will lead to the attainment of knowledge and skills required for the graduate to demonstrate mastery of the core competencies CNAs must hold, as per WAC 308-121-110.

(2) The program director will determine the amount of time required in the curriculum to achieve the objectives as above. The time designated will be expected to vary with characteristics of the learners and teaching/learning variables. In no case will the hours be less than eighty-five hours total, comprised of thirty-five hours of classroom training and fifty hours of clinical training.

(a) Of the thirty-five hours of classroom training, no less than seven hours must be in AIDS education and training, in the subject areas of: Epidemiology, pathophysiology, infection control guidelines, testing and counseling, legal and ethical issues, medical records,

clinical manifestations and diagnosis, treatment and disease management, and psychosocial and special group issues.

(b) Training to orient the student to the health care facility and facility policies and procedures are not to be included in the minimum hours above.

(3) Each unit of the core curriculum will have:

(a) Behavioral objectives, that is statements of specific observable actions and behaviors that the learner is to perform or exhibit.

(b) An outline of information the learner will need to know in order to meet the objectives.

(c) Learning activities (that is, lecture, discussion, readings, film, clinical practice, etc.) that are designed to enable the student to achieve the stated objectives.

(4) Clinical teaching in a given competency area will be closely correlated with classroom teaching, to facilitate the integration of knowledge with manual skills.

An identified instructor(s) will supervise clinical teaching/learning at all times. At no time will the ratio of students to instructor exceed ten students to one instructor in the clinical setting.

(5) The curriculum will include evaluation processes to assure mastery of competencies. Written and oral tests and clinical practical demonstrations are common methods. Students will not be asked to, nor allowed to, perform any clinical skill on patients or clients until first demonstrating the skill satisfactorily to an instructor in the practice setting.

NEW SECTION

WAC 308-121-175 PHYSICAL RESOURCES FOR APPROVED EDUCATION PROGRAMS. (1) Classroom facilities must provide adequate space, lighting, comfort, and privacy for effective teaching and learning.

(2) Adequate classroom resources, such as chalkboard, AV materials, written materials, etc., with which to accomplish program objectives must be available.

(3) Adequate resources must also be provided for teaching and practice of clinical skills and procedures, before implementation of such skills with patients or residents.

NEW SECTION

WAC 308-121-180 ADMINISTRATIVE PROCEDURES FOR APPROVED NURSING ASSISTANT TRAINING PROGRAMS. (1) A student file will be established and maintained for each student enrolled which includes dates attended, evaluation (test) results, a skills evaluation checklist with dates of skills testing and signature of evaluator, and documentation of successful completion of the course, or other outcome.

Each student file will be maintained by the institution for a period of thirty-five years, and copies of documents made available to students who request them.

(2) Verification of successful completion of the course of training will be provided to the board of nursing on forms provided by the board.

(3) Training evaluation and verification of successful completion of the course, including mastery of the required knowledge and skills, will be determined by the program director separately from other employee/employer issues. Verification of completion will not be withheld from a student who has successfully met the requirements of the course.

(4) Failure to adhere to administrative requirements for programs may result in withdrawal of approval status by the board.

**WSR 90-17-043
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Nursing)**

[Order 080—Filed August 10, 1990, 2:42 p.m.]

Date of Adoption: July 27, 1990.

Purpose: To repeal sections of the Washington Administrative Code.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-121-030, 308-121-040, 308-121-050, 308-121-055, 308-121-060 and 308-121-070.

Statutory Authority for Adoption: RCW 18.88.080.

Pursuant to notice filed as WSR 90-12-117 on June 6, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 9, 1990
Patricia O. Brown
Executive Secretary

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-121-030 NURSING ASSISTANT TRAINING PROGRAM CURRICULUM.

WAC 308-121-040 NURSING ASSISTANT TRAINING PROGRAMS CONDUCTED BY NURSING HOMES.

WAC 308-121-050 NURSING ASSISTANTS TRAINED IN PROGRAMS NOT SPECIFIED IN WAC 308-121-030 AND 308-121-040.

WAC 308-121-055 NURSING ASSISTANTS TRAINED IN APPROVED PROGRAMS.

WAC 308-121-060 ISSUING VERIFICATION OF COMPLETION.

WAC 308-121-070 REGISTRATION OF NURSING ASSISTANTS.

**WSR 90-17-044
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 90-66—Filed August 10, 1990, 3:50 p.m.]

Date of Adoption: August 10, 1990.

Purpose: Sport fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19000T.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Quotas of coho and chinook remain available for harvest in coastal waters south of Cape Alava. These regulations are adopted to concur with Pacific Fisheries Management Council recommendations.

Effective Date of Rule: 12:01 a.m., August 13, 1990.

August 10, 1990
Judith Merchant
Deputy Director
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000U SALTWATER SEASONS AND BAG LIMITS Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190, effective 12:01 a.m. August 13, 1990 it is unlawful to fish for salmon in Marine Areas 1 - 4, except as provided for in this section:

(1) Areas and times open to salmon angling:

(a) Marine Area 4 - Closed to salmon angling.

(b) Marine Area 3 - July 2 through September 20, 1990 or until any quota is reached (coho quota 5,400, coastwide chinook quota 37,500) - Sunday through Thursdays only.

(c) Marine Area 2 - June 18 through September 20, 1990 or until any quota is reached (coho quota 91,300, coastwide chinook quota 37,500) - Sunday through Thursdays only.

(d) Marine Area 1, except closed in the ocean area surrounding the Columbia River mouth bounded by a line extending six nautical miles due west from North Head 46 18'00" north latitude to 124 13'18" west longitude, then southerly along a line 167 true to the Washington Oregon border - June 24 through September 20, 1990 or until any quota is reached (coho quota 122,500, coastwide chinook quota 37,500) - Sunday through Thursdays only.

(2) Bag Limit - 2 salmon per day, minimum size limit in all ocean waters; Chinook, 24 inches, Coho, 16 inches.

(3) Shore based angling from the north jetty of the Columbia River is allowed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 13, 1990:

WAC 220-56-19000T SALTWATER SEASONS AND BAG LIMITS. (90-62)

WSR 90-17-045

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-67—Filed August 10, 1990, 3:53 p.m.]

Date of Adoption: August 10, 1990.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-601.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Areas 7B, 7C, 12B and 12C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish and Hood Canal regions of origin, and to prevent wastage. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: 12:01 a.m., August 12, 1990.

August 10, 1990
Judith Merchant
Deputy Director
for Joseph R. Blum
Director

NEW SECTION

WAC 220-47-602 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday August 12, 1990, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

* Areas 4B, 5, 6, 6A, 6C, 7, and 7A - Under the control of the Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.

* Areas 7B, and 7C - Gillnets using 7-inch minimum mesh may fish from 6 PM to 9 PM nightly, Monday, Tuesday, and Wednesday, August 13, 14 and 15.

* Areas 12B and 12C - Purse Seines using the 5-inch strip may fish from 5 AM to 9 PM daily, Monday, Tuesday, Wednesday, and Thursday, August 13, 14, 15, and 16 and gill nets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Monday, Tuesday, Wednesday, and Thursday, August 13, 14, 15, and 16. This opening excludes those waters of area 12B north of a line projected from Tekiu Point to Triton Head.

* Areas 6B, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided

for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday August 12, 1990:

WAC 220-47-601 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (90-63)

WSR 90-17-046

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-68—Filed August 10, 1990, 3:55 p.m.]

Date of Adoption: August 10, 1990.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Preseason run size estimates for Columbia River fall chinook indicate harvestable numbers are available. This regulation is adopted at the recommendation of the August 2, 1990, Columbia River Compact.

Effective Date of Rule: Immediately.

August 10, 1990

Gene DiDonato
for Joseph R. Blum
Director

NEW SECTION

WAC 220-33-01000P COLUMBIA RIVER GILL NET SEASONS BELOW BONNEVILLE. Notwithstanding the provisions of WACs 220-33-005, 220-33-010, 220-33-020, and 220-33-030, it is unlawful for a person to take or possess salmon, shad, and sturgeon taken for commercial purposes from Columbia River SMCRA 1A, 1B, 1C, 1D and 1E, except during the times and under the conditions listed:

(1) ALLOWABLE SPECIES: Open to the taking of salmon, sturgeon, and shad.

(2) OPEN TIME PERIODS:

6 pm August 12 to 6 am August 13, 1990;
6 pm August 13 to 6 am August 14, 1990;
6 pm August 14 to 6 am August 15, 1990;
6 pm August 15 to 6 am August 16, 1990;
6 pm August 16 to 6 am August 17, 1990;
6 pm August 19 to 6 am August 20, 1990;
6 pm August 20 to 6 am August 21, 1990;

6 pm August 21 to 6 am August 22, 1990;
6 pm August 22 to 6 am August 23, 1990;
6 pm August 23 to 6 am August 24, 1990;
(3) OPEN AREA:

SMCRA 1E and that portion of SMCRA 1D above the I-205 Bridge, except that the following "Modified Washougal Sanctuary" remains closed.

"Modified Washougal Sanctuary" means those waters of the Columbia River and Camas Slough upstream from a line projecting from flashing light 1 on the Washington shore (approximately 4.5 miles upstream of the I-205 bridge) to Navigational marker 2 on the lower end of Sand Island thence south to a boundary marker on Government Island and a line from the upper end of Government Island south to the upper end of McGuire Island thence south to the Oregon shore, and downstream of a line projected true north-south through the Washougal blinker light (light "50" flashing red) to a fishing boundary marker on the Washington shore and to the Oregon shore.

(4) ALLOWABLE GEAR: Gill net gear with 9-inch minimum mesh may be used.

WSR 90-17-047

PERMANENT RULES

UTILITIES AND

TRANSPORTATION COMMISSION

[Order R-326, Docket No. TL-900359—Filed August 10, 1990, 4:20 p.m.]

In the matter of amending WAC 480-35-120, relating to identification decals for limousine charter party carriers.

This action is taken pursuant to Notice No. WSR 90-14-026 filed with the code reviser on June 27, 1990. The rule change hereinafter adopted shall take effect pursuant to RCW 34.05.380(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 34.05 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 90-14-026 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, August 8, 1990, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, before Commissioners Richard D. Casad and A. J. Pardini.

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 July 30, 1990, and orally at 9:00 a.m., Wednesday, August 8, 1990, in the commission's hearing room above noted. At the August 8, 1990, meeting the commission considered the rule change proposal. No written or oral comments were received.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-35-120 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-35-120 as amended will allow for floater-type cab cards and identification decals for vehicles leased on a short-term basis by limousine charter party carriers and replacement decals on permanently substituted vehicles.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-35-120 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.05.380(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 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 9th day of August, 1990.

Washington Utilities and Transportation Commission
Richard D. Casad, Commissioner
A. J. Pardini, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-312, Docket No. TL-2294, filed 11/13/89, effective 12/14/89)

WAC 480-35-120 IDENTIFICATION DECALS.

(1) For the purpose of identification and information of the public, all motor vehicles, ((including)) except short-term substitute or emergency vehicles, while being operated under certificate, shall have displayed on the vertical surface of the left side of the rear bumper, in the proximity of the license plate, a reflectorized decal to be issued by the Washington utilities and transportation commission. In the event a certificate is revoked or canceled or the equipment sold, the carrier shall immediately remove the decal from its vehicle or vehicles.

(a) Where a vehicle is permanently substituted for one that has been destroyed or has been permanently withdrawn from ownership or possession of the permittee, a replacement decal must be purchased and displayed as shown above. Cost of the replacement decal shall be three dollars.

(b) Permittees shall be allowed to rent or lease vehicles to meet short-term or emergency situations of thirty days or less. In these cases, a copy of the rental or lease agreement must be carried within the vehicle. In addition, an unassigned cab card displaying proof of payment of regulatory fees and a temporary decal shall be obtained from the commission. The unassigned cab card must be carried in the vehicle and the temporary decal must be displayed in the lower right corner of the windshield. The regulatory fee for this purpose shall be twenty dollars and the cost of the decal shall be three dollars.

(2) An application for a sufficient number of decals shall be filed with the commission, accompanied by the necessary decal and regulatory fee. New decals shall be issued each year and the cost of the decal shall be three dollars.

(3) The annual regulatory fee shall be established by general order of the commission before November 1 of any year when circumstances so require, but the fee shall not exceed the cost of supervising and regulating such carrier.

(4) The annual decal and regulatory fee shall be collected from each limousine charter party carrier holding a certificate as well as each carrier registered with the commission and such fee shall be due and payable on or before December 31 of each year, to cover the ensuing year beginning February 1.

WSR 90-17-048

PERMANENT RULES UTILITIES AND

TRANSPORTATION COMMISSION

[Order R-327, Docket No. TV-900576—Filed August 10, 1990, 4:21 p.m.]

In the matter of adopting WAC 480-12-181, relating to pole trailer reaches.

This action is taken pursuant to Notice No. WSR 90-14-027 filed with the code reviser on June 27, 1990. The rule change hereinafter adopted shall take effect pursuant to RCW 34.05.380(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 34.05 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 90-14-027 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, August 8, 1990, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, before Commissioners Richard D. Casad and A. J. Pardini.

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 July 30, 1990, and orally at 9:00 a.m., Wednesday, August 8, 1990, in the commission's hearing room above noted. At the August 8, 1990, meeting the commission considered the rule change proposal. Written comments supporting the rule change were received from Ben H. Bodine (Bodine Trucking). Written comments opposing the rule were received from Austin Shepard, J. M. Yowell (Maintenance Welding, Inc.), and Howard Kaiser (Kaiser's Welding and Manufacturing). The opposing written comments indicated that properly welded reaches are safe. Oral comments supporting the rule were presented by Mr. John Swartz, representing the

Washington Trucking Association, Log Truckers Conference.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-181 should be adopted to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-12-181 as adopted will establish requirements for pole trailer reaches. The commission does not dispute the fact that a properly welded reach may be safe. However, visual inspection of welds often cannot detect defects. Expensive and sophisticated equipment is required to do so. In the absence of such equipment and trained personnel, the rule change will provide an acceptable means of assuring that pole trailer extensions are properly attached.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-181 as set forth in Appendix A, be adopted as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.05.380(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 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 9th day of August, 1990.

Washington Utilities and Transportation Commission
Richard D. Casad, Commissioner
A. J. Pardini, Commissioner

APPENDIX "A"

NEW SECTION

WAC 480-12-181 POLE TRAILERS. (1) Welded reach extension prohibited. No motor carrier shall operate a pole trailer that has had the length of its reach extended by welding or any other means, except that a telescopic reach manufactured and designed to extend by using an inner and outer reach with securing clamp shall be permissible. In addition to the securing clamp on a telescopic reach there must be a secondary device to keep the inner and outer reach from separating. The term "reach" as used in this rule means the steel tube that joins the axle(s) of the pole trailer to the rear of the power unit towing the trailer.

(2) Damaged reach. No motor carrier shall operate a pole trailer that has sustained cracks to the reach nor shall it be permissible to operate a trailer that has had welded repair or repair of any kind made to cracks in the reach.

WSR 90-17-049
PERMANENT RULES
UTILITIES AND
TRANSPORTATION COMMISSION

[Order R-325, Docket No. TV-900022—Filed August 10, 1990, 4:22 p.m.]

In the matter of amending WAC 480-12-045, relating to motor carrier applications and protests.

This action is taken pursuant to Notice No. WSR 90-14-011 filed with the code reviser on June 25, 1990. The rule change hereinafter adopted shall take effect pursuant to RCW 34.05.380(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 34.05 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 90-14-011 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, August 8, 1990, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, before Commissioners Richard D. Casad and A. J. Pardini.

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 July 30, 1990, and orally at 9:00 a.m., Wednesday, August 8, 1990, in the commission's hearing room above noted. At the August 8, 1990, meeting the commission considered the rule change proposal. No written or oral comments were received.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-045 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-12-045 as amended will clarify the present procedure for motor carriers to make application for authority and any protest made thereto.

ORDER

WHEREFORE, IT IS ORDERED That WAC [480-12-045] as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.05.380(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 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 9th day of August, 1990.

Washington Utilities and Transportation Commission
Richard D. Casad, Commissioner
A. J. Pardini, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-276, Cause No. TV-2092, filed 9/17/87)

WAC 480-12-045 APPLICATION FOR ((PERMANENT)) AUTHORITY, DOCKETING—PROTESTS—HEARINGS. For the purposes of this rule, applications for ((permanent)) authority shall include applications for ((permanent)) original or extended common or contract carrier authority ((or extensions thereof, requests for authority)), applications to transfer ((outstanding)) existing common or contract carrier ((permits, and requests for)) authority or to acquire control of common or contract carrier((s)) authority. Applications for temporary authority are governed by WAC 480-12-033.

(1) All applications for ((permanent)) authority (except applications for combination of services by log contract carriers, filed under the provisions of RCW 81.80.060), ((shall)) will be published in the commission's weekly application docket, ((to be)) which is mailed on the first business day of each week.

(2) The weekly application docket will ((set forth)) publish the name and address of the applicant and the name and address of ((his)) the applicant's attorney or ((agent)) representative, if any, and a description of the authority sought. The docket shall be mailed to the applicant, and, upon written request((s)) to ((all carriers, or their attorneys or agents, and to)) any other person((s)) having a valid interest in application proceedings.

(3)(a) Any person having a valid interest adverse to the application may file a protest with the commission ((its protest to the application, in two copies, within 30 days after the date of the weekly docket on which the application was published. A copy of the protest shall also be served upon the applicant's attorney or agent (or applicant if no representative is named in the docket), and there shall appear on the copies filed with the commission a certificate of service reading: "I hereby certify that I have this day served a copy of this protest upon the applicant or his attorney or his authorized agent by mailing it properly addressed with postage prepaid" and followed by date and signature of the protesting person, his attorney or his authorized agent.

((b)) ~~Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. If the protest is directed to only a portion of the rights sought.~~ Note: Any eligible person who fails to file a timely protest, in substantial compliance with this section, will be precluded from participating at the hearing or at any further stage of the proceeding.

((b)) Protests to applications for temporary authority are governed by WAC 480-12-033.

((c)) Protests may be filed on a form provided by the commission, or in a similar format, specifying the grounds for the protest and defining the protestant's interest in the proceeding.

((i)) The ((protestant)) protest shall ((set forth)) identify that portion of the requested authority to which ((it)) the protestant objects((-In the case of applications made under RCW 81.80.270, if an allegation of inactivity is directed to only a portion of the rights involved in the transaction)), or that portion of the ((rights)) authority alleged to be inactive ((shall be specifically set forth. Where)) in a transfer or acquisition of control proceeding pursuant to RCW 81.80.270.

((ii)) When a protestant has a limited interest in an application, which ((possibly)) could be eliminated by a restrictive amendment ((to the application, which amendment must be acceptable to the commission, it may also include in the protest an offer to withdraw the protest in the event of acceptance by)), the protest shall describe the amendment. If the applicant and the commission ((of such amendment)) accept the proposed amendment, then the protest will be dismissed pursuant to subsection (4)(d) of this section. The commission will reject amendments it finds unacceptable.

((iii)) Protests shall ((set forth)) state the approximate number of witnesses to be presented by the protestant and an estimate of the hearing time required for ((such)) the presentation. ((Protests shall contain a certification that, if an oral hearing is held, the protestant will appear at the hearing.

((c)) ((iv)) Protests ((may)) must be signed either by the protesting party or by ((his duly authorized attorney or agent, and if by attorney or agent shall contain the name of the person or persons in whose behalf the same is filed. Protests)) the protestant's attorney or representative. Protests shall contain the name and address of each person on whose behalf the protest is filed, and include that person's permit number and a copy of the permit.

((d)) Within thirty days following publication of the application in the weekly docket, the protestant must file one original and two copies of the protest with the commission. The protestant must also serve one copy each upon the applicant and the applicant's attorney or representative named in the docket. The protest and each copy must include a certificate of service executed according to WAC 480-09-120.

((e)) A protest also may be filed in the name of a transportation industry organization, association, or conference on behalf of its members ((and)); such group protest shall specify the ((names of the individuals in whose interests it is filed)) group's mailing address. ((Such)) A group protest((s)) shall contain a list of all currently active group members and be signed by an authorized representative of the organization, association, or conference. Service upon the protesting group shall be made by serving its contact person and the group's attorney, and need not be made upon any member who does not file a protest in that individual member's own name.

((d)) No person who fails to file a protest as provided herein will be permitted to intervene at the hearing.

~~Failure seasonably to file a protest as provided herein will be construed as a waiver of opposition and participation in the hearing.~~

~~(c) Protests not in reasonable compliance with the requirements of this subsection shall be rejected by the commission:~~

~~(4)(a) Unless applicant has certified at the time of filing the application that it is ready to proceed upon the expiration of the 30-day protest period, if protests to its application have been filed, applicant shall, within 30 days after the period for filing protests has expired, notify the commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application. Failure so to notify the commission will be construed to mean that applicant has no further interest in the application, and the application will thereupon be dismissed by the commission.~~

~~(b)) (4)(a) Notice of the time, date, and place of hearing will be ((given to)) served upon all parties ((of record)) pursuant to WAC 480-09-700 (1)(a).~~

~~((c)) (b) A request by any party for a change in the time, date, or place of an assigned hearing must be ((in writing, must set forth good and sufficient cause for the request, and be filed with the commission not less than 10 days before the assigned hearing date and must be served on all other parties. Only in emergency circumstances may such request be filed less than 10 days before the assigned hearing date and shall set forth in writing the reasons therefor and must be served on all other parties)) made pursuant to WAC 480-09-440, generally at least five days before the assigned hearing date. Notice of a change in the time, date, or place of hearing will be ((given to)) served upon all parties of record by the commission or the office of administrative hearings, in accordance with WAC 480-09-700 (1)(b).~~

~~(c) An application shall be dismissed without further notice if the applicant fails to appear at the hearing or if the applicant appears and fails to present supporting evidence. The order of dismissal may provide that the application may not be refiled for a period of ninety days thereafter. Application fees are not refundable.~~

~~(d) By filing a protest, the protestant agrees to appear at the hearing if an oral hearing is held. If an applicant adopts a restrictive amendment that satisfies the interests of a protestant, and the protestant files a withdrawal at least five days prior to the hearing, that protestant need not appear at the hearing. If the commission rejects the proposed amendment, a new notice will issue.~~

~~(e) A penalty, may be assessed, pursuant to WAC 480-09-700, against any party who fails to appear at the hearing. Failure to appear may also result in dismissal or default, which would include the loss of the right to participate further in the proceeding.~~

~~(5)((a) Except for good cause shown, any application upon which a hearing has been ordered by the commission shall be dismissed without further notice for failure of the applicant to appear at the hearing and present evidence in support of its application and said dismissal may provide that the application may not be refiled for a period of 90 days thereafter. Application fees are intended partially to defray the expense of handling and processing applications and are not subject to refund.~~

~~(b) Except where a restrictive amendment has been made as provided in subdivision (3)(b) of this section, or for good cause shown, the failure of any person filing a protest to an application to appear at a hearing thereon shall be construed as a waiver of its right to participate further in the proceedings, and the protest of such person shall be deemed abandoned.~~

~~(6)) The commission may require a hearing in any proceeding, pursuant to RCW 34.05.413 and WAC 480-09-400.~~

~~(a) If the protest period ((for filing protests)) expires without any protest ((having been)) being filed ((with the commission)), or if ((a protest has been filed and is later)) all protests are withdrawn or ((abandoned)) dismissed, the commission may allow the application to ((be presented by verified statements)) proceed without hearing.~~

~~(b) If the application is processed without hearing, the applicant shall, ((within 15 days of being notified)) upon request, submit verified statements of its witnesses, containing the facts to which the witnesses would testify at a hearing if one were held((, and otherwise such application shall be dismissed)). If no verified statements are submitted, the application shall be dismissed.~~

~~(c) An application may be denied, or it may be granted in part or in full, based upon the sufficiency of the statements presented. The applicant may request a review of full or partial denial through a brief adjudicative proceeding, pursuant to WAC 480-09-500.~~

**WSR 90-17-050
PROPOSED RULES
UTILITIES AND**

TRANSPORTATION COMMISSION

[Filed August 10, 1990, 4:23 p.m.]

Original Notice.

Title of Rule: Amending WAC 480-30-010, 480-30-020, 480-30-050, 480-30-060, 480-30-070, 480-30-100, 480-30-110, 480-40-010, 480-40-020, 480-40-030, 480-40-040, 480-40-050, 480-40-060, 480-40-070, 480-40-075, 480-40-110, 480-40-120, 480-40-130, 480-149-060 and 480-149-120; and repealing WAC 480-149-070, relating to the placement of excursion services under the same regulations as charter buses. The proposed sections are shown below as Appendix A, Docket No. T-900076. Written and/or oral submissions may also contain data, views and arguments concerning the effect of the proposed amendments and repeal on economic values pursuant to chapter 43.21H RCW.

Purpose: To remove excursion services from regulation as auto transportation companies and place excursion services under the same regulations as charter buses.

Statutory Authority for Adoption: RCW 80.04.040(4) and 81.70.270.

Statute Being Implemented: RCW 81.68.010, [81.68].015, [81.68].020, [81.68].030, [81.68].060, 81.70.020, [81.70].220, [81.70].250, [81.70].260,

[81.70].270, [81.70].280, [81.70].290, [81.70].320, [81.70].330, [81.70].340 and [81.70].350.

Summary: Provide for the transfer of regulation of excursion services as auto transportation companies to regulation as charter buses.

Reasons Supporting Proposal: Excursion services have been regulated as auto transportation companies. However, their method of operation is similar to a charter bus operation and it is in the best interest of the industry to place excursion services under the same regulations as charter buses.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, and Transportation Staff, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization as reflected in RCW 80.01.040.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Excursion services transport persons, for individual fares, on public highways from point of origin to another point in the state and return to the origin, without picking up or dropping off passengers along the way. This service mirrors a charter bus service and does not belong under regulation as an auto transportation company. Hence, excursion service will now be under the same regulations as charter buses. As such, there will be no ratemaking authority exercised by the commission. The entry standard is changed from public convenience and necessity to fit, willing, and able for intrastate excursion service. In addition, intrastate excursion carriers are subject to the commission driver qualification and safety provisions, insurance provisions, and payment of the annual regulatory fee. Interstate and foreign excursion carriers with ICC authority are required to register and pay a one-time registration fee. Also, an interstate excursion carrier that qualifies as a self-insurer with the ICC is exempt from commission excursion requirements as long as the ICC qualification remains in effect.

Proposal Changes the Following Existing Rules: These changes delete excursion services from regulation as auto transportation companies and regulate them the same as charter buses.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

An economic impact statement is required if the proposed rules affect more than ten percent of any industry within a three-digit standard industrial classification code. The transportation of passengers using excursion service is classified within industry group 414 - Bus charter service. Within this classification there are approximately 160 intrastate bus charter carriers. There are 18 carriers that have excursion service authority. Of those carriers, nine are not affected by the proposed rule since they already operate under charter party rules

which are the same as the proposed rules. The other nine carriers having exclusive excursion service authority are affected by the proposed rules and represent about five percent of the businesses within the industry classification. Therefore, a detailed economic assessment is not required since the businesses affected represent less than ten percent of the total businesses within the industry classification. The nine carriers which provide excursion-only service presently have insurance coverage for property and liability damage of \$750,000 per vehicle. These vehicles have a seating capacity of 17 or more and the average cost of insurance is approximately \$5,777 on an annual basis. Only one or two of the nine carriers affected by the proposed insurance requirements have more than one bus. The proposed immediate additional insurance requirement of \$2.5 million for vehicles with seating capacity of 17 or more would cost approximately \$1,754 more per year.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on September 26, 1990, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by September 17, 1990.

Date of Intended Adoption: September 26, 1990.

August 8, 1990

Paul Curl
Secretary

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-215, Cause No. TC-1786, filed 7/11/84)

WAC 480-30-010 DEFINITIONS. (1) Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purpose of this order, be given the meanings hereinafter subjoined to them:

(2) The word "state" means the state of Washington.

(3) The word "commission" means the Washington utilities and transportation commission.

(4) The word "certificate" means the certificate authorized to be issued to an auto transportation company (~~or an excursion service company~~) for the transportation of passengers or passengers and express under the provisions of chapter 81.68 RCW.

(5) The term "public highway," when used herein, means every street, road or highway in this state.

(6) The term "motor vehicle" shall include all vehicles or machines propelled by any power other than muscular, used upon the public highways for the transportation of persons for compensation.

(7) The words "between fixed termini or over a regular route" mean the termini or route between or over which any auto transportation company usually or ordinarily operates any motor propelled vehicle, even though there may be departure from the termini or route, whether the departures are periodic or irregular.

(8) The term "auto transportation company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons, baggage, mail, and express for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town.

(9) (~~"Excursion service company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons for compensation over any public highway in this state from points of origin within the incorporated limits of any~~

city or town or area designated by the commission, to any other location within the state of Washington and returning to that origin. The service shall not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may or may not be regularly scheduled. Compensation for the transportation offered or afforded shall be computed, charged, or assessed by the excursion service company on an individual fare basis.

~~(10)~~ "Area designated by the commission" shall mean a county boundary or a specifically designated location(s) as a point of origin.

~~((11))~~ Chapter 480-30 WAC does not apply to corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever insofar as they own, control, operate, or manage taxicabs, hotel buses, school buses, motor propelled vehicles operated exclusively in transporting agricultural, horticultural, dairy, or other farm products from the point of production to the market, or any other carrier that does not come within the term "auto transportation company" (~~or "excursion service company"~~) as defined in RCW 81.68.010.

Chapter 480-30 WAC does not apply to persons operating motor vehicles when operated wholly within the limits of incorporated cities or towns, and for a distance not exceeding three road miles beyond the corporate limits of the city or town in the state of Washington in which the original starting point of the vehicle is located, and which operation either alone or in conjunction with another vehicle or vehicles is not a part of any journey beyond the three-mile limit.

Except as specifically provided herein, chapter 480-30 WAC does not apply to commuter ride sharing or ride sharing for the elderly and the handicapped in accordance with RCW 46.74.010, so long as the ride-sharing operation does not compete with nor infringe upon comparable service actually being provided before the initiation of the ride-sharing operation by an existing auto transportation company (~~or excursion service company~~) certificated under chapter 81.68 RCW.

~~((12))~~ (10) The term "private, nonprofit transportation provider" means any private, nonprofit corporation providing transportation services for compensation solely to elderly or handicapped persons and their attendants.

~~((13))~~ (11) The term "elderly" shall mean any person sixty years of age or older.

~~((14))~~ (12) The term "handicapped" means all persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected. Handicapped people include (a) ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness, mental disabilities such as mental retardation or emotional illness, physical disability which still permits the person to walk comfortably, or a combination of these disabilities; (b) semiambulatory persons who require special aids to travel such as canes, crutches, walkers, respirators, or human assistance; and (c) nonambulatory persons who must use wheelchairs or wheelchair-like equipment to travel.

AMENDATORY SECTION (Amending Order R-215, Cause No. TC-1786, filed 7/11/84)

WAC 480-30-020 LICENSES, AND RULES AND REGULATIONS. No motor vehicle may be operated upon the public highways of this state by any auto transportation company (~~or excursion service company~~) until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways.

AMENDATORY SECTION (Amending Order R-215, Cause No. TC-1786, filed 7/11/84)

WAC 480-30-030 CERTIFICATES—AUTO TRANSPORTATION COMPANIES (~~AND EXCURSION SERVICE COMPANIES~~). (1) No auto transportation company shall operate, establish, or begin operation of a line or route or any extension of any existing line or route for the purpose of transporting persons on the public highways of this state, without first having obtained from the commission a certificate declaring that public convenience and necessity requires, or will require, the establishment and operation of such line or route.

(2) (~~No excursion service company shall operate, establish, or begin operations for the purpose of transporting persons on the public highways of this state without first having obtained from the commission a~~

certificate based upon a finding that the applicant is fit, willing, and able to properly perform the services proposed and conform to the laws and rules of the commission, and that such operations will be consistent with the public interest. PROVIDED, That any person, firm, or corporation whose operations were consistent with those of an excursion service company as defined herein and actually operating in good faith and to the satisfaction of the commission that type of service on or before January 15, 1983, need only file an application provided by the commission and a notarized affidavit giving all information as to the service performed and the territory served. Such application shall be accompanied by the fee set forth in subsection (12) of this section.

~~(3))~~ No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of RCW 19.80.010, and a certified copy thereof filed with the commission.

~~((4))~~ (3) Certificates must be kept on file at the main office of the owner except when directed to be transmitted to the commission, and shall be subject at all times to inspection by the authorized representatives of the commission.

~~((5))~~ (4) Any certificate to operate a motor propelled vehicle for the transportation of persons for compensation obtained upon any application by any false affidavit or representation shall be subject to revocation and cancellation by the commission.

~~((6))~~ (5) Every auto transportation company (~~and excursion service company~~) shall submit, at the time of filing quarterly reports of gross operating revenue, as required by WAC 480-30-110(1), on forms to be prescribed and furnished by the commission, a list of all vehicles used under its certificate during the preceding quarter, or portion thereof.

~~((7))~~ (6) All auto transportation companies and excursion service companies shall keep on file in their main offices, subject to inspection by the authorized representatives of the commission, a daily record of vehicles used, showing:

- (a) Description of each vehicle used;
- (b) Number of trips and to what points each of said vehicles was operated;
- (c) Drivers' time sheets for each day's employment;
- (d) Copies of all accident reports.

~~((8))~~ (7) No auto transportation company certificate shall be sold or transferred unless the purchaser thereof shall agree in writing to pay all lawful claims against the seller for loss of or damage to shipments, overcharges, or money collected on C.O.D. shipments that may be presented to him within sixty days after the date of the transfer. The agreement herein provided for must be included in the application to transfer.

~~((9))~~ (8) No certificate, nor any right thereunder, shall be sold, assigned, leased, transferred or mortgaged except upon authorization by the commission. Application for such sale, assignment, lease, transfer or mortgage must be made up in accordance with subsection ~~((10))~~ (9) of this section, must be joined in by all parties interested and must be accompanied by the original certificate, the same to be held by the commission pending its decision in the matter.

~~((10))~~ (9) Applications for certificates, extension of service, line or route under certificates, shall be typewritten, on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by application fee named in subsection ~~((11))~~ (11) of this section.

~~((11))~~ (10) Application for sale, lease, or transfer, or for authority to mortgage a certificate, or any interest therein shall be typewritten on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by application fee named in subsection ~~((12))~~ (11) of this section.

~~((12))~~ (11) Miscellaneous fees:

Application for certificate	\$150.00
Application for extension of service, line or route under a certificate	150.00
Application for sale, transfer, lease, assignment or other encumbering of a certificate or any interest therein	150.00
Application for authority to mortgage a certificate .	35.00
Application for issuance of a duplicate certificate ..	3.00

EXCEPTION: The above fees of \$150.00 shall be reduced to \$50.00 for applications pertaining to certificates for private, nonprofit transportation providers certificated under WAC 480-30-035.

((+3)) (12) All applications for the issuance of a duplicate certificate must be accompanied by affidavit of the holder thereof setting forth that the original certificate has been lost or destroyed.

((+4)) (13) Whenever an order is entered by the commission revoking a previous order granting a certificate, or revoking a certificate already issued, and subsequently an application is made for reinstatement of such order or certificate, the party or parties applying for such reinstatement shall pay the fee required by the rules and regulations, as is provided in case of an original application.

((+5)) (14) Remittances shall be made by money order, bank draft or certified check, made payable to the Washington utilities and transportation commission.

AMENDATORY SECTION (Amending Order R-283, Cause No. T-2118, filed 12/23/87)

WAC 480-30-050 TARIFF, NAMING RATES AND FARES.

(1) Every auto transportation company ((and excursion service company)) shall file with the commission two copies of its tariff, and any amendments thereto, showing all fares, rates and charges for the transportation of persons, and for auto transportation companies baggage and express between all points on its line; or in the case of a joint tariff, shall show all fares, rates and charges applicable between points on its line and all affected points on the line of the concurring carrier or carriers. Tariffs, or supplements thereto, must be issued and filed in accordance with the commission's Tariff Circular No. 6 or reissues thereof.

(2) In the event that a new tariff or amendment will effect an increase in fares, rates or charges, or will in any respect restrict the service offered under said tariff, a notice must be given to the public at least thirty days before the effective date thereof, unless the commission has granted authority for a lesser period, by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002."

(3) Where through ticketing arrangements are in effect between two or more auto transportation companies for the transportation of persons over routes authorized by certificates of public convenience and necessity duly granted by the commission, interline settlements must be made between such carriers within thirty days after the close of the month in which such settlements are due. If any carrier fails to make full settlement with its connecting lines within thirty days such connecting carriers shall immediately report each failure to do so to the commission in writing, giving the names of the defaulting carriers together with the amounts outstanding.

(4) Auto transportation companies ((and excursion service companies)) shall be governed by the provisions of chapter 81.68 RCW, and by such other portions of Title 81 RCW as may be applicable to auto transportation companies and excursion service companies.

(5) No auto transportation company ((or excursion service company)) shall pay any commission to any individual, firm, association or corporation, their lessees, trustees or receivers, for the sale of any ticket or fare, or for transportation by express unless upon a contract or agreement, the form of which has previously been approved by the commission.

AMENDATORY SECTION (Amending Order R-283, Cause No. T-2118, filed 12/23/87)

WAC 480-30-060 SCHEDULE OF TIME AND ROUTE. (1)

Every auto transportation company shall publish and file with the commission two copies of time schedules made up in accordance with the following rules. Such schedules must be in book, pamphlet or loose leaf form and printed or typed on hard calendered paper, size 8 by 11 inches or 8-1/2 by 11 inches. A margin of not less than 5/8 inch must be left for binding.

(2) Title page of time schedules must be made up as follows:

1st. Time schedules must be numbered consecutively in the upper right hand corner, beginning with number one, and must show the number of the time schedule cancelled thereby, if any. (See title page of sample time schedule, subsection (4))

2nd. Name of auto transportation company. (If the auto transportation company is not an incorporated company, and a trade name is used, the names of the individuals composing such auto transportation

company must precede such trade name.) (See title page of sample time schedule, subsection (4))

3rd. The termini or points between which the time schedule applies, briefly stated.

4th. Route traversed, definitely outlined, showing exact location of depot at all terminals.

5th. Date issued and date effective. If issued on less than ten or twenty days' notice, whichever the case may be, by permission of the commission, the number and date of such special permission must be shown directly under the date effective, as provided in subsection (6), 4th paragraph.

6th. The name, title and address of the official issuing such time schedule, including street address.

(3) Time schedules must show:

1st. The time of ARRIVAL and DEPARTURE at and from all TERMINI.

2nd. The time of DEPARTURE from intermediate points between termini.

3rd. The distance between all points shown in the schedule.

4th. Time schedule shall show what points, if any, on route of carrier, to which service cannot be rendered, and reasons therefor.

TIME SCHEDULE of Walter A. Keys, Operating under Trade Name of Wenatchee-Cashmere Stage Line. MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE Between Wenatchee, Wash., and Cashmere, Wash. With Terminal Depots at 123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere via the following route: West on Wenatchee Avenue to City Limit; thence west on Sunset Highway through Monitor to Terminal at Cashmere. Issued June 8, 1987. Effective June 10, 1987. Authority M. V. L. S. N. No. 60 Dated June 8, 1987.

WESTBOUND Table with columns: Mileage, From Wenatchee to, @ AM, # AM, Daily AM, Daily PM, @ PM, Daily PM, X PM. Rows include: 0.0 Wenatchee, 3.1 Wenatchee River Bridge, 4.4 Olds Corner, 4.4 Sunnyside Bridge, 6.0 Burkeys Corner, 8.1 Monitor P. O., 9.3 Red Bridge, 12.5 Cashmere.

EASTBOUND Table with columns: Mileage, From Cashmere to, @ AM, # AM, Daily AM, Daily PM, @ PM, Daily PM, X PM. Rows include: 0.0 Cashmere, 3.1 Red Bridge, 4.4 Monitor, 6.0 Burkeys Corner, 8.1 Sunnyside Bridge, 9.2 Olds Corner, 12.5 Wenatchee.

Explanatory Notes: @ Daily except Sunday; # Sunday only; X Saturday only.

TIME SCHEDULE of Walter A. Keys, Operating under Trade Name of Wenatchee-Cashmere Stage Line. MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE Between Wenatchee, Wash., and Cashmere, Wash. With Terminal Depots at 123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere via the following route: West on Wenatchee Avenue to city limit; thence west on Sunset Highway through Monitor to Terminal at Cashmere. Issued June 8, 1987. Effective June 23, 1987.

Table with columns: Leave Wenatchee Read Down, Daily, Sunday Only, Ex. Sun., Daily Mileage, From Wenatchee to, Leave Cashmere Read Up, Daily, Sunday Only, Ex. Sun. Rows include: Lv. 11:00, 11:09, 11:12, 11:18, 11:23, 11:29, 11:40.

Explanatory notes:

(5) At least one copy of such time schedule shall be easily accessible for public inspection, at each station or regular stopping place on the

line or route, and a copy shall be in the possession of each operator or driver, and must be adhered to.

(6) Changes in schedules affecting the time of arrival or departure of any motor vehicle at any station or stopping place on its route, or which will effect an increase or reduction in the amount of passenger service rendered at any station or stopping place on its route, must be made as follows:

1st. A new time schedule must be issued in accordance with rules 24 through 27; or a supplement to the existing time schedule must be issued in the same manner and in essentially the same form as the original time schedule.

2nd. Except as provided in "4th" paragraph below, such new time schedule or supplement shall be filed with the commission and notice must be given to the public at least ten days before the effective date thereof unless such change effects a reduction in the amount of passenger service rendered at any station or stopping place on its route, in which event such filing and notice must be given at least twenty days before the effective date thereof. EXCEPTION: If the sole change accomplished by a new time schedule or supplement is to increase the amount of service rendered, and no change is otherwise made in existing schedules, such filing must be made with the commission not less than one day before the effective date and notice to the public will not be required.

3rd. The notice to the public specified above must be given by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, 98504-8002."

4th. In the case of actual emergency, or when real merit is shown, the commission may, in its discretion, permit such time schedule or supplement to become effective on less than ten or twenty days' notice, whichever the case may be, in which case the time schedule or supplement must show on the title page thereof, directly under the effective date, the number and date of such special permission or order in the following manner:

"Authority M.V.L.S.N. Order No., dated"

5th. The commission may, on its own motion, or on the filing of sufficient protest by any person or persons affected, order such time schedule or supplement withdrawn, modified or suspended. If such an order is not issued by the commission the time schedule or supplement thereto will be considered in full force and effect on the designated effective date.

(7) All interruptions of regular service, where such interruptions are likely to continue for more than twenty-four hours, shall be promptly reported in writing to the commission, and to the public along the route, with full statement of the cause of such interruption, and its probable duration.

(8) Discontinuance of service for a period of five consecutive days without notice to the commission shall be deemed a forfeiture of all rights secured under and by virtue of any order or permission to operate issued by the commission: PROVIDED, HOWEVER, That the commission may permit the resumption of operation after such five day discontinuance, on proper showing that the carrier was not responsible for the failure to give service.

(9) No auto transportation company shall discontinue the service called for under its certificate, and time schedule filed thereunder, without first having given to the commission and to the public, at least ten days' notice in writing of the intention to discontinue such service, and having secured from the commission permission so to do.

~~((10) Any excursion service company which does not maintain scheduled service on a regular basis need not file with the commission copies of time schedules:))~~

AMENDATORY SECTION (Amending Order R-215, Cause No. TC-1786, filed 7/11/84)

WAC 480-30-070 LIABILITY AND PROPERTY DAMAGE INSURANCE OR SURETY BOND. (1) Within ten days after the date of the order granting an application for certificate, and before such certificate shall be issued, the applicant shall file with the commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington or a surety bond, the form of which is set out in subsection (4), covering each motor vehicle used or to be used by such applicant, in not less than the following sums:

For any recovery of personal injury by one person—\$100,000;

For all persons receiving personal injury by reason of at least one act of negligence:

Vehicles having capacity of 16 passengers or less—\$300,000,

Vehicles having capacity of 17 or more passengers—\$500,000,

For damage to property of any person other than the assured—\$50,000.

Failure to file and keep such insurance or surety bond in full force and effect shall be cause for dismissal of an application or cancellation of a certificate.

(2) Evidence of insurance shall be submitted on a "uniform motor carrier bodily injury and property damage liability certificate of insurance," filed in triplicate with the commission.

(3) All liability and property damage insurance policies issued to auto transportation companies shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) Form of surety bond.

Know all men by these presents:

That we of the City of, State of Washington, as principal, and, a corporation organized and existing under and by virtue of the Laws of, and authorized to transact business in the State of Washington under the laws thereof, as surety, are held and firmly bound unto the State of Washington, in the just and full sum of lawful money of the United States of America, upon each and every vehicle operated by the principal herein in the amounts as set out in the schedule below for the payment of which well and truly to be made, do hereby bind ourselves, our heirs, executors, administrators, successors and assigns, severally by these presents.

Signed, sealed and dated this day of 19...

This bond is written in pursuance of and is to be construed in accordance with chapter 81.68 RCW, and the Rules and Regulations of the Washington Utilities and Transportation Commission, adopted thereunder; is to be filed with the State for the benefit of persons who sustain damage or injury from the negligent operation of any and all motor vehicles operated by the auto transportation company (~~or excursion service company~~) (principal herein) under and by virtue of its certificate granted by the Washington Utilities and Transportation Commission, and Tariffs and Time Schedules filed thereunder.

SCHEDULE

On each motor vehicle used for the transportation of persons, not less than:

For any recovery for personal injury by one person—\$100,000;

For all persons receiving personal injury by reason of at least one act of negligence:

Vehicles having capacity of 16 passengers or less—\$300,000,

Vehicles having capacity of 17 or more passengers—\$500,000,

For damage to property of any person other than the assured—\$50,000.

Now, therefore, the condition of this obligation is such that if the said principal in accordance with the provisions of chapter 81.68 RCW, shall pay all damages for personal injuries which may be sustained by any person or any damage to property of any person other than the assured, by reason of any act of negligence on the part of the said principal, its agents or employees in the operation of motor propelled vehicles in transporting persons and express for compensation, under its Certificate of Public Convenience and Necessity issued by the Washington Utilities and Transportation Commission, and tariffs and time schedules filed thereunder, then this obligation to be void, otherwise to remain in full force and effect.

This bond may be cancelled by the surety at any time by filing written notice with the Washington Utilities and Transportation Commission, stating when the cancellation shall be effective, but in no case shall such cancellation notice be effective until fifteen (15) days after the receipt of such notice by the Washington Utilities and Transportation Commission.

.....
Principal
.....
Surety

AMENDATORY SECTION (Amending Order R-319, Docket No. TC-900312-R, filed 6/21/90, effective 7/22/90)

WAC 480-30-100 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 383, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on October 1, 1988, are adopted and prescribed by the commission to be observed by all auto transportation companies (~~(or excursion service companies)~~) operating under chapter 81.68 RCW except:

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

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

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

(3) No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.

(4) No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.

(5) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395, as well as and including all appendices and amendments thereto in effect on October 1, 1988, are adopted and prescribed by the commission to be observed by all auto transportation companies (~~(or excursion service companies)~~) operating under chapter 81.68 RCW.

(6) No driver or operator of any motor vehicle used in the transportation of passengers shall refuse to carry any person offering himself or herself at a regular stopping place for carriage and who tenders the regular fare to any stopping place on the route of said motor vehicle, or between the termini thereof, if allowed to carry passengers to such point under the certificate for such route: PROVIDED, HOWEVER, That the driver or operator of such motor vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane language, who is suffering from a contagious disease, or whose condition is such as to be obnoxious to passengers on such motor vehicle. A driver is responsible for the comfort, safety and peace of mind of his passengers to the extent that he should be constantly on the alert for and immediately correct any act of misconduct on the part of occupants of the vehicle.

(7) No auto transportation company (~~(or excursion service company)~~) operating any motor vehicle used in the transportation of persons, shall permit smoking on said vehicle either by passengers or other persons while present in said motor vehicle.

Auto transportation companies (~~(and excursion service companies)~~) shall place suitable signs in buses, of sufficient size and number to adequately inform passengers that smoking is not permitted in the motor vehicle.

(8) No motor vehicle used in the transportation of persons shall carry more than one hundred fifty percent of its rated carrying capacity. No passenger shall be permitted to stand unless the vehicle is equipped with devices designed and permanently installed to provide stability and safety for standing passengers. Even if the vehicle is so equipped, no passenger shall be permitted to stand for a distance in excess of thirty-five miles.

(9) The front seat of all passenger carrying vehicles, if connected with the driver's seat, shall be considered as an emergency seat and no passenger will be allowed to occupy the same unless all of the other seats of such vehicle are fully occupied. In no case shall more than one passenger be allowed to occupy the front seat of any motor vehicle unless such seat is forty-eight or more inches in width in the clear. No

passenger shall be allowed to sit in the front seat to the left of the driver.

(10) No motor vehicle used for the transportation of passengers shall carry or transport any baggage, trunk, crate or other load which shall extend beyond the running board of said motor vehicle on the left side.

(11) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.

(12) Accidents occurring in this state arising from or in connection with the operations of any auto transportation company (~~(or excursion service company)~~) operating under chapter 81.68 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-586-1119. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

(13) Auto transportation companies (~~(or excursion service companies)~~) transporting passengers shall maintain such comfort stations in a clean and sanitary condition along its line or route, and shall make such regular stops thereat as shall be necessary to care properly for the comfort of its patrons.

(14) Out-of-service criteria. All drivers operating motor vehicles under chapter 81.68 RCW shall do so in compliance with the safety rules and regulations defined therein. Duly authorized personnel of the commission shall have the power to order out-of-service any driver found to be operating in violation of those rules and regulations. The criteria for conditions under which a driver may be ordered out-of-service are those defined in the North American Uniform Out-Of-Service Criteria, in effect on February 15, 1989. Copies of this document are available from the commission upon request.

(15) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (5) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-215, Cause No. TC-1786, filed 7/11/84)

WAC 480-30-110 FEES AND GROSS OPERATING REVENUE. (1) Auto transportation companies (~~(or excursion service companies)~~) shall, between the first and fifteenth days of January, April, July and October of each year file with the commission a statement showing the amount of gross operating revenue of such company for the preceding three months, or portion thereof. Such statement must be accompanied by a fee of 2/5 of 1% of the gross operating revenue derived from intrastate operations, as provided in RCW 81.24.020; in no case shall the fee so paid be less than two dollars and fifty cents. Failure to make such payments shall be sufficient cause for the commission, in its discretion, to revoke a certificate. EXCEPTION: A private, nonprofit transportation provider certificated under WAC 480-30-035 shall pay to the commission the sum of \$10.00 annually for each vehicle operated in lieu of the above regulatory fee based on gross revenue. Such fee to be paid with the filing of the annual report of the corporation.

(2) The "gross operating revenue" of an auto transportation company is that revenue which such company receives or becomes lawfully entitled to recover for the transportation of persons, express, baggage and United States mail, upon any public highway of this state by means of motor propelled vehicles, and all other operating revenue; except such revenue as properly comes within the meaning of the term "independent operations" as hereinafter defined; also that revenue which such company receives from other property OWNED by it, the value of which is or should properly be included in its FIXED CAPITAL ACCOUNTS.

For the purpose of reporting to the commission on quarterly reports the "gross operating revenue" of an auto transportation company shall be subdivided as follows:

- R-1 Passenger revenue.
- R-2 Express and baggage revenue.
- R-3 United States mail and other operating revenue.

R-1, Passenger revenue: Shall include all revenue derived from the transportation of persons, except such revenue as is derived from operations coming within the meaning of "independent operations," as hereinafter defined.

(Note: This item must include ALL revenue received for the transportation of persons outside the corporate limits of a city or town where the service rendered is over the route, or any part thereof, or in the territory covered by the certificate of the reporting company. It must also include all revenue derived from the transportation of persons where the service is performed with any of the vehicles or facilities owned or operated by the reporting company, the value of which is included in its FIXED CAPITAL ACCOUNTS dedicated to furnishing the service authorized by its certificate, including revenue from what is commonly termed "taxicab" and "special for hire" service, etc., UNLESS the service rendered is not over the route, or any portion thereof, or in the territory covered by the certificate of the reporting company, and the vehicles utilized are used EXCLUSIVELY in such "taxicab" or "special for hire" service, etc., in which case the value of said vehicles or facilities so used and the entire revenue and expense incident to their use shall be kept separate and reported under "independent operations.")

R-2, Express and baggage revenue: Shall include all revenue from the transportation of:

- Express.
- Baggage in excess of free authorized allowances.
- Parcel room receipts where parcel rooms are operated by the reporting company.

R-3, United States mail and other operating revenue: Shall include all revenue derived from the transportation of United States mail and bonuses from special mail transportation, less fines and penalties imposed by the United States government when not collected from agents or employees. Other operating revenue from property owned and used in connection with the reporting company's business and not provided for in the foregoing revenue accounts, the principal items of which are:

- A—Rentals received for use of cars.
- B—Revenue derived from the performance of shop work for others.
- C—Amounts received from news companies or others for the privilege of operating news and soft drink stands, lunch counters, etc., at stations when such stations are OWNED by the reporting company.
- D—Rentals received from other transportation companies for the right to use stations OWNED by the reporting company, used in its auto transportation operations and included in the FIXED CAPITAL ACCOUNTS thereof.

E—Revenue received from advertising in stations and cars.

The intrastate portion of above items R-1, R-2 and R-3 will constitute "total gross operating revenue" upon which the fee will be computed and remitted, as provided in RCW 81.24.020, and rule 62.

(3) ((The "gross operating revenue" of an excursion service company is that revenue which such carrier receives or becomes lawfully entitled to recover for the transportation of passengers under its excursion service company certificate plus all other operating revenues incidental to the excursion service.

(4)) Nonoperating revenue: Is that revenue received as a return on property OWNED by the reporting company, the value of which is not included in the FIXED CAPITAL ACCOUNTS of its "auto transportation" or "independent" operations. Principal items:

- A—Revenue received from other auto transportation companies, ownership of which is shared by the reporting company.
- B—Dividends on stock of other companies.
- C—Interest on loans.

D—Rents from property the value of which is not included in the FIXED CAPITAL ACCOUNTS of the reporting company's certified or independent operations.

Independent operations: Revenue from "independent operation" is that revenue which the reporting company receives or becomes lawfully entitled to recover for the transportation of persons and/or express by means of motor propelled vehicles where the service rendered is not over the route, or any portion thereof, or in the territory covered by such company's certificate and where the value of the vehicles and facilities so used is not included, nor properly includable, in the FIXED CAPITAL ACCOUNTS of such auto transportation company dedicated to

furnishing the service authorized by its certificate and where both the revenue and expense incident to such "independent operations" are kept separate and apart from the accounts of the company's certified operations.

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-010 DEFINITIONS. (1) Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purpose of these regulations, be given the meaning hereinafter subjoined to them:

- (2) The word "state" means the state of Washington.
- (3) The word "commission" means the Washington utilities and transportation commission.
- (4) "Person or persons" means an individual, a corporation, association, joint stock association, and partnership, their lessees, trustees or receivers.
- (5) "Public highway" includes every public street, road or highway in this state.
- (6) "Motor vehicle" means every self-propelled vehicle with seating capacity for seven or more persons excluding the driver.
- (7) Subject to the exclusions of RCW 81.70.030, "charter party carrier of passengers" means every person engaged in the transportation of a group of persons who, pursuant to a common purpose and under a single contract, have acquired the use of a motor bus to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having left the place of origin.

(8) Subject to the exclusion of subsection (10) of this section, "excursion service carrier" means every person engaged in the transportation of persons for compensation over any public highway in this state from points of origin within the incorporated limits of any city or town or area, to any other location within the state of Washington and returning to that origin. The service shall not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may or may not be regularly scheduled. Compensation for the transportation offered or afforded shall be computed, charged, or assessed by the excursion service company on an individual fare basis.

(9) "Area" shall mean a county boundary or a specifically designated location(s) as a point of origin.

(10) This chapter does not apply to:

- (a) Persons operating motor vehicles wholly within the limits of incorporated cities;
- (b) Persons or their lessees, receivers, or trustees insofar as they own, control, operate, or manage taxicabs, hotel buses or school buses, when operated as such;
- (c) Passenger vehicles carrying passengers on a noncommercial enterprise basis;
- (d) Operators of charter boats operating on waters within or bordering this state.

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-020 LICENSES. No motor vehicle shall be operated upon the public highways of this state by any charter party carrier or excursion service carrier of passengers until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to motor vehicle licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways.

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-030 CERTIFICATES. (1) No person may operate, establish, or engage in the business of a charter party carrier or excursion service carrier of persons over any public highway in this state, without first having obtained a certificate from the commission or having registered as an interstate carrier.

(2) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of chapter 19.80 RCW, and a certified copy thereof filed with the commission.

(3) Certificates must be kept on file at the main office of the owner except when directed to be transmitted to the commission, and shall be

subject at all times to inspection by the authorized representatives of the commission.

(4) Any certificate to operate a motor propelled vehicle for the transportation of persons for compensation obtained upon any application by any false affidavit or representation shall be subject to revocation and cancellation by the commission.

(5)(a) No certificate nor any right thereunder may be leased, assigned, or otherwise transferred or encumbered unless authorized by the commission. Requests for such authority shall be on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by filing fee named in subsection (7) of this section.

(b) No charter party or excursion service carrier certificate or right to conduct any of the service therein authorized shall be leased, assigned or otherwise transferred except in its entirety unless the portion thereof not to be leased, assigned, or otherwise transferred is to be immediately cancelled.

(6)(a) All applications for original certificates (including extensions of certificates), shall be on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by application fee named in subsection (7) of this section.

(b) A certificate shall be issued to any qualified applicant authorizing, in whole or in part, the operations covered by the application if it is found that the applicant is fit, willing, and able to perform properly the service and to conform to the provisions of the laws governing charter party carriers or excursion service carriers of passengers and the rules and regulations of the commission.

(c) Before a certificate is issued, the commission shall require the applicant to meet certain safety requirements and show proof of minimum financial responsibility as set forth in this chapter.

(7) Miscellaneous fees:

Original application for certificate	\$150.00
Application for extension of certificate	150.00
Application to lease, assign, or otherwise transfer or encumber a certificate	150.00
Application for issuance of duplicate certificate	5.00

(8) All applications for the issuance of a duplicate certificate must be accompanied by affidavit of the holder thereof setting forth that the original certificate has been lost or destroyed.

(9) The commission may cancel, revoke, or suspend any certificate issued under this chapter on any of the following grounds:

(a) The violation of any of the provisions of chapter 81.70 RCW;

(b) The violation of an order, decision, rule, regulation, or requirement established by the commission pursuant to the law governing charter party carriers or excursion service carriers of passengers;

(c) Failure of a charter party carrier or excursion service carrier of passengers to pay a fee imposed on the carrier within the time required by law;

(d) Failure of a charter party carrier or excursion service carrier to maintain required insurance coverage in full force and effect; or

(e) Failure of the certificate holder to operate and perform reasonable service.

(10) After the cancellation or revocation of a certificate or interstate registration, or during the period of its suspension, it is unlawful for a charter party carrier or excursion service carrier of passengers to conduct any operations as such a carrier.

(11) Whenever an order is entered by the commission cancelling or revoking a previous order granting a certificate or cancelling or revoking a certificate already issued, and subsequently an application is made, such application shall be filed in the manner required as for the original.

(12) Remittances shall be made by money order, bank draft, or check, made payable to the Washington utilities and transportation commission.

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-040 LIABILITY AND PROPERTY DAMAGE INSURANCE. (1) Within ten days after the date of the order granting an application for certificate, and before such certificate shall issue, the applicant shall file with the commission, evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington covering each motor vehicle used or to be used by such applicant in the following sums:

	CHARTER PARTY CARRIER OF PASSENGERS			
	Effective 6/9/88	Effective 6/9/88	Effective 7/1/90	Effective 7/1/90
(1) Passenger seating capacity	16 or less	17 or more	16 or less	17 or more
(2) Minimum amount for bodily injuries to one person	\$100,000	\$ 100,000	\$ 100,000	\$ 100,000
(3) Minimum amount for bodily injuries to all persons injured in any one accident	\$500,000	\$ 2,500,000	\$ 1,000,000	\$ 5,000,000
(4) Minimum amount for loss or damage in any one accident to property of others	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000

	EXCURSION SERVICE COMPANY			
	Effective 5/1/90	Effective 5/1/90	Effective 6/1/92	Effective 6/1/92
(1) Passenger seating capacity	16 or less	17 or more	16 or less	17 or more
(2) Minimum amount for bodily injuries to one person	\$100,000	\$ 100,000	\$ 100,000	\$ 100,000
(3) Minimum amount for bodily injuries to all persons injured in any one accident	\$500,000	\$ 2,500,000	\$ 1,000,000	\$ 5,000,000
(4) Minimum amount for loss or damage in any one accident to property of others	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000

Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a certificate.

(2) Evidence of insurance shall be submitted on a "uniform motor carrier bodily injury and property damage liability certificate of insurance," filed in triplicate with the commission.

(3) All liability and property damage insurance policies issued to charter party carriers or excursion service carriers of passengers shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-050 SELF INSURANCE. (1) Every charter party carrier or excursion service carrier of passengers which qualifies as a self-insurer under the provisions as set forth in ((section 9, chapter 30, Laws of 1988;)) RCW 81.70.290 may upon proper application to the commission be exempt from all provisions relative to liability and property damage insurance under the rules and regulations as herein

set forth: PROVIDED, HOWEVER, That with said application shall be filed a certified copy of the order of the Interstate Commerce Commission showing that the said applicant has qualified under the Interstate Commerce Act as a self-insurer; and a further certification that said company was at the time of the application to the Washington utilities and transportation commission operating under the said self-insuring authority; and that the same is now in full force and effect.

(2) Every charter party carrier or excursion service carrier qualified and acting under the self-insurer provisions of ((section 9, chapter 30, Laws of 1988)) RCW 81.70.290, who may thereafter have all rights as self-insurer cancelled by the Interstate Commerce Commission, shall coincidentally upon the effective date of the order cancelling such right, file with the Washington utilities and transportation commission the proper liability and property damage insurance or surety bond as provided for in WAC 480-40-040(1).

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-060 EQUIPMENT OF MOTOR VEHICLES. (1) Motor vehicles shall be equipped in accordance with existing state laws, and the rules and regulations of the commission.

(2) For the purpose of identification and information of the public, all motor vehicles, including substitute or emergency vehicles, while being operated under certificate, shall have displayed on each side of such vehicle in a conspicuous place and of such size as to be easily discernible at a distance of at least fifty feet, the number of the certificate under which such vehicle is being operated(~~(preceded by the letters W.U.T.C.)~~). Thus:

(~~W.U.T.C.~~
~~CH.....~~)
CH ES

In the event a certificate is revoked or cancelled or the equipment sold the carrier shall immediately remove its certificate number from its vehicles.

(3) Motor vehicles used in the transportation of passengers shall have displayed thereon the company name and number of such vehicle printed in letters of sufficient size and so placed as to be easily discernible.

(4) All motor vehicles shall be maintained in a safe and sanitary condition and shall be at all times subject to inspection by the commission's duly authorized representatives.

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-070 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 383, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as including all appendices and amendments thereto, in effect on January 1, 1983, are adopted and prescribed by the commission to be observed by all charter party carriers or excursion service carriers of passengers operating under chapter 81.70 RCW except:

(a) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

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

(3) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395, as well as

and including all appendices and amendments thereto in effect on January 1, 1988, are adopted and prescribed by the commission to be observed by all charter party carriers or excursion service carriers of passengers operating under chapter 81.70 RCW.

(4) Accidents occurring in this state arising from or in connection with the operations of any charter party carrier or excursion service carrier of passengers operating under chapter 81.70 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-586-1119. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

(5) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-075 EQUIPMENT—SAFETY. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.70 RCW shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 390.17, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1, and sections 393.13, 393.14, 393.15, 393.16, 393.76, 393.100, 393.102, 393.104, 393.106; part 396, except that with respect to section 396.11 no driver vehicle inspection report need be filed if no defects are found, and excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as including all appendices and amendments thereto, in effect on January 1, 1988, are adopted and prescribed by the commission to be observed by all charter party carriers or excursion service carriers of passengers operating under chapter 81.70 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-110 REGISTERED CARRIERS. (1) Carriers engaged exclusively in interstate or foreign commerce are declared to be registered carriers. Those operating under authority issued by the Interstate Commerce Commission shall have their registration number prefixed by "CH(:" for charter or "ES" for excursion. Registered carriers need only comply with such rules and regulations as specifically refer to them or to equipment operated exclusively in interstate commerce across or between points in the state and points outside of the state.

(2) By reference, the Washington utilities and transportation commission hereby adopts the rules promulgated by the National Association of Regulatory Utility Commissioners and adopted by the Interstate Commerce Commission under PL 89-170 and codified as part 1023 of Title 49, Code of Federal Regulations.

(3) Registered carriers may meet insurance requirements by filing with the Washington utilities and transportation commission a certificate of insurance.

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-120 REGISTRATION OF INTERSTATE AUTHORITY. (1) It shall be unlawful for any charter party carrier or

excursion service carrier of passengers to perform a transportation service for compensation upon the public highways of this state without first having secured appropriate authority from the Interstate Commerce Commission, if such authority is required, and without first having registered such authority, if any, with the commission.

(2) Such registration shall be granted upon application, without hearing, upon payment of the appropriate filing fee. Applications to register ICC operating authority with the commission shall be accompanied by the fee of twenty-five dollars for charter party carriers or excursion service carriers of passengers who have not previously filed currently effective applications for such registration.

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-130 IDENTIFICATION CARDS. (1) No motor vehicle operated by a charter party carrier or excursion service carrier of passengers upon the highways of this state shall be so operated without having available within the vehicle a valid identification cab card properly signed and with appropriate stamp affixed or equivalent thereof. Such identification card shall be subject to inspection by the commission's representatives at all times.

(2) An application for sufficient number of identification stamps shall be filed with the commission, accompanied by the necessary stamp and regulatory fee. The cost of the stamp shall be three dollars.

(3) The annual regulatory fee shall be (~~seven dollars per vehicle. Under section 15, chapter 30, Laws of 1988, the annual regulatory fee shall be~~) established by general order of the commission but not to exceed the cost of supervising and regulating such carriers. Such fee shall be collected annually from each charter party carrier and excursion service carrier holding a certificate and from each interstate or foreign carrier subject to chapter 81.70 RCW.

(4) In lieu of the payment of a full regulatory fee for each vehicle operated upon the public highways of the state of Washington, the regulatory fee may, at the request of the carrier, be paid on the basis of the following option:

Lump sum regulatory fee payment. Carriers who operate fleets in excess of fifty motor power vehicles upon the public highways of the state of Washington may elect to pay a lump sum regulatory fee based on the number of vehicles operated during the previous year, at the regulatory fee established by general order of the commission (~~entered before November 1st of any year~~).

(5) Charter party carriers or excursion service carriers of passengers engaged exclusively in casual or occasional interstate or foreign commerce across or between points in the state and points outside the state may, as an alternative to all other requirements of this chapter, obtain a single trip transit permit, valid for ten days authorizing one trip, entering or across the state. This permit will be issued upon payment of a fee of ten dollars. The carrier must provide the name and policy number or binder of the insurance company with whom the carrier has insurance which meets the provisions of WAC 480-40-040.

(6) No refund will be made on unused stamps.

(7) Any "lost stamps" will be replaced only at full stamp and regulatory fee: PROVIDED, HOWEVER, That in unusual circumstances the commission may, by order, waive all or a portion of the replacement cost.

(8) Each carrier shall obtain from the Washington utilities and transportation commission or from the National Association of Regulatory Utility Commissioners a sufficient number of blank identification cab cards to satisfy its requirements.

(9) All identification cab cards and stamps issued for a particular calendar year expire January 31 of each succeeding year. However, a stamp may be issued for the ensuing calendar year on or after the first day of October preceding, and may be used from the date of issue.

(10) An identification cab card may be reassigned to a substitute vehicle (power unit) only when the original vehicle has been destroyed or is being permanently withdrawn from the ownership or possession of the permittee.

AMENDATORY SECTION (Amending Order R-215, Cause No. TC-1786, filed 7/11/84)

WAC 480-149-060 PASSENGER TARIFFS. Passenger tariffs shall contain:

(1) Rules and regulations which govern the tariff, in clear and explicit terms, setting forth all privileges, stopovers, extension of time limit, restrictions outlines in certificate, children's fares, baggage rules,

excess baggage rates, etc., and the following provision with regard to the refund for unused and partly used tickets:

(a) "Unused tickets will be redeemed at the purchase price. Unused portions of round trip or commutation tickets will be redeemed by charging the regular fare or fares for the portion or portions used and refunding the balance of the purchase price."

(2) Tariffs, except those of water transportation companies (~~and excursion service companies~~;) must contain a rule with reference to fares applicable to intermediate points not specifically named in such tariff. This rule shall read substantially as follows: "Fares from or to intermediate points not named herein will be the same as the fares from or to the next more distant point named."

(3) Adult fares, definitely and specifically stated, in cents, or in dollars and cents, per passenger, together with the names of the stations or stopping places from and to which they apply, arranged in a simple and systematic manner. The tariff shall clearly indicate whether fares apply "one way" or "round trip."

(4) Where fares to or from a named point include stops beyond the regular terminal, or where no regular terminal is maintained, the tariff shall define the zone within which fares to or from such named point apply.

(5) Commutation fares, if any.

(6) The different routes via which fares apply. When a tariff specifies routing, the fares may not be applied via a route not specified.

(7) Full explanation of reference marks and technical abbreviations used in the tariff.

(8) The above rules are in addition to the general rules of this circular insofar as they apply to passenger operations.

AMENDATORY SECTION (Amending Order R-285, Cause No. TG-2146, filed 4/4/88)

WAC 480-149-120 NOTICE REQUIRED. (1) Unless two copies are specifically requested by the commission, one copy of every tariff, supplement or revised page must be filed with the commission and notice must be given to the public by posting copies in a conspicuous place at each station affected thirty days before the effective date thereof except as provided for in the following sections of this rule or unless specifically authorized by the commission. Filings received on Saturdays, Sundays or holidays will be considered as being received on the following office day.

(2) The following tariffs may be filed on one day's notice to the commission and to the public:

(a) Providing for the opening or closing of navigation or traffic on rivers, harbors, lakes, highways or roads of the state.

(b) Providing for the movement of circuses.

(c) Providing rates for new lines or extensions of lines or service not heretofore covered by any similar form of transportation or service or not competitive with any similar form of transportation or service.

If the new line, extension or service is covered by any form of transportation or service, and/or is competitive therewith, the tariff or supplement so filed, must provide the same rates or fares as those of the existing company unless full statutory notice is given prior to the beginning of operations.

(d) Adoption, suspension or vacating supplements as provided for in WAC 480-149-110.

~~((e) Excursion passenger tariffs as provided for in WAC 480-149-070(+))~~

(3) In the case of a change proposed by a rail carrier, a change resulting in increased rates or decreased value of service shall not become effective for twenty days after the notice is filed with the commission, and a change resulting in decreased rates or increased value of service, or changes which result in neither increases nor reductions, shall not become effective for ten days after the notice is filed with the commission.

(4) In cases of actual emergency, or when real merit is shown, the commission may, in its discretion, permit tariffs to become effective on less than the notice and the publication time periods specified in this section. Application for such authority must be on a form supplied by the commission. On every tariff or supplement that is issued on less than thirty days' notice by permission or order or regulation of the commission, notation must be made that it is issued under L.S.N. order of the Washington utilities and transportation commission, number of (date), or by authority of Rule W.U.T.C. Tariff Circular No. 6, or by authority of decision of the commission in Cause No.

(5) Whenever a carrier files a tariff on not less than thirty days' notice, containing increased rates and charges for collection and disposal

of garbage, refuse, and debris, such carrier shall at the same time, or prior thereto, notify affected customers that a tariff of increased rates and charges is being filed with the Washington utilities and transportation commission, Olympia, Washington, proposed to become effective on a particular date. The amount of increased charges must also be indicated. Notice shall be in writing and sent to customers by United States mail. The notice shall state that the proposed rates shall not become effective until reviewed by the commission. The notice shall also include a statement that affected customers who oppose the increase may express that opposition in writing to reach the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002 not later than fourteen days from the date of the notice. A copy of the notice shall also be mailed or delivered to at least one newspaper of general circulation in the area. The tariff filed with the commission must be accompanied by a letter of transmittal fully setting forth the reasons justifying the proposed increased charges. The letter shall also state that notice has been given in the manner outlined above.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-149-070 EXCURSION SERVICE COMPANY AND TEMPORARILY REDUCED ONE-WAY TARIFFS.

WSR 90-17-051
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Order 90-10—Filed August 13, 1990, 2:30 p.m.]

Date of Adoption: August 13, 1990.

Purpose: Amendments to WAC 296-36-145 Regulation of pressure and air quality in working areas—Air quality in working areas; 296-36-170 Stairs and ladders; 296-36-175 Lighting and power equipment; 296-36-180 Signals and means of communication; and 296-36-210 Medical supervision and medical and first-aid facilities—Medical supervision, are state-initiated housekeeping changes to correct WAC references to chapter 296-70 WAC which has been repealed and to incorporate a section on signals and means of communication that should have been included when WAC 296-70-150 was repealed. Amendments to WAC 296-62-07521 Lead, are federal-initiated changes to be "identical" to the federal final rule published in Federal Register Volume 55, Number 20, dated January 30, 1990. Amendments to WAC 296-62-07713 Methods of compliance, are federal-initiated changes to comply with the federal final rule published in Federal Register Volume 54, Number 243, dated December 20, 1989. New sections WAC 296-62-400 Occupational exposure to hazardous chemicals laboratories; 296-62-40001 Scope and application; 296-62-40003 Definitions applicable to all sections of this chapter; 296-62-40005 Permissible exposure limits; 296-62-40007 Employee exposure determination; 296-62-40009 Chemical hygiene plan—General; 296-62-40011 Employee information and training; 296-62-40013 Medical consultation and medical examinations; 296-62-40015 Hazard identification; 296-62-40017 Use of respirators; 296-62-40019 Recordkeeping; 296-62-40021 Start-up date; 296-62-40023 Appendices; 296-62-40025 Appendix A—National Research

Council recommendations concerning chemical hygiene in laboratories (nonmandatory); and 296-62-40027 Appendix B—References (nonmandatory), are federal-initiated changes to be at-least-as-effective-as the federal final rule published in Federal Register Volume 55, Number 44, dated March 6, 1990. Amendments to WAC 296-155-367 Masonry saws; 296-155-680 General provisions; 296-155-682 Requirements for equipment and tools; 296-155-691 Precast concrete and tilt up operations; and 296-155-697 Requirements for masonry construction, are federal-initiated changes to be at-least-as-effective-as the federal final rule published in Federal Register Volume 53, Number 116, dated June 16, 1988. Amendments to WAC 296-155-48531 Vehicle mounted elevating and rotating aerial devices, are state-initiated changes necessary due to the repeal of WAC 296-155-580 Aerial lifts. The repeal of WAC 296-155-580 is a state-initiated change repealing an obsolete section. Amendment to WAC 296-305-015 is a state-initiated housekeeping change.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-155-580; and amending WAC 296-36-145, 296-36-170, 296-36-175, 296-36-180, 296-36-210, 296-62-07521, 296-62-07713, 296-155-367, 296-155-680, 296-155-682, 296-155-691, 296-155-697, 296-155-48531 and 296-305-015.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Pursuant to notice filed as WSR 90-12-106 on June 6, 1990.

Changes Other than Editing from Proposed to Adopted Version: An additional housekeeping change is made to WAC 296-36-145 to correct a reference to the supervisor of the division of safety. The correct reference is the director. An additional housekeeping change is made to WAC 296-62-400 through WAC 296-62-40027 to add the title of the new part as Part Q, Hazardous chemicals in laboratories. As a result of oral testimony at the public hearing a reference to recordkeeping requirements contained in chapter 296-27 WAC is added to WAC 296-305-015. This change does not add any new compliance requirements.

Effective Date of Rule: September 24, 1990.

August 13, 1990

Joseph A. Dear

Director

AMENDATORY SECTION (Amending Rules (Part VII C), filed 12/28/62)

WAC 296-36-145 REGULATION OF PRESSURE AND AIR QUALITY IN WORKING AREAS—AIR QUALITY IN WORKING AREAS. (1) Ventilation. An automatic air quality monitoring system acceptable to the (~~supervisor of the division of safety~~) director, department of labor and industries, shall be installed in the pressurized working chamber and shall at all times be maintained in proper working condition. The system shall provide continuous sampling and monitoring of the air and shall indicate by visual and audible alarm the presence of dangerous air contaminants in excess of the following:

Carbon monoxide	0.01%	100 ppm
Carbon dioxide	0.50%	5000 ppm
Oxides of nitrogen	0.0005%	5 ppm
Methane	0.25%	2500 ppm
Hydrogen sulphide	0.002%	20 ppm

The director in his discretion may change these concentrations to conform with good practices as recommended by the American Conference of Governmental Industrial Hygienists.

The system shall also indicate and give alarm at any time the oxygen content is less than 19.5 percent.

The system shall be so arranged that the visual and audible alarm will give warning in the working chamber and at the lock tender's station at the low pressure side of the locks.

In addition to the specific requirements contained in these standards of safety (~~(; the following rules contained in the safety standards for tunnels, shafts and subways))~~ chapter 296-62 WAC shall apply ~~((:))~~ for rock dust and ventilation.

~~((WAC 296-70-070 Rock dust and WAC 296-70-080 Ventilation:))~~

(2) Protection against atmospheric containments: The ~~((following rules contained in the safety standards for tunnels, shafts and subways shall apply: WAC 296-70-090 Protection against atmospheric containment))~~ requirements of chapters 296-62 and 296-155 WAC, Part Q shall apply.

AMENDATORY SECTION (Amending Rules (Part XII), filed 12/28/62)

WAC 296-36-170 STAIRS AND LADDERS. The ~~((following rules contained in the safety standards for tunnels, shafts and subways shall apply: WAC 296-70-110))~~ requirements of chapter 296-155 WAC Parts K and J shall apply.

AMENDATORY SECTION (Amending Rules (Part XIII), filed 12/28/62)

WAC 296-36-175 LIGHTING AND POWER EQUIPMENT. (1) ~~((Type of installation:))~~ All lighting underground shall be by electricity. ~~((Lighting and power facilities shall comply in materials and installation practice with WAC 296-70-180 and 296-70-190, lighting and electrical equipment as contained in safety standards for tunnels, shafts and subways:))~~ (a) Lighting shall comply with chapter 296-155 WAC.

(b) Power equipment shall comply with chapter 296-155 WAC.

(2) Emergency lighting. The lighting circuits shall be connected to two independent sources of power supply. In addition to the lighting circuit, adequate and sufficient portable electric emergency lights shall be provided and maintained for immediate use. These shall be readily accessible to all employees working underground.

(3) Lamp sockets. The exterior of all lamp sockets shall be of nonmetallic material and all sockets shall be of the weatherproof type.

(4) Location of lamps. Lamps shall be so placed that they cannot come into contact with combustible materials and so that a clear space is provided all around.

(5) Lamp guards. All lamps shall be protected with wire cage guards.

AMENDATORY SECTION (Amending Rules (Part XIV), filed 12/28/62)

WAC 296-36-180 ~~((SIGNAL CODES))~~ SIGNALS AND MEANS OF COMMUNICATION. ~~((Signal codes shall comply with WAC 296-70-150, signals and means of communication, of safety standards for tunnels, shafts and subways:))~~ (1) Effective and reliable signaling devices shall be maintained at all times to give instant communication between the bottom and top of shaft, and where considered necessary by the safety division, dual independent signal systems shall be installed.

(2) Special care shall be taken to keep the signaling apparatus in good order, and all proper precautions shall be taken to prevent electric signal and telephone wires from coming into contact with other electric conductors, whether insulated or not.

(3) Where it is necessary to use signals by means of bell or otherwise for hoisting or lowering, the following code shall be used:

Any code of signals used shall be printed and copies thereof shall be kept posted in a conspicuous place near entrances to work places and in such other places as may be necessary to bring them to the attention of all persons concerned.

1 bell:	Stop immediately if in motion.
2 bells:	Lower.
3-1 bells:	Hoisting men, run slowly.
3-2 bells:	Lowering men.
1-1 bells:	To hoist muck.
2-1-2 bells:	Release cage, skip, or bucket.
4 slow bells:	Blasting signal. (This is a caution signal and if the hoist operator is prepared to accept it he must acknowledge it by raising cage, skip or bucket a few feet then lowering it again. After accepting this signal, hoist operator must be prepared to hoist men away from blast as soon as signal 3-1 bells are given and must accept no other signal in the meantime.)
5 bells:	Water on or off.
6 bells:	Air on or off.
9 bells:	Danger signal (fire, accident or other danger), followed by station signal, calls cage, skip, or bucket to that station. This signal takes precedence over all others except an accepted blasting signal.

(4) Where tunnels are driven from shafts more than two hundred fifty feet deep, a telephone system shall be established and maintained, communicating with the surface at each such shaft, and with a station or stations readily and quickly accessible to the men at the working level.

AMENDATORY SECTION (Amending Rules (Part XIX A), filed 12/28/62)

WAC 296-36-210 MEDICAL SUPERVISION AND MEDICAL AND FIRST-AID FACILITIES—MEDICAL SUPERVISION. (1) Appointed physician. Where workmen are employed in compressed air, their employer shall make arrangements for their medical supervision by one or more licensed physicians trained in the physical requirements and the medical aspects of compressed air work and the treatment of decompression illness. The employer shall arrange for medical examination of all workmen employed in compressed air at a suitable place or places by the appointed physician in accordance with these regulations. The appointed physician or physicians shall be immediately available in case of emergency or accident. Each appointed physician shall be physically qualified to subject himself to a compressed air environment.

(2) Appointed physician's duties and responsibilities.

(a) General. All matters on the job pertaining to the health of employees, treatment on the job of illness and injuries, special first-aid and nursing personnel or assistants, lock attendants, and medical and first-aid equipment shall be under the supervision of the appointed physician.

(b) He shall make all required physical examinations.

(c) He shall make and sign all required reports of such examinations using the forms provided by the department of labor and industries.

(d) He shall make at least one inspection on the job every day of all treatment records and the required decompression record and he shall inspect or inquire into conditions which may constitute a potential hazard to the health of any employee.

(3) Certified medical attendant. There shall be on every job a certified medical attendant trained to the satisfaction of the appointed physician in administering first aid on compressed air jobs, and who shall be in attendance in the first-aid room while work in compressed air is going on and at such other times as the physician may direct. The medical attendant shall be in personal charge of the administration of first aid and such other duties as physician may direct. Under no circumstances shall female medical attendants be subjected to a compressed air environment.

(4) First-aid personnel.

(a) The superintendent and every foreman and at least one additional designated person on each shift below ground shall be trained to the satisfaction of the appointed physician in administering first aid.

(b) Where more than 10 but less than 50 men are employed per shift underground, there shall be at least 2 such additional designated trained persons on the job and available on call.

(c) Where more than 50 men are employed per shift underground, the designated trained personnel shall include all shift bosses and time keepers in addition to those required in subsection (b) above.

(d) All designated first-aid personnel shall have in their possession current first-aid certificates acceptable to the department of labor and industries.

(5) First-aid meetings. All designated first-aid personnel shall meet at least once in each 3 months or oftener if directed by the physician for further first-aid instruction by the physician.

(6) First-aid room and equipment. The employer shall provide a first-aid room properly heated and maintained within 100 yards of the principal entrance to the underground work. It shall be equipped with a first-aid kit, medical supplies and equipment consisting of not less than the minimum requirements listed in ~~((the Safety standards for tunnels, shafts and subways, WAC 296-70-030, "Minimum first-aid requirements" supplemented by special equipment and supplies deemed necessary by the appointed physician))~~ chapter 296-155 WAC, Part B-1.

(7) First-aid equipment underground. All the equipment and supplies which the appointed physician may deem necessary for first-aid underground shall be provided and maintained readily available in a suitable cabinet or cabinets. A list of the contents signed by the appointed physician shall be permanently attached to the inside of the cabinet door or cover. The cabinet shall be plainly marked with a red cross and the words "first aid."

In caissons, one such cabinet shall be conveniently located in the working chamber.

In tunnels where a bulkhead is installed, one such cabinet shall be located on each side of the bulkhead near the entrance to the man lock.

In tunnels having no bulkhead, one such cabinet shall be located within 100 yards of the working face.

AMENDATORY SECTION (Amending Order 89-20, filed 1/11/90, effective 2/26/90)

WAC 296-62-07521 LEAD. (1) Scope and application.

(a) This section applies to all occupational exposure to lead, except as provided in subdivision (1)(b).

(b) This section does not apply to the construction industry or to agricultural operations covered by chapter 296-306 WAC.

(2) Definitions as applicable to this part.

(a) "Action level" – employee exposure, without regard to the use of respirators, to an airborne concentration of lead of thirty micrograms per cubic meter of air ($30 \mu\text{g}/\text{m}^3$) averaged over an eight-hour period.

(b) "Director" – the director of the department of labor and industries.

(c) "Lead" – metallic lead, all inorganic lead compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(3) Permissible exposure limit (PEL).

(a) The employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air ($50 \mu\text{g}/\text{m}^3$) averaged over an eight-hour period.

(b) If an employee is exposed to lead for more than eight hours in any work day, the permissible exposure limit, as a time weighted average (TWA) for that day, shall be reduced according to the following formula:

$$\text{Maximum permissible limit (in } \mu\text{g}/\text{m}^3) = 400 \div \text{hours worked in the day.}$$

(c) When respirators are used to supplement engineering and work practice controls to comply with the PEL and all the requirements of subsection (6) have been met, employee exposure, for the purpose of determining whether the employer has complied with the PEL, may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods may be averaged with exposure levels during periods when respirators are not worn to determine the employee's daily TWA exposure.

(4) Exposure monitoring.

(a) General.

(i) For the purposes of subsection (4), employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) With the exception of monitoring under subdivision (4)(c), the employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(iii) Full shift personal samples shall be representative of the monitored employee's regular, daily exposure to lead.

(b) Initial determination. Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

(c) Basis of initial determination.

(i) The employer shall monitor employee exposures and shall base initial determinations on the employee exposure monitoring results and any of the following, relevant considerations:

(A) Any information, observations, or calculations which would indicate employee exposure to lead;

(B) Any previous measurements of airborne lead; and

(C) Any employee complaints of symptoms which may be attributable to exposure to lead.

(ii) Monitoring for the initial determination may be limited to a representative sample of the exposed employees who the employer reasonably believes are exposed to the greatest airborne concentrations of lead in the workplace.

(iii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy the requirement to monitor under item (4)(c)(i) if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(d) Positive initial determination and initial monitoring.

(i) Where a determination conducted under subdivision (4)(b) and (4)(c) of this section shows the possibility of any employee exposure at or above the action level, the employer shall conduct monitoring which is representative of the exposure for each employee in the workplace who is exposed to lead.

(ii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy this requirement if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(e) Negative initial determination. Where a determination, conducted under subdivisions (4)(b) and (4)(c) of this section is made that no employee is exposed to airborne concentrations of lead at or above the action level, the employer shall make a written record of such determination. The record shall include at least the information specified in subdivision (4)(c) of this section and shall also include the date of determination, location within the worksite, and the name and social security number of each employee monitored.

(f) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subdivision (4)(g) of this section.

(ii) If the initial determination or subsequent monitoring reveals employee exposure to be at or above the action level but below the permissible exposure limit the employer shall repeat monitoring in accordance with this subsection at least every six months. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in subdivision (4)(g) of this section.

(iii) If the initial monitoring reveals that employee exposure is above the permissible exposure limit the employer shall repeat monitoring quarterly. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the PEL but at or above the action level at which time the employer shall repeat monitoring for that employee at the frequency specified in item (4)(f)(ii), except as otherwise provided in subdivision (4)(g) of this section.

(g) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to lead, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to lead, additional monitoring in accordance with this subsection shall be conducted.

(h) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure, without regard to respirators, exceeds the permissible exposure limit, the employer

shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible exposure limit.

(i) Accuracy of measurement. The employer shall use a method of monitoring and analysis which has an accuracy (to a confidence level of ninety-five percent) of not less than plus or minus twenty percent for airborne concentrations of lead equal to or greater than 30 µg/m³.

(5) Methods of compliance.

(a) Engineering and work practice controls.

(i) Where any employee is exposed to lead above the permissible exposure limit for more than thirty days per year, the employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance with the implementation schedule in Table I below, except to the extent that the employer can demonstrate that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest feasible level and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (6) of this section.

(ii) Where any employee is exposed to lead above the permissible exposure limit, but for thirty days or less per year, the employer shall implement engineering controls to reduce exposures to 200 µg/m³, but thereafter may implement any combination of engineering, work practice (including administrative controls), and respiratory controls to reduce and maintain employee exposure to lead to or below 50 µg/m³.

and lifted the stay on the implementation of paragraph (5)(a), the number of years specified for the particular industry in the original lead standard for compliance with the given airborne exposure level. The denial of certiorari followed a decision of the United States Court of Appeals for the District of Columbia Circuit finding compliance with paragraph (5)(a) to be feasible for the relevant industries.

³On effective date. This continues an obligation from WAC 296-62-07515 Table 1 which had been in effect since 1973.

⁴Expressed as the number of years from the date on which the court lifts the stay on the implementation of paragraph (5)(a) for the particular industry.

⁵Large nonferrous foundries (20 or more employees) are required to achieve 50 µg/m³ by means of engineering and work practice controls. Small nonferrous foundries (fewer than 20 employees), however, are only required to achieve 75 µg/m³ by such controls. All foundries are required to comply within five years.

(b) Respiratory protection. Where engineering and work practice controls do not reduce employee exposure to or below the 50 µg/m³ permissible exposure limit, the employer shall supplement these controls with respirators in accordance with subsection (6).

(c) Compliance program.

(i) Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule in subdivision (5)(a).

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which lead is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under subsections (7), (8) and (9) of this regulation;

(G) An administrative control schedule required by subdivision (5)(f), if applicable; and

(H) Other relevant information.

(iii) Written programs shall be submitted upon request to the director, and shall be available at the work-site for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) Written programs shall be revised and updated at least every six months to reflect the current status of the program.

(d) Bypass of interim level. Where an employer's compliance plan provides for a reduction of employee

TABLE I
IMPLEMENTATION SCHEDULE

Industry ¹	Compliance Dates ²		
	200 (µg/m ³) µg/m ³	100 µg/m ³	50 µg/m ³
Primary lead production . .	(³)	² June 29, 1984.....	² June 29, 1991.
Secondary lead production	(³)	² June 29, 1984.....	² June 29, 1986.
Lead-acid battery manufacturing	(³)	² June 29, 1983.....	² June 29, 1986.
Automobile manufacture/ solder grinding	(³)	N/A	(²June 29, 1988.) ² June 29, 1986.
Electronics, gray iron found- ries, ink manufacture, paints and coatings man- ufacture, wall paper man- ufacture, can manufac- ture, and printing	(³)	N/A	² June 29, 1982.
Brass and bronze ingot manufacture, lead chemical manufacture, and secondary copper smelting	(³)	N/A	⁴ 5 years.
(Nonferrous foundries)	(³)	N/A	⁴ 2 1/2 years.
Nonferrous foundries	(³)	N/A	⁴ 5 years.
All other industries	(³)	N/A	⁴ 2 1/2 years.

Note: ¹Includes ancillary activities located on the same worksite.
²This date is calculated by counting, from June 29, 1981, (the date when the United States Supreme Court denied certiorari

exposures to or below the PEL solely by means of engineering and work practice controls in accordance with the implementation schedule in Table I, and the employer has determined that compliance with the 100 $\mu\text{g}/\text{m}^3$ interim level would divert resources to the extent that it clearly precludes compliance, otherwise attainable, with the PEL by the required time, the employer may proceed with the plan to comply with the PEL in lieu of compliance with the interim level if:

(i) The compliance plan clearly documents the basis of the determination;

(ii) The employer takes all feasible steps to provide maximum protection for employees until the PEL is met; and

(iii) The employer notifies the director in writing within ten working days of the completion or revision of the compliance plan reflecting the determination.

(e) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made at least every three months. Measurements of the system's effectiveness in controlling exposure shall be made within five days of any change in production, process, or control which might result in a change in employee exposure to lead.

(ii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the employer shall assure that (A) the system has a high efficiency filter with reliable back-up filter; and (B) controls to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails are installed, operating, and maintained.

(f) Administrative controls. If administrative controls are used as a means of reducing employees TWA exposure to lead, the employer shall establish and implement a job rotation schedule which includes:

(i) Name or identification number of each affected employee;

(ii) Duration and exposure levels at each job or work station where each affected employee is located; and

(iii) Any other information which may be useful in assessing the reliability of administrative controls to reduce exposure to lead.

(6) Respiratory protection.

(a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement engineering or work practice controls, except that after the dates for compliance with the interim levels in Table I, no employer shall require an employee to wear a negative pressure respirator longer than 4.4 hours per day;

(ii) In work situations in which engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit; and

(iii) Whenever an employee requests a respirator.

(b) Respirator selection.

(i) Where respirators are required under this section the employer shall select the appropriate respirator or combination of respirators from Table II.

TABLE II
RESPIRATORY PROTECTION FOR LEAD AEROSOLS

Airborne Concentration of Lead or Condition of Use	Required Respirator ¹
Not in excess of 0.5 mg/m^3 (10X PEL).	Half-mask, air-purifying respirator equipped with high efficiency filters. ^{2,3}
Not in excess of 2.5 mg/m^3 (50X PEL).	Full facepiece, air-purifying respirator with high efficiency filters. ³
Not in excess of 50 mg/m^3 (1000X PEL).	(1) Any powered, air-purifying respirator with high efficiency filters ³ ; or (2) Half-mask supplied air respirator operated in positive-pressure mode. ²
Not in excess of 100 mg/m^3 (2000X PEL).	Supplied-air respirators with full facepiece, hood, helmet, or suit, operated in positive pressure mode.
Greater than 100 mg/m^3 , unknown concentration or fire fighting.	Full facepiece, self-contained breathing apparatus operated in positive-pressure mode.

Note: ¹Respirators specified for high concentrations can be used at lower concentrations of lead.

²Full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations.

³A high efficiency particulate filter means 99.97 percent efficient against 0.3 micron size particles.

(ii) The employer shall provide a powered, air-purifying respirator in lieu of the respirator specified, in Table II whenever:

(A) An employee chooses to use this type of respirator; and

(B) This respirator will provide adequate protection to the employee.

(iii) The employer shall select respirators from among those approved for protection against lead dust, fume, and mist by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(c) Respirator usage.

(i) The employer shall assure that the respirator is used to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) Employers shall perform either quantitative or qualitative face fit tests at the time of initial fitting and at least every six months thereafter for each employee wearing negative pressure respirators. The qualitative fit tests may be used only for testing the fit of half-mask respirators where they are permitted to be worn, and shall be conducted in accordance with Appendix D. The tests shall be used to select facepieces that provide the required protection as prescribed in Table II.

(iii) If an employee exhibits difficulty in breathing during the fitting test or during use, the employer shall make available to the employee an examination in accordance with subitem (10)(c)(i)(C) of this section to determine whether the employee can wear a respirator while performing the required duty.

(d) Respirator program.

(i) The employer shall institute a respiratory protection program in accordance with WAC 296-62-071.

(ii) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece whenever necessary to prevent skin irritation associated with respirator use.

(7) Protective work clothing and equipment.

(a) Provision and use. If an employee is exposed to lead above the PEL, without regard to the use of respirators or where the possibility of skin or eye irritation exists, the employer shall provide at no cost to the employee and assure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, hats, and shoes or disposable shoe coverlets; and

(iii) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-078.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subdivision (7)(a) of this section in a clean and dry condition at least weekly, and daily to employees whose exposure levels without regard to a respirator are over 200 $\mu\text{g}/\text{m}^3$ of lead as an eight-hour TWA.

(ii) The employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required by subdivision (7)(a) of this section.

(iii) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms provided for that purpose as prescribed in subdivision (9)(b) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of lead outside the container.

(vi) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially, harmful effects of exposure to lead.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment required by subdivision (7)(b)(v) are labeled as follows:

CAUTION: CLOTHING CONTAMINATED WITH LEAD. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

(viii) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

(8) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of lead.

(b) Cleaning floors.

(i) Floors and other surfaces where lead accumulates may not be cleaned by the use of compressed air.

(ii) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner which minimizes the reentry of lead into the workplace.

(9) Hygiene facilities and practices.

(a) The employer shall assure that in areas where employees are exposed to lead above the PEL, without regard to the use of respirators, food or beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in change rooms, lunchrooms, and showers required under subdivision (9)(b) through (9)(d) of this section.

(b) Change rooms.

(i) The employer shall provide clean change rooms for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that change rooms are equipped with separate storage facilities for protective work clothing and equipment and for street clothes which prevent cross-contamination.

(c) Showers.

(i) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators, shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009.

(iii) The employer shall assure that employees who are required to shower pursuant to item (9)(c)(i) do not leave the workplace wearing any clothing or equipment worn during the work shift.

(d) Lunchrooms.

(i) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply, and are readily accessible to employees.

(iii) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of a respirator wash their hands and face prior to eating, drinking, smoking or applying cosmetics.

(iv) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface lead dust has been removed by vacuuming, downdraft booth, or other cleaning method.

(e) Lavatories. The employer shall provide an adequate number of lavatory facilities which comply with WAC 296-24-12009 (1) and (2).

(10) Medical surveillance.

(a) General.

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed above the action level for more than thirty days per year.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(iii) The employer shall provide the required medical surveillance including multiple physician review under item (10)(c)(iii) without cost to employees and at a reasonable time and place.

(b) Biological monitoring.

(i) Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least every six months to each employee covered under item (10)(a)(i) of this section;

(B) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level at or above 40 $\mu\text{g}/100\text{ g}$ of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below 40 $\mu\text{g}/100\text{ g}$ of whole blood; and

(C) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

(ii) Follow-up blood sampling tests. Whenever the results of a blood lead level test indicate that an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i), the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(iii) Accuracy of blood lead level sampling and analysis. Blood lead level sampling and analysis provided pursuant to this section shall have an accuracy (to a confidence level of ninety-five percent) within plus or minus fifteen percent or 6 $\mu\text{g}/100\text{ ml}$, whichever is greater, and shall be conducted by a laboratory licensed by the Center for Disease Control (CDC), United States Department of Health, Education and Welfare or which has received a satisfactory grade in blood lead proficiency testing from CDC in the prior twelve months.

(iv) Employee notification. Within five working days after the receipt of biological monitoring results, the employer shall notify in writing each employee whose blood lead level exceeds 40 $\mu\text{g}/100\text{ g}$: (A) of that employee's blood lead level and (B) that the standard requires temporary medical removal with medical removal protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i) of this section.

(c) Medical examinations and consultations.

(i) Frequency. The employer shall make available medical examinations and consultations to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding twelve months indicated a blood lead level at or above 40 $\mu\text{g}/100\text{ g}$;

(B) Prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level;

(C) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(D) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

(ii) Content. Medical examinations made available pursuant to subitems (10)(c)(i)(A) through (B) of this section shall include the following elements:

(A) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and nonoccupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(B) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(C) A blood pressure measurement;

(D) A blood sample and analysis which determines:

(I) Blood lead level;

(II) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;

(III) Zinc protoporphyrin;

(IV) Blood urea nitrogen; and

(V) Serum creatinine;

(E) A routine urinalysis with microscopic examination; and

(F) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

The content of medical examinations made available pursuant to subitems (10)(c)(i)(C) through (D) of this section shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

(iii) Multiple physician review mechanism.

(A) If the employer selects the initial physician who conducts any medical examination or consultation provided to an employee under this section, the employee may designate a second physician:

(I) To review any findings, determinations or recommendations of the initial physician; and

(II) To conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(B) The employer shall promptly notify an employee of the right to seek a second medical opinion after each

occasion that an initial physician conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the foregoing notification, or receipt of the initial physician's written opinion, whichever is later:

(I) The employee informing the employer that he or she intends to seek a second medical opinion, and

(II) The employee initiating steps to make an appointment with a second physician.

(C) If the findings, determinations or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(D) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician:

(I) To review any findings, determinations or recommendations of the prior physicians; and

(II) To conduct such examinations, consultations, laboratory tests and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(E) The employer shall act consistent with the findings, determinations and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(iv) Information provided to examining and consulting physicians.

(A) The employer shall provide an initial physician conducting a medical examination or consultation under this section with the following information:

(I) A copy of this regulation for lead including all appendices;

(II) A description of the affected employee's duties as they relate to the employee's exposure;

(III) The employee's exposure level or anticipated exposure level to lead and to any other toxic substance (if applicable);

(IV) A description of any personal protective equipment used or to be used;

(V) Prior blood lead determinations; and

(VI) All prior written medical opinions concerning the employee in the employer's possession or control.

(B) The employer shall provide the foregoing information to a second or third physician conducting a medical examination or consultation under this section upon request either by the second or third physician, or by the employee.

(v) Written medical opinions.

(A) The employer shall obtain and furnish the employee with a copy of a written medical opinion from each examining or consulting physician which contains the following information:

(I) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead;

(II) Any recommended special protective measures to be provided to the employee, or limitations to be placed upon the employee's exposure to lead;

(III) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator; and

(IV) The results of the blood lead determinations.

(B) The employer shall instruct each examining and consulting physician to:

(I) Not reveal either in the written opinion, or in any other means of communication with the employer, findings, including laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead; and

(II) Advise the employee of any medical condition, occupational or nonoccupational, which dictates further medical examination or treatment.

(vi) Alternate physician determination mechanisms. The employer and an employee or authorized employee representative may agree upon the use of any expeditious alternate physician determination mechanism in lieu of the multiple physician review mechanism provided by this subsection so long as the alternate mechanism otherwise satisfies the requirements contained in this subsection.

(d) Chelation.

(i) The employer shall assure that any person whom he retains, employs, supervises or controls does not engage in prophylactic chelation of any employee at any time.

(ii) If therapeutic or diagnostic chelation is to be performed by any person in item (10)(d)(i), the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

(11) Medical removal protection.

(a) Temporary medical removal and return of an employee.

(i) Temporary removal due to elevated blood lead levels.

(A) First year of the standard. During the first year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above $100 \mu\text{g}/\text{m}^3$ on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $80 \mu\text{g}/100 \text{ g}$ of whole blood;

(B) Second year of the standard. During the second year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above $50 \mu\text{g}/\text{m}^3$ on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $70 \mu\text{g}/100 \text{ g}$ of whole blood;

(C) Third year of the standard, and thereafter. Beginning with the third year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the

action level on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above 60 $\mu\text{g}/100\text{ g}$ of whole blood; and

(D) Fifth year of the standard, and thereafter. Beginning with the fifth year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that the average of the last three blood sampling tests conducted pursuant to this section (or the average of all blood sampling tests conducted over the previous six months, whichever is longer) indicates that the employee's blood lead level is at or above 50 $\mu\text{g}/100\text{ g}$ of whole blood; provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level at or below 40 $\mu\text{g}/100\text{ g}$ of whole blood.

(ii) Temporary removal due to a final medical determination.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination, or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the phrase "final medical determination" shall mean the outcome of the multiple physician review mechanism or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section.

(C) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to lead, the employer shall implement and act consistent with the recommendation.

(iii) Return of the employee to former job status.

(A) The employer shall return an employee to his or her former job status:

(I) For an employee removed due to a blood lead level at or above 80 $\mu\text{g}/100\text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 60 $\mu\text{g}/100\text{ g}$ of whole blood;

(II) For an employee removed due to a blood lead level at or above 70 $\mu\text{g}/100\text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 50 $\mu\text{g}/100\text{ g}$ of whole blood;

(III) For an employee removed due to a blood lead level at or above 60 $\mu\text{g}/100\text{ g}$, or due to an average blood lead level at or above 50 $\mu\text{g}/100\text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 40 $\mu\text{g}/100\text{ g}$ of whole blood;

(IV) For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination, or opinion that the employee no longer has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the requirement that an employer return an employee to his or her

former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(iv) Removal of other employee special protective measure or limitations. The employer shall remove any limitations placed on an employee or end any special protective measures provided to an employee pursuant to a final medical determination when a subsequent final medical determination indicates that the limitations or special protective measures are no longer necessary.

(v) Employer options pending a final medical determination. Where the multiple physician review mechanism, or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section, has not yet resulted in a final medical determination with respect to an employee, the employer shall act as follows:

(A) Removal. The employer may remove the employee from exposure to lead, provide special protective measures to the employee, or place limitations upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(B) Return. The employer may return the employee to his or her former job status, end any special protective measures provided to the employee, and remove any limitations placed upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, with two exceptions. If:

(I) The initial removal, special protection, or limitation of the employee resulted from a final medical determination which differed from the findings, determinations, or recommendations of the initial physician; or

(II) The employee has been on removal status for the preceding eighteen months due to an elevated blood lead level, then the employer shall await a final medical determination.

(b) Medical removal protection benefits.

(i) Provision of medical removal protection benefits. The employer shall provide to an employee up to eighteen months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or otherwise limited pursuant to this section.

(ii) Definition of medical removal protection benefits. For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the earnings, seniority and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to lead or otherwise limited.

(iii) Follow-up medical surveillance during the period of employee removal or limitation. During the period of time that an employee is removed from normal exposure to lead or otherwise limited, the employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this section.

(iv) Workers' compensation claims. If a removed employee files a claim for workers' compensation payments

for a lead-related disability, then the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by such amount. The employer shall receive no credit for workers' compensation payments received by the employee for treatment related expenses.

(v) Other credits. The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or receives income from employment with another employer made possible by virtue of the employee's removal.

(vi) Employees whose blood lead levels do not adequately decline within eighteen months of removal. The employer shall take the following measures with respect to any employee removed from exposure to lead due to an elevated blood lead level whose blood lead level has not declined within the past eighteen months of removal so that the employee has been returned to his or her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section to obtain a final medical determination with respect to the employee;

(B) The employer shall assure that the final medical determination obtained indicates whether or not the employee may be returned to his or her former job status, and if not, what steps should be taken to protect the employee's health;

(C) Where the final medical determination has not yet been obtained, or once obtained indicates that the employee may not yet be returned to his or her former job status, the employer shall continue to provide medical removal protection benefits to the employee until either the employee is returned to former job status, or a final medical determination is made that the employee is incapable of ever safely returning to his or her former job status.

(D) Where the employer acts pursuant to a final medical determination which permits the return of the employee to his or her former job status despite what would otherwise be an unacceptable blood lead level, later questions concerning removing the employee again shall be decided by a final medical determination. The employer need not automatically remove such an employee pursuant to the blood lead level removal criteria provided by this section.

(vii) Voluntary removal or restriction of an employee. Where an employer, although not required by this section to do so, removes an employee from exposure to lead or otherwise places limitations on an employee due to the effects of lead exposure on the employee's medical condition, the employer shall provide medical removal protection benefits to the employee equal to that required by item (11)(b)(i) of this section.

(12) Employee information and training.

(a) Training program.

(i) Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

(ii) The employer shall institute a training program for and assure the participation of all employees who are subject to exposure to lead at or above the action level or for whom the possibility of skin or eye irritation exists.

(iii) The employer shall provide initial training by one hundred eighty days from the effective date for those employees covered by item (12)(a)(ii) on the standard's effective date and prior to the time of initial job assignment for those employees subsequently covered by this subsection.

(iv) The training program shall be repeated at least annually for each employee.

(v) The employer shall assure that each employee is informed of the following:

(A) The content of this standard and its appendices;

(B) The specific nature of the operations which could result in exposure to lead above the action level;

(C) The purpose, proper selection, fitting, use, and limitations of respirators;

(D) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular attention to the adverse reproductive effects on both males and females);

(E) The engineering controls and work practices associated with the employee's job assignment;

(F) The contents of any compliance plan in effect; and

(G) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician.

(b) Access to information and training materials.

(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(iii) In addition to the information required by item (12)(a)(v), the employer shall include as part of the training program, and shall distribute to employees, any materials pertaining to the Occupational Safety and Health Act, the regulations issued pursuant to the act, and this lead standard, which are made available to the employer by the director.

(13) Signs.

(a) General.

(i) The employer may use signs required by other statutes, regulations or ordinances in addition to, or in combination with, signs required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign required by this subsection which contradicts or detracts from the meaning of the required sign.

(b) Signs.

(i) The employer shall post the following warning signs in each work area where the PEL is exceeded:

WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(14) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required in subsection (4) of this section.

(ii) This record shall include:

(A) The date(s), number, duration, location and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) the environmental variables that could affect the measurement of employee exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (10) of this section.

(ii) This record shall include:

(A) The name, social security number, and description of the duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any airborne exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to lead.

(iii) the employer shall keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (10) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information; and

(C) A copy of the results of biological monitoring.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment plus twenty years, whichever is longer.

(c) Medical removals.

(i) The employer shall establish and maintain an accurate record for each employee removed from current

exposure to lead pursuant to subsection (11) of this section.

(ii) Each record shall include:

(A) The name and social security number of the employee;

(B) The date on each occasion that the employee was removed from current exposure to lead as well as the corresponding date on which the employee was returned to his or her former job status;

(C) A brief explanation of how each removal was or is being accomplished; and

(D) A statement with respect to each removal indicating whether or not the reason for the removal was an elevated blood lead level.

(iii) The employer shall maintain each medical removal record for at least the duration of an employee's employment.

(d) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (14) of this section to the director for examination and copying.

(ii) Environmental monitoring, medical removal, and medical records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217. Medical removal records shall be provided in the same manner as environmental monitoring records.

(iii) Upon request, the employer shall make an employee's medical records required to be maintained by this section available to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employees for examination and copying.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (14) of this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if requested within the period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(15) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to subsection (4) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of lead performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(16) Effective date. The effective date of this standard is September 6, 1980.

(17) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation. Appendices are available from:

The Technical Services Section
Division of Industrial Safety and Health
P.O. Box 207
Olympia, WA 98504 (206) 753-6381

(18) Startup dates. All obligations of this standard commence on the effective date except as follows:

(a) The initial determination under subdivision (4)(b) shall be made as soon as possible but no later than thirty days from the effective date.

(b) Initial monitoring under subdivision (4)(d) shall be completed as soon as possible but no later than ninety days from the effective date.

(c) Initial biological monitoring and medical examinations under subsection (10) shall be completed as soon as possible but no later than one hundred eighty days from the effective date. Priority for biological monitoring and medical examinations shall be given to employees whom the employer believes to be at greatest risk from continued exposure.

(d) Initial training and education shall be completed as soon as possible but no later than one hundred eighty days from the effective date.

(e) Hygiene and lunchroom facilities under subsection (9) shall be in operation as soon as possible but no later than one year from the effective year.

(f) Respiratory protection required by subsection (6) shall be provided as soon as possible but no later than the following schedule:

(i) Employees whose eight-hour TWA exposure exceeds $200 \mu\text{g}/\text{m}^3$ - on the effective date.

(ii) Employees whose eight-hour TWA exposure exceeds the PEL but is less than $200 \mu\text{g}/\text{m}^3$ - one hundred fifty days from the effective date.

(iii) Powered, air-purifying respirators provided under (6)(b)(ii) - two hundred ten days from the effective date.

(iv) Quantitative fit testing required under item (6)(c)(ii) - one year from effective date. Qualitative fit testing is required in the interim.

(g) Written compliance plans required by subdivision (5)(c) shall be completed and available for inspection and copying as soon as possible but no later than the following schedule:

(i) Employers for whom compliance with the PEL or interim level is required within one year from the effective date - six months from the effective date.

(ii) Employers in secondary lead smelting and refining and in lead storage battery manufacturing—one year from the effective date.

(iii) Employers in primary smelting and refining industry - one year from the effective date from the interim level; five years from the effective date for PEL.

(iv) Plans for construction of hygiene facilities, if required - six months from the effective date.

(v) All other industries—one year from the date on which the court lifts the stay on the implementation of paragraph (5)(a) for the particular industry.

(h) The permissible exposure limit in subsection (3) shall become effective one hundred fifty days from the effective date.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-62-07713 METHODS OF COMPLIANCE. (1) Engineering controls and work practices.

(a) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to or below the permissible exposure limits prescribed in WAC 296-62-07705, except to the extent that such controls are not feasible. Engineering controls and work practices include but are not limited to the following:

(i) Local exhaust ventilation equipped with HEPA filter dust collection systems;

(ii) Vacuum cleaners equipped with HEPA filters;

(iii) Enclosure or isolation of processes producing asbestos dust;

(iv) Use of wet methods, wetting agents, or removal encapsulants to control employee exposures during asbestos handling, mixing, removal, cutting, application, and cleanup;

(v) Prompt disposal of wastes contaminated with asbestos in leak-tight containers; or

(vi) Use of work practices or other engineering controls that the director can show to be feasible.

(b) Wherever the feasible engineering controls and work practices that can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limits prescribed in WAC 296-62-07705, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection that complies with the requirements of WAC 296-62-07715.

(c) For the following operations, wherever feasible engineering controls and work practices that can be instituted are not sufficient to reduce the employee exposure to or below the permissible exposure limits prescribed in WAC 296-62-07705, the employer shall use them to reduce employee exposure to or below 0.5 fiber per cubic centimeter of air (as an eight-hour time-weighted average) and shall supplement them by the use of any combination of respiratory protection that complies with the requirements of WAC 296-62-07715, work practices and feasible engineering controls that will reduce employee exposure to or below the permissible exposure limits prescribed in WAC 296-62-07705: Coupling cutoff in primary asbestos cement pipe manufacturing; sanding in primary and secondary asbestos cement sheet manufacturing; grinding in primary and secondary friction product manufacturing; carding and spinning in dry textile processes; and grinding and sanding in primary plastics manufacturing.

(d) Local exhaust ventilation. Local exhaust ventilation and dust collection systems shall be designed, constructed, installed, and maintained in accordance with good practices such as those found in the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1979.

(e) Particular tools. All hand-operated and power-operated tools which would produce or release fibers of asbestos so as to expose employees to levels in excess of the exposure limits prescribed in WAC 296-62-07705, such as, but not limited to, saws, scorers, abrasive wheels, and drills, shall be provided with local exhaust ventilation systems which comply with (d) of this subsection. High-speed abrasive disc saws that are not equipped with appropriate engineering controls shall not be used for work related to asbestos.

(f) Wet methods. Asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet saturated state to prevent the emission of airborne fibers unless the usefulness of the product would be diminished thereby.

~~(g) ((Materials containing asbestos shall not be applied by spray methods unless the materials contain less than 0.1% asbestos by weight, the asbestos is a natural contaminant and objective data indicate employee exposure will not exceed the action level of 0.1 f/cc.~~

~~(h))~~ Particular products and operations. No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, enclosed, or ventilated so as to prevent effectively the release of airborne fibers of asbestos so as to expose employees to levels in excess of the permissible exposure limits prescribed in WAC 296-62-07705.

~~((h))~~ (h) Compressed air. Compressed air shall not be used to remove asbestos or materials containing asbestos unless the compressed air is used in conjunction with an enclosed ventilation system designed to capture the dust cloud created by the compressed air.

(2) Clean-up.

(a) After completion of asbestos removal, demolition, and renovation operations, all surfaces in and around the work area shall be cleared of any asbestos debris.

(b) Lock-down. Where asbestos has been removed, encapsulant shall be applied to ensure binding of remaining fibers.

(c) The employer shall demonstrate by monitoring that the airborne fiber concentration is below the action level; or, at or below the airborne fiber level existing prior to the start of the removal, demolition, or renovation project; whichever level is lower.

(3) Compliance program.

(a) Where either the time weighted average and/or excursion limit is exceeded, the employer shall establish and implement a written program to reduce employee exposure to or below the permissible exposure limits by means of engineering and work practice controls as required by subsection (1) of this section, and by the use of respiratory protection where required or permitted under this section.

(b) Such programs shall be reviewed and updated as necessary to reflect significant changes in the status of the employer's compliance program.

(c) Written programs shall be submitted upon request for examination and copying to the director, affected employees and designated employee representatives.

(d) The employer shall not use employee rotation as a means of compliance with the permissible exposure limits specified in WAC 296-62-07705.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-367 MASONRY SAWS. (1) ~~((Operating requirements. Masonry saws shall be constructed, guarded, and operated in accordance with ANSI A10.9-1983, Safety Requirements for Concrete Construction and Masonry Work.~~

~~(2))~~ Guarding.

(a) Masonry saws shall be guarded by semicircular enclosures over the blade ~~((and by a slotted horizontal hinged bar mounted underneath the enclosure to retain fragments of the blade in case it should shatter while in use)).~~

(b) A method for retaining blade fragments shall be incorporated into the design of the semicircular enclosure.

~~((3))~~ (2) Safety latch. A safety latch shall be installed on notched saws to prevent the motor and cutting head assembly from lifting out of the notches.

~~((4))~~ (3) Blade speed. Blade speed shall be maintained in accordance with the manufacturer's specifications.

~~((5))~~ (4) Exhaust and eye protection.

(a) All table mounted masonry saws shall be equipped with a mechanical means of exhausting dust into a covered receptacle or be provided with water on the saw blade for dust control. The operator and any nearby worker shall wear appropriate eye protection in accordance with WAC 296-155-215.

(b) All portable hand-held masonry saw operators shall wear appropriate eye and respiratory protection in

accordance with WAC 296-155-215 and chapter 296-62 WAC.

~~((6))~~ (5) Grounding. The motor frames of all stationary saws shall be grounded through conduit, water pipe, or a driven ground. Portable saws shall be grounded through three-pole cords attached to grounded electrical systems.

~~((7))~~ (6) Inspection. Masonry saws shall be inspected at regular intervals and maintained in safe operating condition.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-155-682 REQUIREMENTS FOR EQUIPMENT AND TOOLS. (1) Bulk cement storage. Bulk storage bins, containers, and silos shall be equipped with the following:

- (a) Conical or tapered bottoms; and
 - (b) Mechanical or pneumatic means of starting the flow of material.
- (2) No employee shall be permitted to enter storage facilities unless the ejection system has been shut down and locked out in accordance with WAC 296-155-429.

(3) Safety belts, harnesses, lanyards, lifelines or droplines, independently attached or attended, shall be used as prescribed in WAC 296-155-225 (10)(a).

(4) Concrete mixers. Concrete mixers with one cubic yard (.8 m³) or larger loading skips shall be equipped with the following:

- (a) A mechanical device to clear the skip of materials; and
- (b) Guardrails installed on each side of the skip.

(5) Power concrete trowels. Powered and rotating type concrete troweling machines that are manually guided shall be equipped with a control switch that will automatically shut off the power whenever the hands of the operator are removed from the equipment handles.

(6) Concrete buggies. Concrete buggy handles shall not extend beyond the wheels on either side of the buggy.

Note: Installation of knuckle guards on buggy handles is recommended.

(7) Runways shall be constructed to carry the maximum contemplated load with a safety factor of four, have a smooth running surface and be of sufficient width for two buggies to pass. Single runs to have a minimum width of forty-two inches with turnouts. Runways to have standard railings. Where motor driven concrete buggies are used, a minimum four-inches by four-inches wheel guard shall be securely fastened to outside edge of runways.

(8) Concrete pumping systems.

(a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of pumcrete or similar systems. Where manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a qualified engineer, competent in this field, and such determinations will be appropriately documented and recorded.

(b) Rated load capacities, and recommended operating speeds and pressures, special hazard warnings, or instructions, shall be conspicuously posted on all equipment. Instructions and warnings shall be visible to the operator while he is at his control station.

(c) Concrete pumping systems using discharge pipes shall be provided with pipe supports designed for one hundred percent overload.

(d) Compressed air hoses used on concrete pumping systems shall be provided with positive fail-safe joint connectors to prevent separation of sections when pressurized.

(e) No part of the concrete pumping system shall operate closer to high voltage electrical conductors than the distances specified in WAC 296-155-428 (1)(d)(i) and (ii).

(9) Concrete buckets.

(a) Concrete buckets equipped with hydraulic or pneumatic gates shall have positive safety latches or similar safety devices installed to prevent premature or accidental dumping.

(b) Concrete buckets shall be designed to prevent concrete from hanging up on top and the sides.

(c) Riding of concrete buckets for any purpose shall be prohibited, and vibrator crews shall be kept out from under concrete buckets suspended from cranes or cableways.

(d) When discharging on a slope, the wheels of ready-mix trucks shall be blocked and the brakes set to prevent movement.

(10) Tremies. Sections of tremies and similar concrete conveyances shall be secured with wire rope (or equivalent materials in addition to the regular couplings or connections).

(11) Bull floats. Bull float handles, used where they might contact energized electrical conductors, shall be constructed of nonconductive material or insulated with a nonconductive sheath whose electrical and mechanical characteristics provide the equivalent protection of a handle constructed of nonconductive material.

(12) Masonry saws shall be constructed, guarded, and operated in accordance with ~~((ANSI A10.9-1983. Safety requirements for concrete construction and masonry work and in accordance with))~~ WAC 296-155-367 (1) through (4).

(13) Lockout/tagout procedures. No employee shall be permitted to perform maintenance or repair activity on equipment (such as compressors, mixers, screens, or pumps used for concrete and masonry construction activities) where the inadvertent operation of the equipment could occur and cause injury, unless all potentially hazardous energy sources have been locked out and tagged in accordance with WAC 296-155-429.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-155-691 PRECAST CONCRETE AND TILT-UP OPERATIONS. (1) It shall be the responsibility of the contractor to use accessories which are designed to be compatible.

(2) The design capacity of all lifting devices and accessories shall be known. The devices and accessories with the appropriate capacity shall be used.

(3) Prior to pouring the panels of a tilt-up type construction job, a set of plans or job specifications, including lifting procedures, shall be drawn up.

(a) These plans shall be at the job site and made available upon request.

(b) Any changes made in the rigging procedure of a tilt-up panel or slab shall provide the same degree of safety as required by the original plans.

(c) The plans or specifications shall contain the following information:

(i) The type, size, and location of all lifting inserts.

(ii) The type, size, and location of all brace inserts or fittings for guy wires in each panel and floor or support.

(iii) The size of braces or guys to be used.

(iv) The compression strength which concrete panels must attain prior to being lifted.

(4) The following conditions shall be included in the erection process and shall be incorporated in the design plan:

(a) Braces and all associated components of the bracing system shall be designed to incorporate a safety factor of one and one-half to resist any normal stresses to which they may be subjected, including normal high wind velocity pressures for the area.

(b) Precast concrete wall units, structural framing, and tilt-up wall panels shall be adequately supported to prevent overturning and to prevent collapse until permanent connections are completed.

(c) Floor braces used to secure panel sections shall be placed at an angle of not less than forty-five degrees or more than sixty degrees from horizontal when physically possible to install in this manner.

(d) The bracing on all panel sections shall be installed in such a manner as to prevent the panel from accidentally rotating.

(e) Each panel section not secured by other means shall have a minimum of two braces. The braces shall be installed in such a manner as to evenly distribute the load or guy wires, when properly installed, may be used in lieu of stiff leg braces.

(f) If braces are attached to a panel or slab by bolts tightened into inserts installed in holes drilled in concrete, the type of inserts used and method of installation shall be such as to develop the required strength to be maintained for the bracing system.

(g) Inserts to be installed for lifting sections of ((a)) tilt-up precast panels shall be designed mechanically to maintain a safety factor of three.

(h) Lifting inserts which are embedded or otherwise attached to precast concrete members, other than the tilt-up members, shall be capable of supporting at least four times the maximum intended load applied or transmitted to them.

(i) The compression strength of the concrete shall be such that when the proper type, size, and amount of inserts are installed a minimum safety factor of two will be maintained.

(j) Lifting hardware ~~((such as spreader bars, slings, shackles, etc., shall be designed for a safety factor of not~~

~~less than five and shall not be used whenever the safety factor is reduced below four)) shall be capable of supporting at least five times the maximum intended load applied or transmitted to the lifting hardware.~~

(k) Lifting bolts or other lifting devices which have been bent, worn, or are defective shall be discarded.

(l) The upper and lower sections of telescoping type braces shall be secured by high tensile steel pins or bolts which provide adequate shear strength and which will positively secure against accidental removal.

(m) Manufactured products shall not be altered in a manner which would reduce the safe working load to less than its original value.

(n) Inserts shall be positioned so that bolts, or lifting devices, when inserted, will be perpendicular to the face on which they are placed.

(5) Design of the panels and layout of the pour shall be made in such a manner so that when picking, the top of the panel will be away from the crane. If this is not possible, the contractor shall consult with a representative of the department and the crane company involved to determine the procedure to be followed in lifting and placing in its permanent position safely. Panels shall be lifted and handled in such a manner that they will not strike the hoisting equipment, in case of failure.

(a) Physical stops shall be provided which will prevent the bottom edge of a panel being set from slipping off the edge of its supporting structure.

(b) Tilt-up panels shall not be set when there is a possibility that wind velocity would create a hazardous condition.

(c) A qualified signalman shall be designated and shall consult with the crane operator on lifting procedures prior to making the pick. The signalman shall be located in such a position during the pick of the panel that he can observe both the crane operator and the employees working in the immediate area.

(d) During the lifting process, workers shall keep clear of the under side of the panel.

(e) Persons not involved in the lifting process shall be kept clear of the hazardous area near where panels are being raised, moved or placed.

(f) If braces must be removed temporarily during construction, other effective means shall be provided to safely support the panel during the interim period.

(g) Each panel shall be properly braced or otherwise secured prior to removal of the hoisting equipment.

(h) Short panels or sections not otherwise supported by floor, footings, columns or other structure, shall be properly shored.

AMENDATORY SECTION (Amending Order 89-20, filed 1/11/90, effective 2/26/90)

WAC 296-155-697 REQUIREMENTS FOR MASONRY CONSTRUCTION. (1) A limited access zone shall be established whenever a masonry wall is being constructed. The limited access zone shall conform to the following:

(2) The limited access zone shall be established prior to the start of construction of the wall.

(3) The limited access zone shall be equal to the height of the wall to be constructed plus four feet, and shall run the entire length of the wall.

(4) The limited access zone shall be established on the side of the wall which will be unscaffolded.

(5) The limited access zone shall be restricted to entry by employees actively engaged in constructing the wall. No other employees shall be permitted to enter the zone.

(6) The limited access zone shall remain in place until the wall is adequately supported to prevent overturning and to prevent collapse unless the height of wall is over eight feet, in which case, the limited access zone shall remain in place until the requirements of subsection (7) of this section have been met.

(7) All masonry walls over eight feet in height shall be adequately braced to prevent overturning and to prevent collapse unless the wall is adequately supported so that it will not overturn or collapse. The bracing shall remain in place until permanent supporting elements of the structure are in place.

(8) Employees engaged in cutting or chipping shall wear suitable eye protection in accordance with WAC 296-155-215.

(9) Masonry saws shall be constructed, guarded and operated in accordance with ~~((ANSI A10.9-1983. Safety requirements for concrete construction and masonry work and in accordance with))~~ WAC 296-155-367 (1) through (4).

(10) Persons charged with operation of derricks used for stone setting shall be qualified in that type of work.

(11) Stone shall be set directly on the wall by the derrick.

(12) Breast derricks when used in setting stone shall be secured against a slip or kick back and guyed with wire cables. Provide hold down line to prevent derrick from falling back.

(13) Stone cutters shall wear goggles while trimming stone or cutting holes.

(14) Pins shall be tested for security before stone is hoisted.

(15) Hoisting cables shall be protected from chafing and wearing over corners.

(16) Mason's mortar mixers shall have a bar-type grill installed over the mixer opening. The guard shall be installed with an automatic disconnect switch to stop the mixer tub rotation and prevent the mixer from starting whenever the guard is not in place.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-48531 VEHICLE MOUNTED ELEVATING AND ROTATING AERIAL DEVICES. (1) All applicable rules for design, construction, maintenance, operation, testing, and use of vehicle mounted elevating and rotating aerial devices shall be in accordance with ANSI A92.2-1979.

(2) Application: ~~((The requirements of this subsection shall be complied with for such equipment as required by the provisions of WAC 296-155-580.))~~

(a) Aerial lifts acquired before February 21, 1986, which do not meet the requirements of ANSI A92.2-

1979, may not be used after January 1, 1976, unless they shall have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2-1969.

(b) Aerial devices include the following:

(i) Extensible boom platforms;

(ii) Aerial ladders;

(iii) Articulating boom platforms;

(iv) Vertical towers; and

(v) A combination of any of the above.

(3) Specification display. The aerial device shall have manufacturers statement clearly stating the minimum values for the following characteristics of vehicles required to provide a stable and structurally sound carrier for the aerial device:

(a) The front gross axle weight rating (GAWR front).

(b) The rear gross axle weight rating (GAWR rear).

(c) The gross vehicle weight rating (GVWR).

(d) The frame section modulus.

(e) The yield strength of the vehicle frame.

(f) The frame resisting bending moment (RBM).

(g) The wheelbase dimension (WB).

(h) The rear of cab to rear axle centerline dimension (CA).

(4) Data display: The following information shall be clearly state in the manufacturers manual and on the aerial device.

(a) Make and model.

(b) Rated load capacity.

(c) Aerial device height and reach.

(d) Maximum pressure of the hydraulic system and voltage of the electrical system.

(e) Cautions and restrictions of operations.

(5) Types of rated load: Rated load capacity is of two distinct types:

(a) The platform load consisting of the weight of personnel and all items carried on or in the platform.

(b) Supplemental loads which may be fixed directly to the boom(s), or to load-carrying attachments on the aerial device.

(i) The capacity rating in either case shall be designated with boom or booms extended to the position of maximum overturning moment attainable throughout full rotation of the pedestal.

(ii) Capacities of the aerial device in other positions shall be specified separately.

(iii) The manual and placards affixed to the aerial device shall state all applicable capacity ratings.

(6) Multiple configuration rated load. If the aerial device is specified in multiple configurations, these configurations shall be clearly described including the rated load capacity of each, in the manufacturers manual and on the aerial device. Examples of alternate configurations are:

(a) With outriggers extended to firm footing versus outriggers not extended.

(b) With chassis suspension locking device engaged versus disengaged.

(c) With one platform versus more than one platform.

(d) Used as a personnel-carrying device only versus used as a personnel-carrying and material-handling device.

(e) With extensible aerial device retracted or extended.

(f) With digger attached to boom versus with digger removed from boom. If the rated load capacity of the alternate configuration is related to an angle which a boom(s) makes with the horizontal, the manufacturer shall install a means by which the angle of the boom(s) can be determined.

(7) Maximum elevation determination: Height shall be determined at maximum elevation, from the floor of the platform to the ground, with the aerial device assumed to be mounted on a vehicle having a chassis frame height of thirty-six inches.

(8) Maximum reach determination: Reach, as a maximum, shall be measured in the horizontal plane, from the centerline of rotation to the outer edge (rail) of the platform.

(9) Insulated aerial devices.

(a) The aerial device manufacturers manual and instruction plate(s) shall clearly state whether the aerial device is insulated or noninsulated.

(b) In the case of insulated aerial devices.

(i) The manual and instruction plate(s) shall clearly state the qualification voltage for which the aerial device has been satisfactorily tested in accordance with this standard.

(ii) The manual and instruction plate(s) shall clearly state the design voltage for which the aerial device can be tested.

(iii) All components bridging the insulated portions of the aerial device shall have electrical insulating values consistent with the design voltage rating of the upper boom, and, when provided, of the lower insulator.

(iv) Test electrodes on articulating-boom aerial devices rated over 69 kV, and optionally at 69 kV, shall be installed permanently on the inside and outside surfaces of the insulated portion of the upper boom for the purposes of monitoring electrical leakage current.

(v) The test electrodes shall be two to six inches from the metal portion of the lower end of the insulated upper boom.

(vi) All hydraulic and pneumatic lines bridging the insulated portion of the upper boom shall have metallic couplings which connect the inside and outside of any hose and shall be adjacent to the insulated boom test electrodes.

(vii) The test electrode on the outside surface of the insulated boom on extensible-boom aerial devices shall be removable.

(viii) The location of the removable test electrode shall be permanently marked or recorded to facilitate repeating future tests of the apparatus.

(10) Quality control. The design and manufacture of the aerial device shall comply with the principles outlined in this subsection. The manufacture of the aerial device shall include a quality control system which will ensure compliance with ANSI A92.2-1979 and this standard. The drawings and manual shall specify those welds that are considered critical and that must conform to the following standards:

(a) Structural Welding Code, AWS D1.1-1979.

(b) Specifications for Welding Industrial and Mill Cranes, AWS D14.1-1970.

(c) Standards for Qualifications of Welding Procedures and Welders for Piping and Tubing, AWS D10.9-1969.

(i) The manufacture and installation of aerial devices shall include applicable welding quality control procedures for all weldments.

(ii) Methods of nondestructive testing shall be described in the quality control procedures.

(iii) The quality control procedures shall designate the welds to be examined, the extent of examination, and the method of testing.

(iv) Appropriate inspection methods of welds are recommended by the American Welding Society.

(v) The structural load-supporting elements of the aerial device which support the platform, and which are made of a ductile material, shall have a design stress of not more than fifty percent of the minimum yield strength of the material, based on the combined rated load and weight of the support structure.

(vi) The structural load-supporting elements of the aerial device which support the platform, and which are made of a nonductile material, shall have a design stress of not more than twenty percent of the minimum ultimate strength of the material, based on the combined rated load and weight of the support structure.

(vii) The same structural safety factors stated above shall also apply to the platform.

(11) Aerial lift specification. Articulating-boom and extensible-boom aerial devices primarily designed as personnel carriers shall have both upper and lower controls.

(a) Upper controls shall be in or beside the platform, readily visible to the operator, and protected from damage and inadvertent actuation.

(b) Lower controls shall be easily accessible and shall provide for overriding the upper controls.

(c) These and all other controls shall be plainly identified as to their function.

(d) The controls shall return to their neutral position when released by the operator.

(e) Vehicle-mounted articulating and telescoping cranes or derricks equipped with accessory platforms need not have controls at the platform station.

(f) Aerial ladders that are designed and manufactured with upper controls shall comply with the requirements of this subsection.

(g) Mechanical ladders that are counterbalanced for ease in raising to, and lowering from, an operating position shall be equipped with a locking device to secure the ladder in the lower traveling position.

(h) Each aerial device, when mounted on a vehicle meeting the manufacturer's minimum vehicle specifications, and used in a specific configuration, shall comprise a mobile unit capable of sustaining a static load one and one-half times its rated load capacity, in every position in which the load can be placed within the definition of the specific configuration, when the vehicle is on a firm and level surface. If having the outriggers extended to a firm footing is part of the definition of the configuration, they shall be extended to provide leveling for the purpose

of determining whether the mobile unit meets the stability requirements.

(i) Each aerial device, when mounted on a vehicle meeting the manufacturer's minimum vehicle specifications, and used in a specific configuration, shall comprise a mobile unit capable of sustaining a static load one and one-third times its rated load capacity in every position in which the load can be placed within the definition of the specific configuration when the vehicle is on a slope of five degrees downward in the direction most likely to cause overturning. If having the outriggers extended to a firm footing is part of the definition of the configuration, they shall be extended to provide leveling for the purpose of determining whether the mobile unit meets the stability requirements.

(j) If other facilities, such as a means of turntable leveling, are provided to minimize the effect of the sloping surface, then those facilities shall be utilized for the purpose of determining whether the mobile unit meets the stability requirements.

(k) Vertical towers designed specifically for operation only on a level surface shall be excluded from this requirement.

(l) None of the stability tests described in this subsection shall produce instability of the mobile unit as defined herein or cause permanent deformation of any component.

(m) The lifting of a tire or outrigger on the opposite side of the load does not necessarily indicate a condition of instability.

(12) Hydraulic components.

(a) All hydraulic components whose failure could result in free and unrestricted motion of the boom(s) shall have a minimum bursting strength of at least four times the operating pressure for which the system is designed.

(b) All hydraulic components normally rated according to bursting strength, such as hose, tubing, and fittings, shall have a minimum bursting strength of at least three times the operating pressure for which the system is designed.

(c) All hydraulic components normally rated according to performance criteria, such as rated flow and pressure, life cycles, pressure drop, rpm, torque, and speed, shall have a minimum bursting strength of at least two times the operating pressure for which the system is designed. Such components generally include pumps, motors, directional controls, and similar functional components.

(13) Power failure.

(a) Where the operation of the aerial device is accomplished by hydraulic means, the system shall be equipped with appropriate devices to prevent free and unrestricted motion of the aerial device in the event of hydraulic line failure.

(b) Where the operation of the aerial device is accomplished electrically, the system shall be designed to prevent free and unrestricted motion in the event of generator or power failure.

(c) This protection shall also apply to components used to stabilize a mobile unit where a system failure would result in instability.

(14) Platforms.

(a) Platform walls shall be approximately forty-two inches plus or minus three inches high when buckets or baskets are used as platforms, or the platforms shall be provided with a rail or other device around the periphery that also shall be approximately forty-two inches plus or minus three inches above the floor with a midrail and a kick plate that is at least four inches high, or its equivalent.

(b) A means shall be provided that allows personnel to attach a safety strap or lanyard to the platform or boom.

(c) Steps of all platforms shall be provided with non-skid surfaces.

(d) The platform wall height of any unit made in conformance with ANSI A92.2-1979 shall be acceptable.

(e) After the effective date of this standard, units shall conform to the requirements of this subsection.

(f) Platforms with folding-type floors and steps or rungs may be used without rails and kick plates if a method is provided to allow personnel equipped with a body belt and safety strap or lanyard to attach themselves to the platform or boom.

(g) Platforms for aerial ladders shall have a kick plate at least four inches high or its equivalent, around three sides of the platform.

(h) Provision shall be made to allow personnel equipped in accordance with WAC 296-155-225 with a body belt and safety strap or lanyard to attach themselves to the ladder rail.

(15) Specifications display. The aerial device shall have identification, operation, and instruction placards, decals, plates, or the equivalent, which are legible, permanent, and readily visible. There shall be installed on each aerial device applicable markings or provide these markings with appropriate installation instructions. The markings on the aerial device shall not be removed, defaced, or altered. All missing or defective markings shall be replaced.

(a) An aerial device shall have the following markings:

(i) Identification markings.

(ii) Operation markings.

(iii) Instruction markings.

(b) Aerial devices shall have markings to indicate the following:

(i) Make.

(ii) Model.

(iii) Insulated or noninsulated.

(iv) Qualification voltage and date of test.

(v) Serial number.

(vi) Rated load capacity.

(vii) Height.

(viii) Aerial device system pressure or aerial device system voltage, or both.

(c) Aerial devices shall have markings describing the function of each control. Markings shall be determined by the manufacturer or the manufacturer and user jointly to indicate hazards inherent in the operation of an aerial device and those hazards for which the aerial device does not provide protection. The following instruction markings shall be provided for:

(i) Electrical hazards involved in the operation of the machine to warn that an aerial device does not provide protection to the operator from contact with or in proximity to an electrically charged conductor when he is in contact with or in proximity to another conductor.

(ii) Electrical hazards involved in the operation of the machine to warn that an aerial device, when working on or in proximity to energized conductors, shall be considered energized, and that contact with the aerial device or vehicle under those conditions may cause serious injuries.

(iii) Hazards that result from failure to operate the equipment in a prescribed manner.

(iv) Information related to the use and load rating of the equipment for material handling.

(v) Information related to the use and load rating of the aerial device for alternate configurations.

(vi) Information related to operator cautions.

(d) The color, format, and substance shall conform to:

(i) American National Standard for Accident Prevention Signs, ANSI Z35.1-1972.

(ii) American National Standard for Accident Prevention Tags, ANSI Z35.2-1968.

(iii) American National Standard for Informational Signs Complementary to ANSI Z35.1-1972 Accident Prevention Signs, ANSI Z35.4-1973.

(16) Testing of new aerial devices: In addition to the manufacturer's prototype tests and quality control measures, each new aerial device, including mechanisms, shall be tested to the extent necessary to ensure compliance with the operational requirements of this subsection.

(a) Operational tests shall include the following:

(i) Boom(s) elevating and lowering mechanism.

(ii) Boom extension mechanism.

(iii) Rotating mechanism.

(iv) Stability tests.

(v) Safety devices.

(b) A visual inspection of the finished unit shall be made to determine whether the operational test has produced an adverse effect on any component. Whoever mounts an aerial device upon a vehicle shall, before the mobile unit is placed in operation, perform stability tests in accordance with the requirements of subsection (11) of this section, and the operational and visual tests in accordance with this subsection.

(17) Electrical tests: All electrical tests shall be performed in accordance with ANSI A92.2-1979.

(18) Test reports: A certified report of the tests, specified in this subsection, signed by a registered professional engineer, or an equivalent entity shall be provided with each unit.

(19) Manual requirement: Aerial devices shall comply with the requirements of this standard and shall be provided with manuals. The manuals shall contain:

(a) Descriptions, specifications, and ratings of the aerial device.

(b) The maximum system pressure and the maximum voltage of electrical systems which are part of the aerial device.

(c) Instructions regarding operation, maintenance, and specified welds.

(d) Replacement part information.

(e) Instructions for installing or mounting the aerial device.

(20) Inspections:

(a) Prior to initial use, all new or modified mobile units shall be inspected and tested by the owners and users to ensure compliance with the provisions of this standard and ANSI A92.2-1979.

(b) The inspection procedure for mobile units in regular service is divided into two classifications based upon the intervals at which inspections and tests shall be performed. Safe intervals shall be set by the user, within the limits recommended by the manufacturer, and are dependent upon the nature of the critical components of the mobile unit and the degree of their exposure to wear, deterioration, or malfunction. The two classifications are designated as "frequent" and "periodic" with respective intervals between inspections and tests, as defined below:

(i) Frequent inspection and test: Daily to monthly intervals, or before use, if not used regularly.

(ii) Periodic inspection and test: One to twelve month intervals.

(21) Frequent inspections: Items such as, but not limited to the following shall be inspected for defects at the intervals as defined in subsection (20)(b)(i) of this section or as specifically indicated, including observation during operation, for any defects which might appear between regular inspections. These tests and inspections shall be performed by the operator. Any suspected items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use.

(a) Operating controls and associated mechanisms for conditions interfering with proper operation.

(b) Operating controls and associated mechanisms for excessive component wear and contamination by foreign material.

(c) Visual and audible safety devices for malfunction.

(d) Hydraulic or pneumatic systems for observable deterioration or excessive leakage.

(e) Fiberglass and other insulating components for visible damage or contamination.

(f) Electrical apparatus for malfunction, signs of excessive, dirt, and moisture accumulation.

(22) Periodic inspection. An inspection of the mobile unit shall be performed at the intervals defined in subsection (20)(b)(ii) of this section, depending upon its activity, severity of service, and environment, or as specifically indicated below. Any suspect items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use. Nondestructive inspection and testing methods shall be used where there are questionable structural components.

(a) Deformed, cracked, or corroded members in the aerial device structure.

(b) Worn, cracked or distorted parts, such as pins, bearings, shafts, gears, rollers, locking devices, chains, chain sprockets, wire ropes, and sheaves.

(c) Hydraulic and pneumatic relief valve settings.

- (d) Hydraulic system for proper oil level.
- (e) Hydraulic and pneumatic fittings, hoses, and tubing for evidence of leakage, abnormal deformation, or excessive abrasion.
- (f) Compressors, pumps, motors, and generators for loose fasteners, leaks, unusual noises or vibrations, loss of operating speed, and excessive heating.
- (g) Hydraulic and pneumatic valves for cracks in the valve housing, leaks, and sticking spools.
- (h) Hydraulic and pneumatic cylinders and holding valves for malfunction and visible damage.
- (i) Hydraulic and pneumatic filters for cleanliness and the presence of foreign material in the system indicating other component deterioration.
- (j) Performance test of all boom movements.
- (k) Condition and tightness of bolts and other fasteners.
- (l) Welds, as specified by the manufacturer.
- (m) Legible and proper markings of controls, ratings, and instructions.
- (23) Electrical insulation rating tests: If the aerial device is considered, rated, and used as an insulated device, the electrical insulating components and system, after a thorough inspection for lack of cleanliness and other hazards, shall be tested for compliance with the rating of the aerial device in accordance with one of the following applicable methods and procedures:
 - (a) In accordance with section 5.2 of ANSI A92.2-1979 where adequate test facilities are available.
 - (b) In the field if the aerial device is equipped with electrical test electrodes. The insulated boom may be raised into a high voltage line whose voltage is as high as or higher than the voltage to be worked but not exceeding the design voltage of the aerial device. The electrical leakage current shall not exceed 1 microampere per line to ground per kilovolt applied.
 - (c) For units rated 69 kV and under, by placing a fused and protected ammeter in the circuit between a test powerline and the conductive metal assembly at the bucket end of the insulated boom.
 - (i) The lower end of the boom section to be tested shall be grounded.
 - (ii) The ammeter shall be shielded from any stray electrical currents, and shall give the measurement of any leakage current across the boom and controls, or any capacitive currents involved from the platform to ground, or both.
 - (iii) The minimum voltage of the test line shall be that of any circuit on which the aerial device is to be used but not exceeding the design voltage of the aerial device.
 - (iv) During a three minute test period, the total current through the ammeter shall not exceed the following limits at the corresponding rated line voltages:

Line Voltage (kV)	Maximum Current (Microamperes)
69	1000
34.5	500
13.2	200

(d) For units rated 69 kV and under and not used for bare hand application, a dc test voltage and procedure shall be used. The dc potential and leakage current limit shall be specified by the aerial device manufacturer or an equivalent entity.

(e) For platform liners, a retest at seventy percent of the original factory test voltage in accordance with the procedures of section 5.2.2.5 of ANSI A92.2-1979, or the equivalent shall be made.

(f) All electrical tests shall be performed only by qualified persons who are aware of the dangers.

(24) Inspection documentation:

(a) A check sheet or list of items to be inspected shall be provided to the operator or other authorized person for use in making frequent inspections. Records of frequent inspections need not be made. However, where a safety hazard is found, it shall be reported in writing to a person responsible for the corrective action and that report and a record of the correction shall be maintained.

(b) Written, dated, and signed reports and records shall be made of periodic inspections and tests and retained for a period of time consistent with need. Records shall be readily available. Manufacturer's recommendations as to the necessity and frequency of maintenance shall be followed.

(25) Modifications: No modifications or additions which affect the mechanical, hydraulic, or electrical integrity or the safe operation of the aerial device shall be made without the written approval of the manufacturer or an equivalent entity.

(a) If such modification or changes are made, the capacity, operation, and maintenance instruction markings shall be changed accordingly.

(b) In no case shall the safety factors be reduced below those specified in this standard, ANSI A92.2-1979, or below the manufacturer's design factors, whichever are greater.

(c) Changes in loading or additions made to the mobile unit after the final acceptance that affect weight distribution shall meet applicable loading regulations of the National Traffic and Motor Vehicle Safety Act of 1966 sections on Certification.

(26) Qualified operators: The user shall select and authorize only those persons qualified by training or experience, or both, to operate the aerial devices. Each operator shall be instructed in the safe and proper operation of the aerial device in accordance with the manufacturer's operator's manual and the user's work instructions.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-155-580 AERIAL LIFTS.

AMENDATORY SECTION (Amending Order 89-20, filed 1/11/90, effective 2/26/90)

WAC 296-155-680 GENERAL PROVISIONS.

(1) General. All equipment, material and construction techniques used in concrete construction and masonry work shall meet the applicable requirements for design,

construction, inspection, testing, maintenance and operations as prescribed in ANSI A10.9-1970, Safety Requirements for Concrete Construction and Masonry Work.

(2) Construction loads. No construction loads shall be placed on a concrete structure or portion of a concrete structure unless the employer determines, based on information received from a person who is qualified in structural design, that the structure or portion of the structure is capable of supporting the loads.

(3) Vertical loads. Vertical loads consist of a dead load plus an allowance for live load. The weight of formwork together with the weight of freshly placed concrete is dead load. The live load consists of the weight of workmen, equipment, runways and impact, and shall be computed in pounds per square foot (psf) of horizontal projection.

(4) Lateral loads. Braces and shores shall be designed to resist all foreseeable lateral loads such as wind, cable tensions, inclined supports, impact of placement, and starting and stopping of equipment. The assumed value of load due to wind, impact of concrete, and equipment acting in any direction at each floor line shall not be less than one hundred pounds per lineal foot of floor edge or two percent of total dead load of the floor, whichever is greater. Wall forms shall be designed for a minimum wind load of ten psf, and bracing for wall forms should be designed for a lateral load of at least one hundred pounds per lineal foot of wall, applied at the top. Walls of unusual height require special consideration.

(5) Special loads. Formwork shall be designed for all special conditions of construction likely to occur, such as unsymmetrical placement of concrete, impact of machine-delivered concrete, uplift, and concentrated loads.

~~(6) ((Construction loads. Imposition of any construction loads on the partially completed structure shall not be permitted unless such loading has been considered in the design and approved by the engineer-architect.~~

~~(7))~~ Form supports and wedges shall be checked during concrete placement to prevent distortion or failure.

~~((7))~~ (7) Reinforcing steel.

~~(a) ((Employees shall not be permitted to work above vertically protruding reinforcing steel unless it has been protected))~~ All protruding reinforcing steel, onto and into which employees could fall, shall be guarded to eliminate the hazard of impalement.

Note: Acceptable methods to meet this requirement to prevent impalement will be to secure a plank or platform over the vertical ends of the reinforcing steel bars or to bend bars over to the extent they would be horizontal instead of vertical.

(b) Wire mesh rolls: Wire mesh rolls shall be secured at each end to prevent dangerous recoiling action.

(c) Guying: Reinforcing steel for walls, piers, columns, and similar vertical structures shall be guyed and supported to prevent overturning and to prevent collapse.

~~((8))~~ (8) Post-tensioning operations.

(a) No employee (except those essential to the post-tensioning operations) shall be permitted to be behind the jack during tensioning operations.

(b) Signs and barriers shall be erected to limit employee access to the post-tensioning area during tensioning operations.

~~((9))~~ (9) Working under loads.

(a) No employee shall be permitted to work under concrete buckets while buckets are being elevated or lowered into position.

(b) To the extent practical, elevated concrete buckets shall be routed so that no employee, or the fewest number of employees, are exposed to the hazards associated with falling concrete buckets.

~~((10))~~ (10) Personal protective equipment.

(a) No employee shall be permitted to apply a cement, sand, and water mixture through a pneumatic hose unless the employee is wearing protective head and face equipment.

(b) No employee shall be permitted to place or tie reinforcing steel more than six feet (1.8 m) above any adjacent working surface unless the employee is protected by the use of a safety belt or equivalent fall protection meeting the criteria of WAC 296-155-225.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-015 INJURY AND ILLNESS REPORT FOR FIRE FIGHTERS. (1) Notice of injury or illness;

(a) Whenever an occupational accident causes injury or illness to a fire fighter or other employee, or whenever a fire fighter or other employee becomes aware of an illness apparently caused by occupational exposure, it shall be the duty of such a fire fighter or other employee, or someone on his behalf, to report the injury or illness to the employer before the end of his duty period or not later than 24 hours. ~~((The employer shall report the accident or illness to the division of industrial safety and health, at least quarterly.))~~

EXCEPTION: In the event that symptoms of an occupational injury or illness are not apparent at the time of the accident, the employee shall report the symptoms to his employer within 48 hours after becoming aware of the injury or illness.

(b) Whenever an injury occurs to a fire fighter or other employee while on duty and the injury results in a fatality, or probable fatality, the employer shall report the accident to the division of industrial safety and health by the fastest means available.

(2) Recordkeeping - written reports; all fire service employers shall maintain records and reports in accordance with chapter 296-27 WAC.

(3) An annual summary of the statistics tabulated in items (1) (a), (b), and (2) above shall be maintained by the department of labor and industries.

PART Q

HAZARDOUS CHEMICALS IN LABORATORIES

NEW SECTION

WAC 296-62-400 OCCUPATIONAL EXPOSURE TO HAZARDOUS CHEMICALS IN LABORATORIES. Reserved.

NEW SECTION

WAC 296-62-40001 SCOPE AND APPLICATION. (1) This section shall apply to all employers and employees engaged in the laboratory use of hazardous chemicals as follows:

(a) Where this section applies, it shall supersede, for laboratories, the requirements of all other WISHA health standards in chapter 296-62 WAC, except for any WISHA health standard, only the requirement to limit employee exposure to the specific permissible exposure limit shall apply for laboratories, unless that particular standard states otherwise or unless the conditions of subdivision (c) of this section apply.

(b) Prohibition of eye and skin contact where specified by any WISHA health standard shall be observed.

(c) Where the action level (or in the absence of an action level, the permissible exposure limit) is routinely exceeded for a WISHA regulated substance with exposure monitoring and medical surveillance requirements, of WAC 296-62-40007.

(2) This section shall not apply to:

(a) Uses of hazardous chemicals which do not meet the definition of laboratory use, and in such cases, the employer shall comply with the relevant standard in WAC 296-62-075, even if such use occurs in a laboratory.

(b) Laboratory uses of hazardous chemicals which provide no potential for employee exposure. Examples of such conditions might include:

(i) Procedures using chemically-impregnated test media such as Dip-and-Read tests where a reagent strip is dipped into the specimen to be tested and the results are interpreted by comparing the color reaction to a color chart supplied by the manufacturer of the test strip; and

(ii) Commercially prepared kits such as those used in performing pregnancy tests in which all of the reagents needed to conduct the test are contained in the kit.

NEW SECTION

WAC 296-62-40003 DEFINITIONS APPLICABLE TO ALL SECTIONS OF THIS CHAPTER. Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section.

(1) "Action level" means a concentration designated in WAC 296-62-075 for a specific substance, calculated as an 8-hour time-weighted average, which initiates certain required activities such as exposure monitoring and medical surveillance.

(2) "Carcinogen" (see "select carcinogen").

(3) "Chemical hygiene officer" means an employee who is designated by the employer, and who is qualified by training or experience, to provide technical guidance in the development and implementation of the provisions of the chemical hygiene plan. This definition is not intended to place limitations on the position description or job classification that the designated individual shall hold within the employer's organizational structure.

(4) "Chemical hygiene plan" means a written program developed and implemented by the employer which sets forth procedures, equipment, personal protective

equipment, and work practices that are capable of protecting employees from the health hazards presented by hazardous chemicals used in that particular workplace and meets the requirements of WAC 296-62-40009.

(5) "Combustible liquid" means any liquid having a flashpoint at or above 100°F (37.8°C), but below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C), or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

(6) "Compressed gas" means:

(a) A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or

(b) A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or

(c) A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.

(7) "Designated area" means an area which may be used for work with "select carcinogens," reproductive toxins or substances which have a high degree of acute toxicity. A designated area may be the entire laboratory, an area of a laboratory or a device such as a laboratory hood.

(8) "Director" means the director of the department of labor and industries or his/her designee.

(9) "Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers or failure of control equipment which results in an uncontrolled release of a hazardous chemical into the workplace.

(10) "Employee" means an individual employed in a laboratory workplace who may be exposed to hazardous chemicals in the course of his or her assignments.

(11) "Explosive" means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

(12) "Flammable" means a chemical that falls into one of the following categories:

(a) "Aerosol, flammable" means an aerosol that, when tested by the method described in 16 C.F.R. 1500.45, yields a flame protection exceeding 18 inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening;

(b) "Gas, flammable" means:

(i) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of 13 percent by volume or less; or

(ii) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than 12 percent by volume, regardless of the lower limit.

(c) "Liquid, flammable" means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99 percent or more of the total volume of the mixture.

(d) "Solid, flammable" means a solid, other than a blasting agent or explosive as defined in WAC 296-52-

417, that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 C.F.R. 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

(13) "Flashpoint" means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

(a) Tagliabue Closed Tester (see American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79))—for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100 deg.F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

(b) Pensky-Martens Closed Tester (see American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79))—for liquids with a viscosity equal to or greater than 45 SUS at 100 deg.F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

(c) Setaflash Closed Tester (see American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Note: Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

(14) "Hazardous chemical" means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic systems, and agents which damage the lungs, skin, eyes, or mucous membranes.

Note: Appendices A and B of the Hazard Communication Standard (WAC 296-62-054) provide further guidance in defining the scope of health hazards and determining whether or not a chemical is to be considered hazardous for purposes of this standard.

(15) "Laboratory" means a facility where the "laboratory use of hazardous chemicals" occurs. It is a workplace where relatively small quantities of hazardous chemicals are used on a nonproduction basis.

(16) "Laboratory scale" means work with substances in which the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one person. "Laboratory scale" excludes those workplaces whose function is to produce commercial quantities of materials.

(17) "Laboratory-type hood" means a device located in a laboratory, enclosure on five sides with a moveable sash or fixed partial enclosed on the remaining side;

constructed and maintained to draw air from the laboratory and to prevent or minimize the escape of air contaminants into the laboratory; and allows chemical manipulations to be conducted in the enclosure without insertion of any portion of the employee's body other than hands and arms.

Note: Walk-in hoods with adjustable sashes meet the above definition provided that the sashes are adjusted during use so that the airflow and the exhaust of air contaminants are not compromised and employees do not work inside the enclosure during the release of airborne hazardous chemicals.

(18) "Laboratory use of hazardous chemicals" means handling or use of such chemicals in which all of the following conditions are met:

(a) Chemical manipulations are carried out on a "laboratory scale";

(b) Multiple chemical procedures or chemicals are used;

(c) The procedures involved are not part of a production process, nor in any way simulate a production process; and

(d) "Protective laboratory practices and equipment" are available and in common use to minimize the potential for employee exposure to hazardous chemicals.

(19) "Medical consultation" means a consultation which takes place between an employee and a licensed physician for the purpose of determining what medical examinations or procedures, if any, are appropriate in cases where a significant exposure to a hazardous chemical may have taken place.

(20) "Organic peroxide" means an organic compound that contains the bivalent -O-O-structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

(21) "Oxidizer" means a chemical other than a blasting agent or explosive as defined in WAC 296-52-417, that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

(22) "Physical hazard" means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

(23) "Protective laboratory practices and equipment" means those laboratory procedures, practices, and equipment accepted by laboratory health and safety experts as effective, or that the employer can show to be effective, in minimizing the potential for employee exposure to hazardous chemicals.

(24) "Reproductive toxins" means chemicals which affect the reproductive capabilities including chromosomal damage (mutations) and effects on fetuses (teratogenesis).

(25) "Select carcinogen" means any substance which meets one of the following criteria:

(a) It is regulated by WISHA as a carcinogen; or

(b) It is listed under the category, "known to be carcinogens," in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition); or

(c) It is listed under Group I ("carcinogenic to humans") by the International Agency for Research on Cancer Monographs (IARC) (latest editions); or

(d) It is listed in either Group 2A or 2B by IARC or under the category, "reasonably anticipated to be carcinogens" by NTP, and causes statistically significant tumor incidence in experimental animals in accordance with any of the following criteria:

(i) After inhalation exposure of 6-7 hours per day, 5 days per week, for a significant portion of a lifetime to dosages of less than 10 mg/m³; or

(ii) After repeated skin application of less than 300 (mg/kg of body weight) per week; or

(iii) After oral dosages of less than 50 mg/kg of body weight per day.

(26) "Unstable (reactive)" means a chemical which is the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shock, pressure, or temperature.

(27) "Water-reactive" means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

NEW SECTION

WAC 296-62-4005 PERMISSIBLE EXPOSURE LIMITS. For laboratory uses of WISHA regulated substances, the employer shall assure that laboratory employees' exposures to such substances do not exceed the permissible exposure limits specified in WAC 296-62-075.

NEW SECTION

WAC 296-62-4007 EMPLOYEE EXPOSURE DETERMINATION. (1) Initial monitoring. The employer shall measure the employee's exposure to any substance regulated by a standard which requires monitoring if there is reason to believe that exposure levels for that substance routinely exceed the action level (or in the absence of an action level, the PEL).

(2) Periodic monitoring. If the initial monitoring prescribed by subsection (1) of this section discloses employee exposure over the action level (or in the absence of an action level, the PEL), the employer shall immediately comply with the exposure monitoring provisions of chapter 296-62 WAC.

(3) Termination of monitoring. Monitoring may be terminated in accordance with chapter 296-62 WAC.

(4) Employee notification of monitoring results. The employer shall, within 15 working days after the receipt of any monitoring results, notify the employee of these results in writing either individually or by posting results in an appropriate location that is accessible to employees.

NEW SECTION

WAC 296-62-4009 CHEMICAL HYGIENE PLAN—GENERAL. (1) Where hazardous chemicals as defined by this standard are used in the workplace,

the employer shall develop and carry out the provisions of a written chemical hygiene plan which is:

(a) Capable of protecting employees from health hazards associated with hazardous chemicals in that laboratory; and

(b) Capable of keeping exposures below the limits specified in WAC 296-62-40005.

(2) The chemical hygiene plan shall be readily available to employees, employee representatives and, upon request, to the director of the department of labor and industries.

(3) The chemical hygiene plan shall include each of the following elements and shall indicate specific measures that the employer will take to ensure laboratory employee protection:

(a) Standard operating procedures for safety and health considerations to be followed when laboratory work involves the use of hazardous chemicals;

(b) Criteria that the employer will use to determine and implement control measures to reduce employee exposure to hazardous chemicals including engineering controls, the use of personal protective equipment, and hygiene practices. Particular attention shall be given to the selection of control measures for chemicals that are known to be extremely hazardous;

(c) A requirement that fume hoods and other protective equipment are functioning properly and specific measures that shall be taken to ensure proper and adequate performance of such equipment;

(d) Provisions for employee information and training as prescribed in WAC 296-62-40011;

(e) The circumstances under which a particular laboratory operation, procedure, or activity shall require prior approval from the employer or the employer's designee before implementation;

(f) Provisions for medical consultation and medical examinations in accordance with WAC 296-62-40013;

(g) Designation of personnel responsible for implementation of the chemical hygiene plan including the assignment of a chemical hygiene officer and, if appropriate, establishment of a chemical hygiene committee; and

(h) Provisions for additional employee protection for work with particularly hazardous substances. These include "select carcinogens," reproductive toxins and substances which have a high degree of acute toxicity. Specific consideration shall be given to the following provisions which shall be included where appropriate:

(i) Establishment of a designated area;

(ii) Use of containment devices such as glove hoods or glove boxes;

(iii) Procedures for safe removal of contaminated waste; and

(iv) Decontamination procedures.

(4) The employer shall review and evaluate the effectiveness of the chemical hygiene plan at least annually and update it as necessary.

(5) Appendix A of this section is nonmandatory but provides guidance to assist employers in the development of the chemical hygiene plan.

NEW SECTION

WAC 296-62-40011 EMPLOYEE INFORMATION AND TRAINING. (1) The employer shall provide employees with information and training to ensure that they are apprised of the hazards of chemicals present in their work area.

(2) Such information shall be provided at the time of an employee's initial assignment to a work area where hazardous chemicals are present and prior to assignments involving new exposure situations. The frequency of refresher information and training shall be determined by the employer.

(3) Information. Employees shall be informed of:

(a) The contents of this standard and its appendices which shall be made available to employees;

(b) The location and availability of the employer's chemical hygiene plan;

(c) The permissible exposure limits for WISHA regulated substances or recommended exposure limits for other hazardous chemicals where there is no applicable WISHA standard;

(d) Signs and symptoms associated with exposures to hazardous chemicals used in the laboratory; and

(e) The location and availability of known reference material on the hazards, safe handling, storage, and disposal of hazardous chemicals found in the laboratory including, but not limited to, material safety data sheets received from the chemical supplier.

(4) Training. Employee training shall include:

(a) Methods and observations that may be used to detect the presence or release of a hazardous chemical (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.);

(b) The physical and health hazards of chemicals in the work area; and

(c) The measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used.

(5) The employee shall be trained on the applicable details of the employer's written chemical hygiene plan.

NEW SECTION

WAC 296-62-40013 MEDICAL CONSULTATION AND MEDICAL EXAMINATIONS. (1) The employer shall provide all employees who work with hazardous chemicals an opportunity to receive medical attention, including any follow-up examinations which the examining physician determines to be necessary, under the following circumstances:

(a) Whenever an employee develops signs or symptoms associated with a hazardous chemical to which the employee may have been exposed in the laboratory, the employee shall be provided an opportunity to receive an appropriate medical examination.

(b) Where exposure monitoring reveals an exposure level routinely above the action level (or in the absence of an action level, the PEL) for a WISHA regulated

substance for which there are exposure monitoring and medical surveillance requirements, medical surveillance shall be established for the affected employee as prescribed by the particular standard.

(c) Whenever an event takes place in the work area such as a spill, leak, explosion, or other occurrence resulting in the likelihood of a hazardous exposure, the affected employee shall be provided an opportunity for a medical consultation. Such consultation shall be for the purpose of determining the need for a medical examination.

(2) All medical examinations and consultations shall be performed by or under the direct supervision of a licensed physician and shall be provided without cost to the employee, without loss of pay and at a reasonable time and place.

(3) Information provided to the physician. The employer shall provide the following information to the physician:

(a) The identity of the hazardous chemical(s) to which the employee may have been exposed;

(b) A description of the conditions under which the exposure occurred including quantitative exposure data, if available; and

(c) A description of the signs and symptoms of exposure that the employee is experiencing, if any.

(4) Physician's written opinion.

(a) For examination or consultation required under this standard, the employer shall obtain a written opinion from the examining physician which shall include the following:

(i) Any recommendation for further medical follow-up;

(ii) The results of the medical examination and any associated tests;

(iii) Any medical condition which may be revealed in the course of the examination which may place the employee at increased risk as a result of exposure to a hazardous chemical found in the workplace; and

(iv) A statement that the employee has been informed by the physician of the results of the consultation or medical examination and any medical condition that may require further examination or treatment.

(b) The written opinion shall not reveal specific findings of diagnoses unrelated to occupational exposure.

NEW SECTION

WAC 296-62-40015 HAZARD IDENTIFICATION. (1) With respect to labels and material safety data sheets:

(a) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced.

(b) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible to laboratory employees.

(2) The following provisions shall apply to chemical substances developed in the laboratory:

(a) If the composition of the chemical substance which is produced exclusively for the laboratory's use is known, the employer shall determine if it is a hazardous

chemical as defined in subdivision (b) of this section. If the chemical is determined to be hazardous, the employer shall provide appropriate training as required under WAC 296-62-40011.

(b) If the chemical produced is a byproduct whose composition is not known, the employer shall assume that the substance is hazardous and shall implement WAC 296-62-40009.

(c) If the chemical substance is produced for another user outside of the laboratory, the employer shall comply with the hazard communication standard (WAC 296-62-054) including the requirements for preparation of material safety data sheets and labeling.

NEW SECTION

WAC 296-62-40017 USE OF RESPIRATORS. Where the use of respirators is necessary to maintain exposure below permissible exposure limits, the employer shall provide, at no cost to the employee, the proper respiratory equipment. Respirators shall be selected and used in accordance with the requirements of WAC 296-62-071.

NEW SECTION

WAC 296-62-40019 RECORDKEEPING. (1) The employer shall establish and maintain for each employee an accurate record of any measurements taken to monitor employee exposures and any medical consultation and examinations including tests or written opinions required by this standard.

(2) The employer shall assure that such records are kept, transferred, and made available in accordance with WAC 296-62-052.

NEW SECTION

WAC 296-62-40021 START-UP DATE. Employers shall have developed and implemented a written chemical hygiene plan no later than January 31, 1991.

NEW SECTION

WAC 296-62-40023 APPENDICES. The information contained in the appendices is not intended by itself to create any additional obligations not otherwise imposed or to detract from any existing obligation.

NEW SECTION

WAC 296-62-40025 APPENDIX A—NATIONAL RESEARCH COUNCIL RECOMMENDATIONS CONCERNING CHEMICAL HYGIENE IN LABORATORIES (NONMANDATORY). (1) Table of contents.

- (a) General principles.
 - (i) Minimize all chemical exposures.
 - (ii) Avoid underestimation of risk.
 - (iii) Provide adequate ventilation.
 - (iv) Institute a chemical hygiene program.
 - (v) Observe the PELs and TLVs.
- (b) Responsibilities.
 - (i) Chief executive officer.
 - (ii) Supervisor of administrative unit.

- (iii) Chemical hygiene officer.
- (iv) Laboratory supervisor.
- (v) Project director.
- (vi) Laboratory worker.
- (c) The laboratory facility.
 - (i) Design.
 - (ii) Maintenance.
 - (iii) Usage.
 - (iv) Ventilation.
 - (d) Components of the chemical hygiene plan.
 - (i) Basic rules and procedures.
 - (ii) Chemical procurement, distribution, and storage.
 - (iii) Environmental monitoring.
 - (iv) Housekeeping, maintenance, and inspections.
 - (v) Medical program.
 - (vi) Personal protective apparel and equipment.
 - (vii) Records.
 - (viii) Signs and labels.
 - (ix) Spills and accidents.
 - (x) Training and information.
 - (xi) Waste disposal.
 - (e) General procedures for working with chemicals.
 - (i) General rules for all laboratory work with chemicals.
 - (ii) Allergens and embryotoxins.
 - (iii) Chemicals of moderate chronic or high acute toxicity.
 - (iv) Chemicals of high chronic toxicity.
 - (v) Animal work with chemicals of high chronic toxicity.
 - (f) Safety recommendations.
 - (g) Material safety data sheets.
 - (2) Foreword.
 - (a) As guidance for each employer's development of an appropriate laboratory chemical hygiene plan, the following nonmandatory recommendations are provided. They were extracted from "Prudent Practices for Handling Hazardous Chemicals in Laboratories" (referred to below as "Prudent Practices"), which was published in 1981 by the National Research Council and is available from the National Academy Press, 2101 Constitution Ave., N.W., Washington DC 20418.
 - (b) "Prudent practices" is cited because of its wide distribution and acceptance and because of its preparation by members of the laboratory community through the sponsorship of the National Research Council. However, none of the recommendations given here will modify any requirements of the laboratory standard. This appendix merely presents pertinent recommendations from "prudent practices," organized into a form convenient for quick reference during operation of a laboratory facility and during development and application of a chemical hygiene plan. Users of this appendix should consult "prudent practices" for a more extended presentation and justification for each recommendation.
 - (c) "Prudent practices" deals with both safety and chemical hazards while the laboratory standard is concerned primarily with chemical hazards. Therefore, only those recommendations directed primarily toward control of toxic exposures are cited in this appendix, with the term "chemical hygiene" being substituted for the word "safety." However, since conditions producing or

threatening physical injury often pose toxic risks as well, page references concerning major categories of safety hazards in the laboratory are given in section F.

(d) The recommendations from "prudent practices" have been paraphrased, combined, or otherwise reorganized, and headings have been added. However, their sense has not been changed.

(e) Corresponding sections of the standard and this appendix.

(f) The following table is given for the convenience of those who are developing a chemical hygiene plan which will satisfy the requirements of WAC 296-62-40009. It indicates those sections of this appendix which are most pertinent to each of the sections of WAC 296-62-40009 and related sections.

Subsection and Topic in Laboratory Standard	Relevant Appendix Section
(3)(a) Standard operating procedures for handling toxic chemicals.	(c)(d)(e)
(3)(b) Criteria to be used for implementation of measures to reduce exposures.	(d)
(3)(c) Fume hood performance	(c)(iv)(B)
(3)(d) Employee information and training (including emergency procedures).	(d)(x), (d)(ix)
(3)(e) Requirements for prior approval of laboratory activities.	(e)(ii)(B), (e)(v)(B)
(3)(f) Medical consultation and medical examinations.	(d)(v), (e)(v)(G)
(3)(g) Chemical hygiene responsibilities.	(b)
(3)(h) Special precautions for work with particularly hazardous substances.	(e)(ii)(iii)(v)

(3) In this appendix, those recommendations directed primarily at administrators and supervisors are given in sections (a) through (d). Those recommendations of primary concern to employees who are actually handling laboratory chemicals are given in section E. (Reference to page numbers in "prudent practices" are given in parentheses.)

(a) General principles for work with laboratory chemicals in addition to the more detailed recommendations listed below in sections (b) through (e), "prudent practices" expresses certain general principles, including the following:

(i) It is prudent to minimize all chemical exposures. Because few laboratory chemicals are without hazards, general precautions for handling all laboratory chemicals should be adopted, rather than specific guidelines for particular chemicals (2, 10). Skin contact with chemicals should be avoided as a cardinal rule (198).

(ii) Avoid underestimation of risk. Even for substances of no known significant hazard, exposure should be minimized; for work with substances which present special hazards, special precautions should be taken (10, 37,

38). One should assume that any mixture will be more toxic than its most toxic component (30, 103) and that all substances of unknown toxicity are toxic (3, 34).

(iii) Provide adequate ventilation. The best way to prevent exposure to airborne substances is to prevent their escape into the working atmosphere by use of hoods and other ventilation devices (32, 198).

(iv) Institute a chemical hygiene program. A mandatory chemical hygiene program designed to minimize exposures is needed; it should be a regular, continuing effort, not merely a standby or short-term activity (6, 11). Its recommendations should be followed in academic teaching laboratories as well as by full-time laboratory workers (13).

(v) Observe the PELs, TLVs. The permissible exposure limits of WISHA and the threshold limit values of the American Conference of Governmental Industrial Hygienists should not be exceeded (13).

(b) Chemical hygiene responsibilities. Responsibility for chemical hygiene rests at all levels (6, 11, 21) including the:

(i) Chief executive officer, who has ultimate responsibility for chemical hygiene within the institution and must, with other administrators, provide continuing support for institutional chemical hygiene (7, 11).

(ii) Supervisor of the department or other administrative unit, who is responsible for chemical hygiene in that unit (7).

(iii) Chemical hygiene officer(s), whose appointment is essential (7) and who must:

(A) Work with administrators and other employees to develop and implement appropriate chemical hygiene policies and practices (7);

(B) Monitor procurement, use, and disposal of chemicals used in the lab (8);

(C) See that appropriate audits are maintained (8);

(D) Help project directors develop precautions and adequate facilities (10);

(E) Know the current legal requirements concerning regulated substances (50); and

(F) Seek ways to improve the chemical hygiene program (8, 11).

(iv) Laboratory supervisor, who has overall responsibility for chemical hygiene in the laboratory (21) including responsibility to:

(A) Ensure that workers know and follow the chemical hygiene rules, that protective equipment is available and in working order, and that appropriate training has been provided (21, 22);

(B) Provide regular, formal chemical hygiene and housekeeping inspections including routine inspections of emergency equipment (21, 171);

(C) Know the current legal requirements concerning regulated substances (50, 231);

(D) Determine the required levels of protective apparel and equipment (156, 160, 162); and

(E) Ensure that facilities and training for use of any material being ordered are adequate (215).

(v) Project director or director of other specific operation, who has primary responsibility for chemical hygiene procedures for that operation (7).

(vi) Laboratory worker, who is responsible for:

(A) Planning and conducting each operation in accordance with the institutional chemical hygiene procedures (7, 21, 22, 230); and

(B) Developing good personal chemical hygiene habits (22).

(c) The laboratory facility:

(i) Design. The laboratory facility should have:

(A) An appropriate general ventilation system (see C4 below) with air intakes and exhausts located so as to avoid intake of contaminated air (194);

(B) Adequate, well-ventilated stockrooms/storerooms (218, 219);

(C) Laboratory hoods and sinks (12, 162);

(D) Other safety equipment including eyewash fountains and drench showers (162, 169); and

(E) Arrangements for waste disposal (12, 240).

(ii) Maintenance. Chemical-hygiene-related equipment (hoods, incinerator, etc.) should undergo continuing appraisal and be modified if inadequate (11, 12).

(iii) Usage. The work conducted (10) and its scale (12) must be appropriate to the physical facilities available and, especially, to the quality of ventilation (13).

(iv) Ventilation.

(A) General laboratory ventilation. This system should: Provide a source of air for breathing and for input to local ventilation devices (199); it should not be relied on for protection from toxic substances released into the laboratory (198); ensure that laboratory air is continually replaced, preventing increase of air concentrations of toxic substances during the working day (194); direct air flow into the laboratory from nonlaboratory areas and out to the exterior of the building (194).

(B) Hoods. A laboratory hood with 2.5 linear feet of hood space per person should be provided for every 2 workers if they spend most of their time working with chemicals (199); each hood should have a continuous monitoring device to allow convenient confirmation of adequate hood performance before use (200, 209). If this is not possible, work with substances of unknown toxicity should be avoided (13) or other types of local ventilation devices should be provided (199). (See pp. 201-206 for a discussion of hood design, construction, and evaluation.)

(C) Other local ventilation devices. Ventilated storage cabinets, canopy hoods, snorkels, etc., should be provided as needed (199). Each canopy hood and snorkel should have a separate exhaust duct (207).

(D) Special ventilation areas. Exhaust air from glove boxes and isolation rooms should be passed through scrubbers or other treatment before release into the regular exhaust system (208). Cold rooms and warm rooms should have provisions for rapid escape and for escape in the event of electrical failure (209).

(E) Modifications. Any alteration of the ventilation system should be made only if thorough testing indicates that worker protection from airborne toxic substances will continue to be adequate (12, 193, 204).

(F) Performance. Rate: 4-12 room air changes/hour is normally adequate general ventilation if local exhaust systems such as hoods are used as the primary method of control (194).

(G) Quality. General air flow should not be turbulent and should be relatively uniform throughout the laboratory, with no high velocity or static areas (194, 195); airflow into and within the hood should not be excessively turbulent (200); hood face velocity should be adequate (typically 60-100 fpm) (200, 204).

(H) Evaluation. Quality and quantity of ventilation should be evaluated on installation (202), regularly monitored (at least every 3 months) (6, 12, 14, 195), and reevaluated whenever a change in local ventilation devices is made (12, 195, 207). See pp. 195-198 for methods of evaluation and for calculation of estimated airborne contaminant concentrations.

(d) Components of the chemical hygiene plan:

(i) Basic rules and procedures (recommendations for these are given in section (e), below).

(ii) Chemical procurement, distribution, and storage.

(A) Procurement. Before a substance is received, information on proper handling, storage, and disposal should be known to those who will be involved (215, 216). No container should be accepted without an adequate identifying label (216). Preferably, all substances should be received in a central location (216).

(B) Stockrooms/storerooms. Toxic substances should be segregated in a well-identified area with local exhaust ventilation (221). Chemicals which are highly toxic (227) or other chemicals whose containers have been opened should be in unbreakable secondary containers (219). Stored chemicals should be examined periodically (at least annually) for replacement, deterioration, and container integrity (218-19).

(C) Stockrooms/storerooms should not be used as preparation or repackaging areas, should be open during normal working hours, and should be controlled by one person (219).

(D) Distribution. When chemicals are hand carried, the container should be placed in an outside container or bucket. Freight-only elevators should be used if possible (223).

(E) Laboratory storage. Amounts permitted should be as small as practical. Storage on bench tops and in hoods is inadvisable. Exposure to heat or direct sunlight should be avoided. Periodic inventories should be conducted, with unneeded items being discarded or returned to the storeroom/stockroom (225-6, 229).

(iii) Environmental monitoring. Regular instrumental monitoring of airborne concentrations is not usually justified or practical in laboratories but may be appropriate when testing or redesigning hoods or other ventilation devices (12) or when a highly toxic substance is stored or used regularly (e.g., 3 times/week) (13).

(iv) Housekeeping, maintenance, and inspections.

(A) Cleaning. Floors should be cleaned regularly (24).

(B) Inspections. Formal housekeeping and chemical hygiene inspections should be held at least quarterly (6, 21) for units which have frequent personnel changes and semiannually for others; informal inspections should be continual (21).

(C) Maintenance. Eye wash fountains should be inspected at intervals of not less than 3 months (6). Respirators for routine use should be inspected periodically by the laboratory supervisor (169). Safety showers

should be tested routinely (169). Other safety equipment should be inspected regularly. (E.g., every 3-6 months) (6, 24, 171). Procedures to prevent restarting of out-of-service equipment should be established (25).

(D) Passageways. Stairways and hallways should not be used as storage areas (24). Access to exits, emergency equipment, and utility controls should never be blocked (24).

(v) Medical program.

(A) Compliance with regulations. Regular medical surveillance should be established to the extent required by regulations (12).

(B) Routine surveillance. Anyone whose work involves regular and frequent handling of toxicologically significant quantities of a chemical should consult a qualified physician to determine on an individual basis whether a regular schedule of medical surveillance is desirable (11, 50).

(C) First aid. Personnel trained in first aid should be available during working hours and an emergency room with medical personnel should be nearby (173). See pp. 176-178 for description of some emergency first-aid procedures.

(vi) Protective apparel and equipment. These should include for each laboratory:

(A) Protective apparel compatible with the required degree of protection for substances being handled (158-161);

(B) An easily accessible drench-type safety shower (162, 169);

(C) An eyewash fountain (162);

(D) A fire extinguisher (162-164);

(E) Respiratory protection (164-9), fire alarm and telephone for emergency use (162) should be available nearby; and

(F) Other items designated by the laboratory supervisor (156, 160).

(vii) Records.

(A) Accident records should be written and retained (174).

(B) Chemical hygiene plan records should document that the facilities and precautions were compatible with current knowledge and regulations (7).

(C) Inventory and usage records for high-risk substances should be kept as specified in sections E3e below.

(D) Medical records should be retained by the institution in accordance with the requirements of state and federal regulations (12).

(viii) Signs and labels. Prominent signs and labels of the following types should be posted:

(A) Emergency telephone numbers of emergency personnel/facilities, supervisors, and laboratory workers (28);

(B) Identity labels, showing contents of containers (including waste receptacles) and associated hazards (27, 48);

(C) Location signs for safety showers, eyewash stations, other safety and first aid equipment, exits (27) and areas where food and beverage consumption and storage are permitted (24); and

(D) Warnings at areas or equipment where special or unusual hazards exist (27).

(ix) Spills and accidents.

(A) A written emergency plan should be established and communicated to all personnel; it should include procedures for ventilation failure (200), evacuation, medical care, reporting, and drills (172).

(B) There should be an alarm system to alert people in all parts of the facility including isolation areas such as cold rooms (172).

(C) A spill control policy should be developed and should include consideration of prevention, containment, cleanup, and reporting (175).

(D) All accidents or near accidents should be carefully analyzed with the results distributed to all who might benefit (8, 28).

(x) Information and training program.

(A) Aim: To assure that all individuals at risk are adequately informed about the work in the laboratory, its risks, and what to do if an accident occurs (5, 15).

(B) Emergency and personal protection training: Every laboratory worker should know the location and proper use of available protective apparel and equipment (154, 169).

(C) Some of the full-time personnel of the laboratory should be trained in the proper use of emergency equipment and procedures (6).

(D) Such training as well as first-aid instruction should be available to (154) and encouraged for (176) everyone who might need it.

(E) Receiving and stockroom/storeroom personnel should know about hazards, handling equipment, protective apparel, and relevant regulations (217).

(F) Frequency of training: The training and education program should be a regular, continuing activity—not simply an annual presentation (15).

(G) Literature/consultation: Literature and consulting advice concerning chemical hygiene should be readily available to laboratory personnel, who should be encouraged to use these information resources (14).

(xi) Waste disposal program.

(A) Aim: To assure that minimal harm to people, other organisms, and the environment will result from the disposal of waste laboratory chemicals (5).

(B) Content (14, 232, 233, 240): The waste disposal program should specify how waste is to be collected, segregated, stored, and transported and include consideration of what materials can be incinerated. Transport from the institution must be in accordance with DOT regulations (244).

(C) Discarding chemical stocks: Unlabeled containers of chemicals and solutions should undergo prompt disposal; if partially used, they should not be opened (24, 27).

(D) Before a worker's employment in the laboratory ends, chemicals for which that person was responsible should be discarded or returned to storage (226).

(E) Frequency of disposal: Waste should be removed from laboratories to a central waste storage area at least once per week and from the central waste storage area at regular intervals (14).

(F) Method of disposal: Incineration in an environmentally acceptable manner is the most practical disposal method for combustible laboratory waste (14, 238, 241).

(G) Indiscriminate disposal by pouring waste chemicals down the drain (14, 231, 242) or adding them to mixed refuse for landfill burial is unacceptable (14).

(H) Hoods should not be used as a means of disposal for volatile chemicals (40, 200).

(I) Disposal by recycling (233, 243) or chemical decontamination (40, 230) should be used when possible.

(e) Basic rules and procedures for working with chemicals. The chemical hygiene plan should require that laboratory workers know and follow its rules and procedures. In addition to the procedures of the subprograms mentioned above, these should include the general rules following:

(i) General rules. The following should be used for essentially all laboratory work with chemicals:

(A) Accidents and spills—Eye contact: Promptly flush eyes with water for a prolonged period (15 minutes) and seek medical attention (33, 172).

(B) Ingestion: Encourage the victim to drink large amounts of water (178).

(C) Skin contact: Promptly flush the affected area with water (33, 172, 178) and remove any contaminated clothing (172, 178). If symptoms persist after washing, seek medical attention (33).

(D) Clean-up. Promptly clean up spills, using appropriate protective apparel and equipment and proper disposal (24, 33). See pp. 233-237 for specific clean-up recommendations.

(E) Avoidance of "routine" exposure: Develop and encourage safe habits (23); avoid unnecessary exposure to chemicals by any route (23);

(F) Do not smell or taste chemicals (32). Vent apparatus which may discharge toxic chemicals (vacuum pumps, distillation columns, etc.) into local exhaust devices (199).

(G) Inspect gloves (157) and test glove boxes (208) before use.

(H) Do not allow release of toxic substances in cold rooms and warm rooms, since these have contained recirculated atmospheres (209).

(I) Choice of chemicals: Use only those chemicals for which the quality of the available ventilation system is appropriate (13).

(J) Eating, smoking, etc.: Avoid eating, drinking, smoking, gum chewing, or application of cosmetics in areas where laboratory chemicals are present (22, 24, 32, 40); wash hands before conducting these activities (23, 24).

(K) Avoid storage, handling, or consumption of food or beverages in storage areas, refrigerators, glassware, or utensils which are also used for laboratory operations (23, 24, 226).

(L) Equipment and glassware: Handle and store laboratory glassware with care to avoid damage; do not use damaged glassware (25). Use extra care with Dewar flasks and other evacuated glass apparatus; shield or wrap them to contain chemicals and fragments should

implosion occur (25). Use equipment only for its designed purpose (23, 26).

(M) Exiting: Wash areas of exposed skin well before leaving the laboratory (23).

(N) Horseplay: Avoid practical jokes or other behavior which might confuse, startle, or distract another worker (23).

(O) Mouth suction: Do not use mouth suction for pipeting or starting a siphon (23, 32).

(P) Personal apparel: Confine long hair and loose clothing (23, 158). Wear shoes at all times in the laboratory but do not wear sandals, perforated shoes, or sneakers (158).

(Q) Personal housekeeping: Keep the work area clean and uncluttered, with chemicals and equipment being properly labeled and stored; clean up the work area on completion of an operation or at the end of each day (24).

(R) Personal protection: Assure that appropriate eye protection (154-156) is worn by all persons, including visitors, where chemicals are stored or handled (22, 23, 33, 154).

(S) Wear appropriate gloves when the potential for contact with toxic materials exists (157); inspect the gloves before each use, wash them before removal, and replace them periodically (157). (A table of resistance to chemicals of common glove materials is given p. 159.)

(T) Use appropriate (164-168) respiratory equipment when air contaminant concentrations are not sufficiently restricted by engineering controls (164-5), inspecting the respirator before use (169).

(U) Use any other protective and emergency apparel and equipment as appropriate (22, 157-162).

(V) Void use of contact lenses in the laboratory unless necessary; if they are used, inform supervisor so special precautions can be taken (155).

(W) Remove laboratory coats immediately on significant contamination (161).

(X) Planning: Seek information and advice about hazards (7), plan appropriate protective procedures, and plan positioning of equipment before beginning any new operation (22, 23).

(Y) Unattended operations: Leave lights on, place an appropriate sign on the door, and provide for containment of toxic substances in the event of failure of a utility service (such as cooling water) to an unattended operation (27, 128).

(Z) Use of hood: Use the hood for operations which might result in release of toxic chemical vapors or dust (198-9).

(AA) As a rule of thumb, use a hood or other local ventilation device when working with any appreciably volatile substance with a TLV of less than 50 ppm (13).

(BB) Confirm adequate hood performance before use; keep hood closed at all times except when adjustments within the hood are being made (200); keep materials stored in hoods to a minimum and do not allow them to block vents or air flow (200).

(CC) Leave the hood "on" when it is not in active use if toxic substances are stored in it or if it is uncertain whether adequate general laboratory ventilation will be maintained when it is "off" (200).

(DD) Vigilance: Be alert to unsafe conditions and see that they are corrected when detected (22).

(EE) Waste disposal: Assure that the plan for each laboratory operation includes plans and training for waste disposal (230).

(FF) Deposit chemical waste in appropriately labeled receptacles and follow all other waste disposal procedures of the chemical hygiene plan (22, 24).

(GG) Do not discharge to the sewer concentrated acids or bases (231); highly toxic, malodorous, or lachrymatory substances (231); or any substances which might interfere with the biological activity of waste water treatment plants, create fire or explosion hazards, cause structural damage, or obstruct flow (242).

(HH) Working alone: Avoid working alone in a building; do not work alone in a laboratory if the procedures being conducted are hazardous (28).

(ii) Working with allergens and embryotoxins.

(A) Allergens (examples: Diazomethane, isocyanates, bichromates): Wear suitable gloves to prevent hand contact with allergens or substances of unknown allergenic activity (35).

(B) Embryotoxins (34-5) (examples: Organomercurials, lead compounds, formamide): Women of childbearing age shall handle these substances only in a hood whose satisfactory performance has been confirmed, using appropriate protective apparel (especially gloves) to prevent skin contact.

(C) Review each use of these materials with the research supervisor and review continuing uses annually or whenever a procedural change is made.

(D) Store these substances, properly labeled, in an adequately ventilated area in an unbreakable secondary container.

(E) Notify supervisors of all incidents of exposure or spills; consult a qualified physician when appropriate.

(iii) Work with chemicals of moderate chronic or high acute toxicity.

Examples: diisopropylfluorophosphate (41), hydrofluoric acid (43), hydrogen cyanide (45).

(iv) Supplemental rules to be followed in addition to those mentioned above (Procedure B of "prudent practices," pp. 39-41):

(A) Aim: To minimize exposure to these toxic substances by any route using all reasonable precautions (39).

(B) Applicability: These precautions are appropriate for substances with moderate chronic or high acute toxicity used in significant quantities (39).

(C) Location: Use and store these substances only in areas of restricted access with special warning signs (40, 229).

(D) Always use a hood (previously evaluated to confirm adequate performance with a face velocity of at least 60 linear feet per minute) (40) or other containment device for procedures which may result in the generation of aerosols or vapors containing the substance (39); trap released vapors to prevent their discharge with the hood exhaust (40).

(E) Personal protection: Always avoid skin contact by use of gloves and long sleeves (and other protective apparel as appropriate) (39). Always wash hands and arms immediately after working with these materials (40).

(F) Records: Maintain records of the amounts of these materials on hand, amounts used, and the names of the workers involved (40, 229).

(G) Prevention of spills and accidents: Be prepared for accidents and spills (41).

(H) Assure that at least 2 people are present at all times if a compound in use is highly toxic or of unknown toxicity (39).

(I) Store breakable containers of these substances in chemically resistant trays; also work and mount apparatus above such trays or cover work and storage surfaces with removable, absorbent, plastic backed paper (40).

(J) If a major spill occurs outside the hood, evacuate the area; assure that cleanup personnel wear suitable protective apparel and equipment (41).

(K) Waste: Thoroughly decontaminate or incinerate contaminated clothing or shoes (41). If possible, chemically decontaminate by chemical conversion (40).

(L) Store contaminated waste in closed, suitably labeled, impervious containers (for liquids, in glass or plastic bottles half-filled with vermiculite) (40).

(v) Work with chemicals of high chronic toxicity.

Examples: Dimethylmercury and nickel carbonyl (48), benzo-a-pyrene (51), N-nitrosodiethylamine (54), other human carcinogens or substances with high carcinogenic potency in animals (38).

(vi) Further supplemental rules to be followed, in addition to all these mentioned above, for work with substances of known high chronic toxicity (in quantities above a few milligrams to a few grams, depending on the substance) (47). (Procedure A of "Prudent Practices" pp. 47-50).

(A) Access: Conduct all transfers and work with these substances in a "controlled area": A restricted access hood, glove box, or portion of a lab, designated for use of highly toxic substances, for which all people with access are aware of the substances being used and necessary precautions (48).

(B) Approvals: Prepare a plan for use and disposal of these materials and obtain the approval of the laboratory supervisor (48).

(C) Noncontamination/decontamination: Protect vacuum pumps against contamination by scrubbers or HEPA filters and vent them into the hood (49). Decontaminate vacuum pumps or other contaminated equipment, including glassware, in the hood before removing them from the controlled area (49, 50).

(D) Decontaminate the controlled area before normal work is resumed there (50).

(E) Exiting: On leaving a controlled area, remove any protective apparel (placing it in an appropriate, labeled container) and thoroughly wash hands, forearms, face, and neck (49).

(F) Housekeeping: Use a wet mop or a vacuum cleaner equipped with a HEPA filter instead of dry sweeping if the toxic substance was a dry powder (50).

(G) Medical surveillance: If using toxicologically significant quantities of such a substance on a regular basis

(e.g., 3 times per week), consult a qualified physician concerning desirability of regular medical surveillance (50).

(H) Records: Keep accurate records of the amounts of these substances stored (229) and used, the dates of use, and names of users (48).

(I) Signs and labels: Assure that the controlled area is conspicuously marked with warning and restricted access signs (49) and that all containers of these substances are appropriately labeled with identity and warning labels (48).

(J) Spills: Assure that contingency plans, equipment, and materials to minimize exposures of people and property in case of accident are available (233-4).

(K) Storage: Store containers of these chemicals only in a ventilated, limited access (48, 227, 229) area in appropriately labeled, unbreakable, chemically resistant, secondary containers (48, 229).

(L) Glove boxes: For a negative pressure glove box, ventilation rate must be at least 2 volume changes/hour and pressure at least 0.5 inches of water (48). For a positive pressure glove box, thoroughly check for leaks before each use (49). In either case, trap the exit gases or filter them through a HEPA filter and then release them into the hood (49).

(M) Waste: Use chemical decontamination whenever possible; ensure that containers of contaminated waste (including washings from contaminated flasks) are transferred from the controlled area in a secondary container under the supervision of authorized personnel (49, 50, 233).

(vii) Animal work with chemicals of high chronic toxicity.

(A) Access: For large scale studies, special facilities with restricted access are preferable (56).

(B) Administration of the toxic substance: When possible, administer the substance by injection or gavage instead of in the diet. If administration is in the diet, use a caging system under negative pressure or under laminar air flow directed toward HEPA filters (56).

(C) Aerosol suppression: Devise procedures which minimize formation and dispersal of contaminated aerosols, including those from food, urine, and feces (e.g., use HEPA filtered vacuum equipment for cleaning, moisten contaminated bedding before removal from the cage, mix diets in closed containers in a hood) (55, 56).

(D) Personal protection: When working in the animal room, wear plastic or rubber gloves, fully buttoned laboratory coat or jumpsuit and, if needed because of incomplete suppression of aerosols, other apparel and equipment (shoe and head coverings, respirator) (56).

(E) Waste disposal: Dispose of contaminated animal tissues and excreta by incineration if the available incinerator can convert the contaminant to nontoxic products (238); otherwise, package the waste appropriately for burial in an EPA-approved site (239).

(f) Safety recommendations. The above recommendations from "prudent practices" do not include those which are directed primarily toward prevention of physical injury rather than toxic exposure. However, failure of precautions against injury will often have the secondary effect of causing toxic exposures. Therefore, we list

below page references for recommendations concerning some of the major categories of safety hazards which also have implications for chemical hygiene:

(i) Corrosive agents: (35-6)

(ii) Electrically powered laboratory apparatus: (179-92)

(iii) Fires, explosions: (26, 57-74, 162-4, 174-5, 219-20, 226-7)

(iv) Low temperature procedures: (26, 88)

(v) Pressurized and vacuum operations (including use of compressed gas cylinders): (27, 75-101)

(g) Material safety data sheets. Material safety data sheets are presented in "prudent practices" for the chemicals listed below. (Asterisks denote that comprehensive material safety data sheets are provided.)

*Acetyl peroxide (105) *Acrolein (106) *Acrylonitrile (107) Ammonia (anhydrous) (91) *Aniline (109) *Benzene (110) *Benzo[a]pyrene (112) *Bis(chloromethyl) ether (113) Boron trichloride (91) Boron trifluoride (92) Bromine (114) *Tert-butyl hydroperoxide (148) *Carbon disulfide (116) Carbon monoxide (92) *Carbon tetrachloride (118) *Chlorine (119) Chlorine trifluoride (94) *Chloroform (121) Chloromethane (93) *Diethyl ether (122) Diisopropyl fluorophosphate (41) *Dimethylformamide (123) *Dimethyl sulfate (125) *Dioxane (126) *Ethylene dibromide (128) *fluorine (95) *Formaldehyde (130) *Hydrazine and salts (132) Hydrofluoric acid (43) Hydrogen bromide (98) Hydrogen chloride (98) *Hydrogen cyanide (133) *Hydrogen sulfide (135) Mercury and compounds (52) *Methanol (137) *Morpholine (138) *Nickel carbonyl (99) *Nitrobenzene (139) Nitrogen dioxide (100) N-nitrosodiethylamine (54) *Peracetic acid (141) *Phenol (142) *Phosgene (143) *Pyridine (144) *Sodium azide (145) *Sodium cyanide (147) Sulfur dioxide (101) *Trichloroethylene (149) *Vinyl chloride (150)

NEW SECTION

WAC 296-62-40027 APPENDIX B—REFERENCES (NONMANDATORY). (1) The following references are provided to assist the employer in the development of a chemical hygiene plan. The materials listed below are offered as nonmandatory guidance. References listed here do not imply specific endorsement of a book, opinion, technique, policy, or a specific solution for a safety or health problem. Other references not listed here may better meet the needs of a specific laboratory. Reference materials for the development of the chemical hygiene plan are:

(a) American Chemical Society, Safety in Academic Chemistry Laboratories, 4th edition, 1985.

(b) Fawcett, H.H. and W. S. Wood, Safety and Accident Prevention in Chemical Operations, 2nd edition, Wiley-Interscience, New York, 1982.

(c) Flury, Patricia A., Environmental Health and Safety in the Hospital Laboratory, Charles C. Thomas Publisher, Springfield IL, 1978.

(d) Green, Michael E. and Turk, Amos, Safety in Working with Chemicals, Macmillan Publishing Co., NY, 1978.

(e) Kaufman, James A., Laboratory Safety Guidelines, Dow Chemical Co., Box 1713, Midland, MI 48640, 1977.

(f) National Institutes of Health, NIH Guidelines for the Laboratory use of Chemical Carcinogens, NIH Pub. No. 81-2385, GPO, Washington, DC 20402, 1981.

(g) National Research Council, Prudent Practices for Disposal of Chemicals from Laboratories, National Academy Press, Washington, DC, 1983.

(h) National Research Council, Prudent Practices for Handling Hazardous Chemicals in Laboratories, National Academy Press, Washington, DC, 1981.

(i) Renfrew, Malcolm, Ed., Safety in the Chemical Laboratory, Vol. IV, J. Chem. Ed., American Chemical Society, Easlon, PA, 1981.

(j) Steere, Norman V., Ed., Safety in the Chemical Laboratory, J. Chem. Ed. American Chemical Society, Easlon, PA, 18042, Vol. I, 1967, Vol. II, 1971, Vol. III 1974.

(k) Steere, Norman V., Handbook of Laboratory Safety, the Chemical Rubber Company Cleveland, OH, 1971.

(l) Young, Jay A., Ed., Improving Safety in the Chemical Laboratory, John Wiley & Sons, Inc. New York, 1987.

(2) Hazardous substances information:

(a) American Conference of Governmental Industrial Hygienists, Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes, P.O. Box 1937 Cincinnati, OH 45201 (latest edition).

(b) Annual Report on Carcinogens, National Toxicology Program U.S. Department of Health and Human Services, Public Health Service, U.S. Government Printing Office, Washington, DC, (latest edition).

(c) Best Company, Best Safety Directory, Vols. I and II, Oldwick, N.J., 1981.

(d) Bretherick, L., Handbook of Reactive Chemical Hazards, 2nd edition, Butterworths, London, 1979.

(e) Bretherick, L., Hazards in the Chemical Laboratory, 3rd edition, Royal Society of Chemistry, London, 1986.

(f) Code of Federal Regulations, 29 CFR part 1910 subpart Z. U.S. Govt. Printing Office, Washington, DC 20402 (latest edition).

(g) IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Man, World Health Organization Publications Center, 49 Sheridan Avenue, Albany, New York 12210 (latest editions).

(h) NIOSH/OSHA Pocket Guide to Chemical Hazards. NIOSH Pub. No. 85-114, U.S. Government Printing Office, Washington, DC, 1985 (or latest edition).

(i) Occupational Health Guidelines, NIOSH/OSHA NIOSH Pub. No. 81-123 U.S. Government Printing Office, Washington, DC, 1981.

(j) Patty, F.A., Industrial Hygiene and Toxicology, John Wiley & Sons, Inc., New York, NY (Five Volumes).

(k) Registry of Toxic Effects of Chemical Substances, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National

Institute for Occupational Safety and Health, Revised Annually, for sale from Superintendent of Documents U.S. Govt. Printing Office, Washington, DC 20402.

(l) The Merck Index: An Encyclopedia of Chemicals and Drugs. Merck and Company Inc. Rahway, N.J., 1976 (or latest edition).

(m) Sax, N.I. Dangerous Properties of Industrial Materials, 5th edition, Van Nostrand Reinhold, NY., 1979.

(n) Sittig, Marshall, Handbook of Toxic and Hazardous Chemicals, Noyes Publications, Park Ridge, NJ, 1981.

(3) Information on ventilation:

(a) American Conference of Governmental Industrial Hygienists Industrial Ventilation, 16th edition Lansing, MI, 1980.

(b) American National Standards Institute, Inc. American National Standards Fundamentals Governing the Design and Operation of Local Exhaust Systems ANSI Z 9.2-1979 American National Standards Institute, N.Y. 1979.

(c) Imad, A.P. and Watson, C.L. Ventilation Index: An Easy Way to Decide about Hazardous Liquids, Professional Safety pp 15-18, April 1980.

(d) National Fire Protection Association, Fire Protection for Laboratories Using Chemicals NFPA-45, 1982.

(e) Safety Standard for Laboratories in Health Related Institutions, NFPA, 56c, 1980.

(f) Fire Protection Guide on Hazardous Materials, 7th edition, 1978.

(g) National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

(h) Scientific Apparatus Makers Association (SAMA), Standard for Laboratory Fume Hoods, SAMA LF7-1980, 1101 16th Street, NW., Washington, DC 20036.

(4) Information on availability of referenced material:

(a) American National Standards Institute (ANSI), 1430 Broadway, New York, NY 10018.

(b) American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 19103. (Approved by the Office of Management and Budget under control number 1218-0131.)

WSR 90-17-052

PROPOSED RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

(Apprenticeship and Training Council)

[Filed August 13, 1990, 4:44 p.m.]

Supplemental Notice to WSR 90-06-103, 90-07-084 and 90-16-019.

Title of Rule: Apprenticeship committees, WAC 296-04-001 and 296-04-160.

Purpose: To establish additional guidelines for approval and operation of apprenticeship committees.

Statutory Authority for Adoption: RCW 49.04.010 and 49.04.040.

Statute Being Implemented: RCW 49.04.040.

Summary: WAC 296-04-001 expressing council policy regarding the operation of apprenticeship committees; and WAC 296-04-160 if existing committees refuse to provide access to all employers, council shall act to remove restrictions to access.

Reasons Supporting Proposal: Increasing numbers of employers seeking to train employees through apprenticeship programs. The proposed rules clarify criteria used by the council in determining whether to approve a new program or require the training to occur in an existing program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mark M. McDermott, 406 Legion Way S.E., Olympia, (206) 753-3487.

Name of Proponent: Washington State Apprenticeship and Training Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The text of proposed changes to chapter 296-04 WAC is republished to comply with RCW 34.05.335(3) which prohibits adoption more than 180 days after publication. The text is identical to that originally published on March 21, 1990.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See original filing [WSR 90-06-103].

Proposal Changes the Following Existing Rules: See original filing [WSR 90-06-103].

Small Business Economic Impact Statement: See original filing [WSR 90-06-103].

Hearing Location: No additional hearings are scheduled.

Submit Written Comments to: Mark M. McDermott, Supervisor of Apprenticeship, by October 1, 1990.

Date of Intended Adoption: October 18, 1990.

August 10, 1990
Harold G. Wilson
Chairman

AMENDATORY SECTION (Amending Order 71-3, filed 3/25/71)

WAC 296-04-001 FOREWORD. The Washington State Apprenticeship and Training Act, RCW 49.04.010 - 49.04.910, establishes the council and its administrative arm, the apprenticeship and training division of the department of labor and industries. The intention of the council and department in promulgating and adopting these rules is to establish a uniform procedure to be followed by state and local apprenticeship and training committees in presenting matters to the state apprenticeship and training council and further to establish standards by which the council can operate to effectuate its statutory obligations set forth in the apprenticeship act.

The Washington state apprenticeship and training council recognizes the importance of quality apprenticeship programs to meet the growing needs of employers and employees for high quality training. The council also recognizes that rapid changes in our state's economy and technological change necessitates skilled workers who meet industry-wide standards in order to compete successfully in the changing marketplace. Employers will benefit by knowing that skilled workers who have graduated from a state recognized apprenticeship program have been trained to industry-wide standards and not exclusively in response to the needs of an individual employer or group of employers.

The council also recognizes that the delivery and regulation of apprenticeship programs should be conducted in a manner which avoids

needless duplication on the part of the department of labor and industries, community colleges, and vocational-technical institutes. It is important that approved apprenticeship programs be structured to maximize the protection of the apprentice by providing a meaningful process which allows the apprentice to ensure that his or her rights as an apprentice are protected throughout the term of the apprenticeship.

The council further recognizes that the number of apprentices in a trade or group of trades in any geographic area must be sufficient to meet the needs of all employers and not be so large as to create an oversupply of apprentices. Because quality apprenticeship training requires reasonably continuous on-the-job training, an oversupply of apprentices in any geographic area is to be avoided, if possible, in an effort to maintain ongoing quality training.

The council further recognizes that the attainment of quality apprenticeship training and the planning of numbers of new apprentices in a trade or group of trades will be accomplished best by the establishment of one joint apprenticeship and training committee serving the entire trade or group of trades in a specified geographic area. A single committee is best able to train to industry-wide standards which will enable workers to move between firms when economic necessity requires. A single committee is best able to determine the number of apprentices needed in an entire trade or group of trades in a specified geographic area.

The council also recognizes the benefit apprentices gain in having the widest range of employers and their apprentices represented in the related and supplemental training classes. The intermingling of apprentices representing the widest array of firms possible, in related and supplemental training classes, exposes apprentices to the widest possible range of work experiences. This sharing of work experiences increases the quality of training, benefiting both apprentices and employers.

The council intends that apprenticeship programs be available to meet the training needs of all employers in the state of Washington. These programs are open to all employers on an equal and nondiscriminatory basis. The need for continued quality training, equal treatment of apprentices, and efficient delivery of training suggest that these training needs are best met through existing programs.

As provided in WAC 296-04-160, committees approved by the council shall offer training opportunities on an equal basis to all employers. Existing committees are expected to provide apprenticeship and training opportunities for employers not currently participating in the program:

(1) At a reasonable cost that is equivalent to the cost incurred by employers and apprentices currently participating;

(2) With equal treatment and opportunity for all apprentices; and

(3) With reasonable working and training conditions that apply to all apprentices uniformly and equally.

All policies and rules of the council are designed to strengthen apprenticeship and training in the state of Washington, as well as to explain related factors established under existing state and federal laws. The council, as the responsible legislative organ governing apprenticeship and training, requests the cooperation and assistance of all interested persons, organizations, and agencies functioning within the framework of the rules and regulations.

AMENDATORY SECTION (Amending Order 78-21, filed 11/14/78)

WAC 296-04-160 APPRENTICESHIP COMMITTEES. (1) Apprenticeship committees shall be appointed in accordance with the provisions of RCW 49.04.040. Such committees shall have the duties prescribed by statute, these rules and the approved standards under which they operate. Committees shall function, administrate or relinquish authority only with the consent of the council. On any petition addressed to the council or the supervisor, only the signature of the elected chairman and secretary of the committee shall be accepted unless the apprenticeship committee has petitioned the council to recognize and accept the signature of another person. Such a petition must be signed by a quorum of the members of the petitioning apprenticeship committee.

(2) Committees approved by the council shall offer training opportunities on an equal basis to all employers. If an existing committee refuses to provide access to apprenticeship and training opportunities to all employers, the council shall take action as necessary to remove all restrictions to access. Council action may include, but is not limited to, the decertification of the existing committee and recognition of a new committee in order to carry out the intent of chapter 49.04 RCW and the rules adopted under its authority.

(3) It is the council's view that joint apprenticeship and training committees are not state agencies but rather only quasi-public entities performing services jointly for management and labor by assistance to the apprenticeship program.

WSR 90-17-053
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 14, 1990, 8:20 a.m.]

Continuance of WSR 90-09-079.

Title of Rule: WAC 388-24-050 Aid to families with dependent children—Assistance unit.

Date of Intended Adoption: August 31, 1990.

August 14, 1990
 Leslie F. James, Director
 Administrative Services

WSR 90-17-054
PERMANENT RULES
DEPARTMENT OF
TRADE AND ECONOMIC DEVELOPMENT

[Filed August 14, 1990, 9:31 a.m.]

Date of Adoption: July 20, 1990.

Purpose: To establish rules regarding the application for and disbursement of loan guarantees, direct loans or grants from the child care facility fund and implement RCW 43.31.085 and 43.168.050.

Statutory Authority for Adoption: RCW 43.31.085.

Pursuant to notice filed as WSR 90-12-110 on June 6, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 8, 1990
 Ronald R. Jutilla, Chairman
 Child Care Facility Fund

Chapter 130-14 WAC
CHILD CARE FACILITY FUND RULES

NEW SECTION

WAC 130-14-010 DEFINITIONS. As used in this chapter:

Capital improvements means improvements to real property or improvements or acquisition of personal property which is depreciable under the Federal Tax Code.

Existing child care facility means that facility which holds a current license for a child care facility from the department of social and health services (DSHS) at the time of application to the child care facility fund.

New child care facility means that facility that does not hold a current license for a child care facility from the department of social and health services (DSHS) at the time of application to the child care facility fund.

Applicant means one or more businesses seeking to establish or cause to be established a child care facility primarily for use of the children of its employees.

NEW SECTION

WAC 130-14-020 LOAN GUARANTEES. (1) Loans that are awarded to an applicant business through a lending institution can be guaranteed by the child care facility fund up to eighty percent of the loan or to a maximum of twenty-five thousand dollars. Such loan must be intended to start or expand a child care facility and be made by a state or federally regulated financial institution.

(2) The loan guarantee shall be awarded on a one-time-only basis and shall not exceed twenty-five thousand dollars.

(3) Applicants shall provide sufficient collateral for funds under this section, as determined by the child care facility fund committee.

NEW SECTION

WAC 130-14-030 DIRECT LOANS. (1) Direct loans may be awarded to the applicant business on a one-time-only basis and shall not exceed a maximum of twenty-five thousand dollars.

(2) Repayment of the direct loan shall be made to the child care facility fund.

(3) Interest rates for a direct loan may be up to prime rate, negotiated on a case-by-case basis, fixed for the life of the loan. Loan terms can be up to five years.

(4) Applicants shall provide sufficient collateral for funds loaned under this section, as determined by the child care facility fund committee.

NEW SECTION

WAC 130-14-040 GRANTS. (1) A grant may be awarded to the applicant business on a one-time-only basis.

(2) A grant shall not exceed a maximum of twenty-five thousand dollars and must be matched on a dollar-for-dollar basis with cash or goods or services that would otherwise have required cash outlay and are necessary for start-up or capital improvement expenses.

(3) Full repayment of a grant is required if the child care facility ceases to provide child care earlier than the following time periods from the date the grant is made:

(a) Twelve months for a grant up to five thousand dollars;

(b) Twenty-four months for a grant over five thousand dollars to ten thousand dollars;

(c) Thirty-six months for a grant over ten thousand dollars to fifteen thousand dollars;

(d) Forty-eight months for a grant over fifteen thousand dollars to twenty thousand dollars;

(e) Sixty months for a grant over twenty thousand dollars to twenty-five thousand dollars.

(4) Applicants shall provide sufficient collateral for funds for this section, as determined by the child care facility fund committee.

NEW SECTION

WAC 130-14-050 PROJECT ELIGIBILITY. (1) To receive funds the applicant must:

- (a) Provide on-site or off-site child care; or
- (b) Enter into a written contract with an existing child care provider offering expanded child care services either on-site or off-site; or
- (c) Enter into a written contract with a newly licensed child care provider offering child care services either on-site or off-site.

(2) If the applicant contracts with a provider for child care, a copy of the signed contract must be provided with the application. The applicant business must submit a plan that includes a description of:

- (a) The need for a new or improved child care facility in the area to be served by the applicant;
- (b) The steps to be taken to serve a reasonable number of:
 - (i) Handicapped children;
 - (ii) Sick children;
 - (iii) Infants;
 - (iv) Children requiring nighttime or weekend care;
 - (v) Children whose costs of care are subsidized by the government;

(c) Why financial assistance from the state is needed to start or improve the child care facility;

(d) How the guaranteed loan, direct loan, or grant will be used, and how such use will meet the described need;

(e) The child care services to be available at the facility and the capacity of the applicant to provide these services;

(f) The financial status of the applicant, including other resources available to the applicant which will ensure the viability of the facility and the availability of its described services.

NEW SECTION

WAC 130-14-060 USE OF FUNDS. Eligible activities and uses of child care facility funds include:

(1) Capital improvements for new or existing licensed child care facilities;

(2) Operating capital for new facilities which are available for a period limited to the first three months of operation.

NEW SECTION

WAC 130-14-070 REPORTS. Recipients shall annually for two years following the receipt of the loan guarantee, direct loan, or grant, submit to the child care facility fund committee a report on the facility and how it is meeting the child care needs for which it was intended.

WSR 90-17-055
NOTICE OF PUBLIC MEETINGS
COUNCIL ON
VOCATIONAL EDUCATION
 [Memorandum—August 14, 1990]

August 21, 1990

North Ballroom
 Sheraton-Spokane Hotel
 North 322 Spokane Falls Court
 Spokane
 8:30 a.m.

Room 403
 Spokane School District Office
 North 200 Bernard Street
 Spokane
 10:30 a.m. – 3:45 p.m.

Grand Ballroom
 Sheraton-Spokane Hotel
 North 322 Spokane Falls Court
 Spokane
 6:00 p.m. – 9:00 p.m.

The meeting site is barrier free. People needing special accommodations should contact the council office at (206) 753-3715.

WSR 90-17-056
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
 [Memorandum—August 13, 1990]

The Interagency Committee for Outdoor Recreation will meet on September 28, 1990, beginning at 9:00 a.m., at the Kirkland City Hall (Council Chambers). This meeting is a funding session of the IAC for the Washington Wildlife and Recreation Local Government Grant-In-Aid Program authorized by the State Legislature, chapter 14, Laws of 1990 1st. ex. sess.

WSR 90-17-057
RULES OF COURT
STATE SUPREME COURT
 [August 13, 1990]

IN THE MATTER OF THE ADOPTION ORNO. 25700-A-458
 THE AMENDMENT TO CR 26 (b)(3) ORDER

WHEREAS the Court on June 7, 1990, entered Order No. 25700-A-456 which amended CR 26 (b)(3) effective September 1, 1990; and

WHEREAS the Court has determined that implementation of the amended rule should be suspended pending additional consideration by the Court;

Now, therefore, it is hereby

ORDERED:

That the implementation of Order No. 25700-A-456 which amends CR 26 (b)(3) is suspended until further

order of this Court and the matter concerning the amendment of CR 26 (b)(3) will be reconsidered at the Court's September 6, 1990, En Banc Administrative Conference.

DATED at Olympia, Washington this 13th day of August, 1990.

	Keith M. Callow
Robert F. Utter	James A. Andersen
B. Durham	Robert F. Brachtenbach
James M. Dolliver	Charles Z. Smith
Dore, A. C. J.	Richard P. Guy

WSR 90-17-058
PERMANENT RULES
INSURANCE COMMISSIONER

[Order R 90-8—Filed August 14, 1990, 2:01 p.m.]

Date of Adoption: August 14, 1990.

Purpose: To clarify that no one connected to the commissioner's senior health insurance benefits advisors (SHIBA) program may be an active agent of an insurer selling disability insurance.

Citation of Existing Rules Affected by this Order: Amending WAC 284-02-020.

Statutory Authority for Adoption: RCW 48.02.060 and 48.02.160(3).

Pursuant to notice filed as WSR 90-14-104 on July 5, 1990.

Effective Date of Rule: Thirty-one days after filing.
 August 14, 1990
 Dick Marquardt
 Insurance Commissioner

AMENDATORY SECTION (Amending Order R 88-10, filed 11/18/88)

WAC 284-02-020 ORGANIZATION AND OPERATIONS. The insurance commissioner is the head of an agency generally referred to as the insurance commissioner's office, and as such is its chief administrative officer. The commissioner's office consists of three major divisions: Administrative, company supervision, and consumer protection. The commissioner may appoint a chief deputy commissioner who has the same powers as are granted to the commissioner. The commissioner may appoint additional deputy commissioners for such purposes as he may designate (RCW 48.02.090).

(1) Administrative division.

(a) Licensing and insurance education. Licenses are issued to individuals, partnerships, and corporations to act as insurance agents, brokers, solicitors, adjusters, and premium finance companies. Insurance education and licensing renewal requirements are the responsibility of this section and the content of continuing education programs is supervised by it.

(b) Taxes, fees, and accounting responsibilities. Taxes and fees imposed by the insurance code are collected and processed by the commissioner.

(i) Both domestic and foreign insurers are taxed on gross premium, pursuant to RCW 48.14.020. Fraternal benefit societies and title insurers are not taxed, as provided in chapters 48.36A and 48.14 RCW, respectively. Surplus line insurance is taxed pursuant to the provisions of RCW 48.15.120. Health care service contractors and health maintenance organizations are not taxed. The current rate of taxation is stated at RCW 48.14.020. Under the retaliatory provisions of RCW 48.14.040, if the laws of another state or country impose any taxes, fees, or other obligations in excess of the rate charged a Washington domestic insurer, a like rate or obligation may be imposed by the commissioner.

(ii) Fees paid by insurers (RCW 48.14.010), health care service contractors (RCW 48.44.040), health maintenance organizations (RCW 48.46.140), and agents, brokers, solicitors, and adjusters (chapter 48.17 RCW) are also collected by the administrative division.

(2) Company supervision division. The deputy commissioner for company supervision supervises admission of all insurers and examines their financial condition and adequacy of their forms and rates.

(a) Admissions of companies. Admission of insurance companies, fraternal benefit societies, health care service contractors, and health maintenance organizations is administered by the company supervision division. Additionally the commissioner, through this division, approves proxy statements of domestic stock companies (RCW 48.08.090), supervises the insider trading law (RCW 48.08.100 through 48.08.170) and control of domestic insurers (chapter 48.31A RCW), registers liability risk retention groups (chapter 48.92 RCW), handles certification of official documents, and approves company names.

(b) Examinations (financial and market conduct). Examination of authorized insurers is regulated by chapter 48.03 RCW. Each domestic insurer and each rating organization and examining bureau licensed in this state is examined as often as the commissioner deems advisable but at least once in every five years. Examinations of advisory organizations and underwriting or reinsurance groups are performed as often as the commissioner deems appropriate. The commissioner may accept the last recent examination of nondomestic insurers. Examiners analyze the insurers' various accounts, records, and files to determine the financial condition of the company and to ascertain whether business is being conducted in conformity with the insurance code and its regulations. Reports of examinations are furnished to the organization, which then has ten days to request a hearing to consider objections to the report. Once the hearing has been held and modifications deemed necessary have been made, the report may then be made public; although the commissioner may withhold the report if it is in the public interest to do so (RCW 48.03.050).

(c) Rates and forms review. The company supervision division approves forms for policies, applications, policy riders, and endorsements (RCW 48.18.110), and may disapprove such forms pursuant to grounds set forth in

RCW 48.18.110. Rates for property, surety, and casualty insurance (chapter 48.19 RCW), and title insurance (RCW 48.29.140) are also approved by this division. Rates may not be excessive, inadequate, or unfairly discriminatory (RCW 28.19.020). Additionally, the insurance commissioner may disapprove rates for disability insurance (RCW 48.18.110), for credit insurance (RCW 48.34.100), and long-term care insurance (RCW 48.84-.030), when the rates charged are not reasonable in relation to the benefits conferred. Prima facie acceptable rates have been established for credit insurance (WAC 284-34-010). Contract forms for health care service contractors may be disapproved pursuant to RCW 48-.44.020 and health care agreements for health maintenance organizations may be disapproved pursuant to RCW 48.46.060.

(3) Consumer protection division. The deputies in the consumer protection division act as consumer advocates by rendering assistance to consumers who make complaints against insurers. In addition, this division drafts changes to, and interprets issues relative to, the insurance code and its regulations, performs special consumer advocacy functions relating to education of senior citizens, and investigates licensees to insure compliance with the insurance laws and rules of this state. This division has primary responsibility for the conduct of hearings, the procedural matters preliminary thereto, and the preservation of hearing records.

(a) Consumer assistance. Code compliance officers, currently located in offices of the insurance commissioner in Olympia, Seattle, Spokane, Tacoma and Yakima, handle written and oral inquiries and complaints from policyholders and claimants. Assistance is rendered by the commissioner pursuant to authority to enforce the various provisions of the insurance code, including RCW 48.02.060, 48.02.080, and 48.02.160, and based on authority to take disciplinary action against an insurance company and other licensees. While the consumer protection division provides assistance to members of the public and tries to resolve complaints concerning insurers and licensees, some matters will involve disputed facts or laws and will have to be resolved in court or arbitration proceedings. The commissioner is not a substitute for the courts.

(b) Regulations and statutes. The consumer protection division evaluates existing statutes and rules, proposes additional legislation, drafts new insurance regulations, and assists in the enforcement of laws and regulations.

(c) Special programs. To help senior consumers find their way through the sometimes confusing maze of state, federal, and private insurance options available to citizens over age sixty, the insurance commissioner sponsors the senior health insurance benefit advisors (SHIBA) program. SHIBA volunteers throughout the state act as unpaid advisors to other seniors in the community, answer basic health insurance questions, and refer people to the proper governmental agency to find solutions to their insurance problems. In order to assure the objectivity of advice given by SHIBA volunteers, the commissioner has determined that no one connected to

the SHIBA program may be an active agent of an insurer selling disability insurance policies or contracts in this state.

(d) Investigation and enforcement. Members of the consumer protection division investigate activities of licensees and companies to determine whether corrective action or disciplinary proceedings are needed, and institute proceedings leading to fines, license revocations or suspensions, as appropriate.

(4) Legal assistance from the attorney general. Assistant attorneys general are assigned as needed to the insurance commissioner's office to render legal advice, to represent the commissioner in disciplinary hearings and court cases, and to assist in the drafting of legislation and regulations.

(5) Insurance advisory examining board. An insurance advisory examining board, made up of seven Washington insurance agents or brokers who have been licensed in this state for at least five years, has the power to recommend general policy concerning the scope, content, procedure, and conduct of examinations to be given for licensees as insurance agents, brokers, or solicitors (RCW 48.17.135).

WSR 90-17-059
PROPOSED RULES
INSURANCE COMMISSIONER

[Filed August 14, 1990, 2:04 p.m.]

Original Notice.

Title of Rule: Unfair practices applicable to title insurers and their agents.

Purpose: To amend WAC 284-30-800 to permit gifts from title insurance companies and their agents to producers of title business not in excess of \$25 per year.

Other Identifying Information: Insurance Commissioner Matter No. R 90-11.

Statutory Authority for Adoption: RCW 48.02.060 (3)(a), 48.30.140 and 48.30.150.

Statute Being Implemented: RCW 48.01.030 and 48.30.010(2).

Summary: The current regulation limits gifts and inducements from title insurance companies and their agents to producers of title business to \$12 per year. The purpose of this proposed amendment is to raise that amount to \$25 per year.

Reasons Supporting Proposal: The primary reasons for this proposed amendment are to reflect increased costs of even modest meals and other gifts and to bring the amount of said gift to the same amount as that which is permitted to be given to insureds or prospective insureds under RCW 48.30.150.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patricia D. Petersen, Insurance Building, Olympia, Washington, (206) 586-5591.

Name of Proponent: Dick Marquardt, Insurance Commissioner, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The current regulation limits gifts and inducements from title insurance companies and their agents to producers of title business to \$12 per year. The purpose of this proposed amendment is to raise that amount to \$25 per year. The anticipated effect of this proposed amendment will be to allow meals and other items of value to be given to producers of title business which are not unduly restricted.

Proposal Changes the Following Existing Rules: The current regulation limits gifts and other inducements from title insurance companies and their agents to producers of title business to \$12 per year. The purpose of this proposed amendment is to raise that amount to \$25 per year.

Small Business Economic Impact Statement: This proposed amendment to WAC 284-30-800 will impact all title insurance companies and their agents, large and small. The giving of gifts and other inducements for title business to producers of title business is purely voluntary. This proposed amendment only changes the value of what may be given from \$12 to \$25 per year. The impact of the rule will be in the complete control of each title insurer and its agents.

Hearing Location: Office of Insurance Commissioner, Insurance Building, Olympia, Washington, on September 26, 1990, at 10:00 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, AQ-21, Olympia, Washington 98504-0321, by August 26, 1990.

Date of Intended Adoption: October 2, 1990.

August 3, 1990

Dick Marquardt

Insurance Commissioner

By Patricia D. Petersen

Deputy Insurance Commissioner

AMENDATORY SECTION (Amending Order R 88-6, filed 5/17/88)

WAC 284-30-800 UNFAIR PRACTICES APPLICABLE TO TITLE INSURERS AND THEIR AGENTS. (1) RCW 48.30.140 and 48.30.150, pertaining to "rebating" and "illegal inducements," are applicable to title insurers and their agents. Because those statutes primarily affect inducements or gifts to an insured and an insured's employee or representative, they do not directly prevent similar conduct with respect to others who have considerable control or influence over the selection of the title insurer to be used in real estate transactions. As a result, insureds do not always have free choice or unbiased recommendations as to the title insurer selected. To prevent unfair methods of competition and unfair or deceptive acts or practices, this rule is adopted.

(2) It is an unfair method of competition and an unfair and deceptive act or practice for a title insurer or its agent, directly or indirectly, to offer, promise, allow, give, set off, or pay anything of value exceeding ((twelve)) twenty-five dollars, calculated in the aggregate over a twelve-month period on a per person basis in the manner specified in RCW 48.30.140(4), to any person as an inducement, payment, or reward for placing or causing title insurance business to be given to the title insurer.

(3) Subsection (2) of this section specifically applies to and prohibits inducements, payments, and rewards to real estate agents and brokers, lawyers, mortgagees, mortgage loan brokers, financial institutions, escrow agents, persons who lend money for the purchase of real estate or interests therein, building contractors, real estate developers and subdividers, and any other person who is or may be in a position to influence the selection of a title insurer, except advertising agencies, broadcasters, or publishers, and their agents and distributors, and bona fide

employees and agents of title insurers, for routine advertising or other legitimate services.

(4) This section does not affect the relationship of a title insurer and its agent with insureds, prospective insureds, their employees or others acting on their behalf. That relationship continues to be subject to the limitations and restrictions set forth in the rebating and illegal inducement statutes, RCW 48.30.140 and 48.30.150(~~which continue to limit gifts, payments and other inducements to a five dollar maximum, per person, per year~~).

WSR 90-17-060

PERMANENT RULES

CENTRALIA COLLEGE

[Order A-4 (90)—Filed August 14, 1990, 2:09 p.m.]

Date of Adoption: August 9, 1990.

Purpose: Repeal outdated parking and traffic regulations which do not apply to Centralia College.

Citation of Existing Rules Affected by this Order: Repealing chapter 132L-30 WAC.

Statutory Authority for Adoption: RCW 28B.50.140(10).

Pursuant to notice filed as WSR 90-14-111 on July 5, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 10, 1990

Jack R. Kalmbach

Dean of Administration

Chapter 132L-117 WAC

Parking and Traffic Regulations—Centralia College

WAC

- | | |
|--------------|---|
| 132L-117-010 | Purpose for adopting parking and traffic regulations. |
| 132L-117-020 | Applicable parking and traffic regulations. |
| 132L-117-030 | Definitions. |
| 132L-117-040 | Authorization for issuance of permits. |
| 132L-117-050 | Parking fees for vehicle permits. |
| 132L-117-060 | Parking fee exceptions. |
| 132L-117-070 | Responsibility of person to whom permit is issued. |
| 132L-117-080 | Display of permits. |
| 132L-117-090 | Transfer of permits. |
| 132L-117-100 | Permit revocation. |
| 132L-117-110 | Right to refuse permit. |
| 132L-117-120 | Right to appeal permit revocation/refusal. |
| 132L-117-130 | Delegation of authority. |
| 132L-117-140 | Enforcement. |
| 132L-117-150 | Violation of parking and traffic regulations. |
| 132L-117-160 | Issuance of traffic tickets or summons. |
| 132L-117-170 | Fines and penalties. |
| 132L-117-180 | Appeal proceedings—Appeal of fines and penalties. |
| 132L-117-190 | Parking advisor committee. |
| 132L-117-200 | Liability of college. |
| 132L-117-210 | Designation of parking. |
| 132L-117-220 | Parking within designated spaces. |
| 132L-117-230 | Regulatory signs, markings, barricades, etc. |

132L-117-240	Speed limit.
132L-117-250	Pedestrian's right of way.
132L-117-260	Two-wheeled motorbikes or bicycles.
132L-117-270	Report of accidents.
132L-117-280	Disabled and inoperative vehicles— Impounding.
132L-117-290	Authority to establish parking fee.
132L-117-300	Parking permit fees.

NEW SECTION

WAC 132L-117-010 PURPOSE FOR ADOPTING PARKING AND TRAFFIC REGULATIONS. Pursuant to the authority granted RCW 28B.50.140(10), the Board of Trustees of Community College District 12 is granted authority to adopt rules and regulations for pedestrian and vehicular traffic upon public lands devoted to, operated by or maintained by the college. The objectives of these regulations are:

- (1) To protect and control pedestrian and vehicular traffic.
- (2) To assure access at all times for emergency traffic.
- (3) To minimize traffic disturbances during class hours.
- (4) To facilitate the work of the college by assuring access to its vehicles and by assigning limited parking space for the most efficient use by all.
- (5) To regulate the use of parking spaces.
- (6) To protect state owned property.

NEW SECTION

WAC 132L-117-020 APPLICABLE PARKING AND TRAFFIC REGULATIONS. (1) All regulations in this chapter and all motor vehicle and other traffic laws of the state of Washington shall apply on the campus.

- (2) The traffic code of the city of Centralia shall apply upon all lands located within the city of Centralia.

NEW SECTION

WAC 132L-117-030 DEFINITIONS. As used in this chapter, the following words and phrases shall mean:

- (1) "Board": The Board of Trustees of Community College District 12.
- (2) "Campus": All lands and buildings devoted to, operated by, or maintained by Centralia College, District 12.
- (3) "Campus security officer": Employee of the college who is responsible to the Dean of Administration for Campus traffic control, parking, security, and safety.
- (4) "College": Centralia College, District 12.
- (5) "Safety and security supervisor": The college's safety and security supervisor.
- (6) "Employee": An individual appointed to the faculty, staff, or administration of the college.
- (7) "Guests/visitors": Person or persons who come upon the campus as guests and person or persons who lawfully visit the campus.
- (8) "Continuing permits": Permits issued to full-time employees for an indefinite period of time.

(9) "Annual permits": Permits which are valid from the date of issue until the first day of the following fall quarter.

(10) "Temporary permits": Permits which are valid for a specific period designated on the permit.

(11) "Vehicle": automobile, truck, motor-driven cycle, scooter or and vehicle otherwise powered.

(12) "Full-time student": Any person who is enrolled on campus for ten credit hours or more at the college.

(13) "Part-time student": Any person who is enrolled on campus for nine credit hours or less at the college.

(14) "Full-time employee": An employee of the college employed twenty hours or more per week on a permanent regular basis.

(15) "Part-time employee": An employee of the college employed less than twenty hours per week.

NEW SECTION

WAC 132L-117-040 AUTHORIZATION FOR ISSUANCE OF PERMITS. (1) The safety and security supervisor, or designee, is authorized to issue parking permits to students, employees, and guests upon the following:

(1a) When the vehicle is properly registered with the college.

(1b) When a permanent or special parking permit is necessary to enhance the business or operation of the college.

(2) Additional permits are available at the current fee schedule to individuals who may be registered to drive any one of several vehicles. Only one vehicle registered to an individual under one permit fee shall be permitted to park on campus at any one time.

NEW SECTION

WAC 132L-117-050 VEHICLE PARKING PERMITS. (1) All part-time and full-time employees and students of the college shall obtain and display a currently valid parking permit on all vehicles parked or left standing unattended upon the college campus for both day and night classes, in accordance with WAC 132L-117-040.

(2) All persons parking on the campus shall secure and display a currently valid parking permit within five days from date of registration or from the first day of employment.

NEW SECTION

WAC 132L-117-060 VISITOR PERMITS. All guests/visitors (including salespersons, maintenance or service personnel) will park in appropriate parking areas after obtaining a temporary permit from Central Services.

NEW SECTION

WAC 132L-117-070 RESPONSIBILITY OF PERSON TO WHOM PERMIT IS ISSUED. The person to whom a parking permit is issued shall be responsible for all violations of said rules and regulations involving the vehicle; however, such responsibility shall not

relieve said driver of the responsibility for violations of the regulations established by this chapter. In the event that a vehicle in violation is not registered with the college, the current registered owner will be responsible for the violations of the campus regulations.

NEW SECTION

WAC 132L-117-180 DISPLAY OF PERMITS. The parking permit issued by the college shall be visibly affixed on the outside of the rear window of the vehicle, for which the permit is issued, on the lower left hand corner of the window as viewed front the rear of the vehicle. If the vehicle is a convertible or has no rear window the permit shall be affixed to the driver side rear bumper or driver side windshield lower corner. Motorcycle permits must be affixed in a conspicuous place.

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

NEW SECTION

WAC 132L-117-090 TRANSFER OF PERMITS. Parking permits are not transferable. If a vehicle is sold or traded, the new vehicle must be registered with Central Services and the permit will be reissued.

NEW SECTION

WAC 132L-117-100 PERMIT REVOCATION. Permits are licenses and the property of the college, and may be revoked for any of the following reasons:

- (1) When the purpose for which the permit was issued changes or no longer exists.
- (2) When a permit is used on an unregistered vehicle or by an unauthorized person.
- (3) Falsification on a vehicle registration application.
- (4) Continued violations of parking and traffic regulations.
- (5) Counterfeiting or altering of permits.

NEW SECTION

WAC 132L-117-110 RIGHT TO REFUSE PERMIT. The college Dean of Administration, or designee, reserves the right to refuse the issuance of a parking permit to anyone who has had a previous permit revoked, or whose driving or parking record indicates a disregard for the rights or safety of others.

NEW SECTION

WAC 132L-117-120 RIGHT TO APPEAL PERMIT REVOCATION/REFUSAL. When a parking permit has been revoked pursuant to WAC 132L-117-100 or has been refused in accordance with WAC 132L-117-110 or when a fine or penalty has been levied against a violator of the rules and regulations set forth in this chapter, such action by the Dean of Administration, or designee, may be appealed in accordance with WAC 132L-117-180.

NEW SECTION

WAC 132L-117-130 DELEGATION OF AUTHORITY. The authority and powers conferred upon the Dean of Administration by these regulations shall be subject to delegation to that individual's subordinates.

NEW SECTION

WAC 132L-117-140 ENFORCEMENT. (1) Parking and traffic regulations will be enforced at all times.

(2) The Dean of Administration, or designee shall be responsible for the enforcement of the regulations contained in this chapter.

NEW SECTION

WAC 132L-117-150 VIOLATION OF PARKING AND TRAFFIC REGULATIONS. (1) Operators of illegally operated or parked vehicles shall be warned or cited through an appropriate means that they are in violation of these regulations. All fines are payable at the cashier's office.

(2) In instances where violations are repeated, and in the judgment of the safety and security supervisor, with appropriate documented evidence, said vehicles may be impounded.

NEW SECTION

WAC 132L-117-160 ISSUANCE OF TRAFFIC TICKETS OR SUMMONS. (1) The safety and security supervisor or designee may issue a warning or citation for a violation of these regulations. The warning or citation should set forth the date, the approximate time, permit number, license information and nature of violation.

(2) Such warning or citation may be served by attaching or affixing a copy thereof in some prominent place outside such vehicle or by personally serving the operator.

NEW SECTION

WAC 132L-117-170 FINES AND PENALTIES. The safety and security supervisor, or designee, is authorized to impose the following fines and penalties for violation of the regulations contained in this chapter:

(1) A schedule of fines shall be set by the Board of Trustees. The schedule shall be published by the college in the parking and traffic regulations and on the traffic parking citation form.

(2) Fines will be assessed in accordance with the fees and fines schedules as established by the Board of Trustees for the following violations:

- (a) No valid permit displayed
- (b) Visitor parking violations
- (c) Occupying more than one parking space
- (d) Occupying space/area not designated for parking
- (e) Handicapped parking violation
- (f) Parking in area not authorized by permit
- (g) Parking in reserved staff space without authorization

(h) Blocking or obstructing traffic (may be towed if creating a safety hazard)

(i) Parking adjacent to fire hydrant (may be towed if creating a safety hazard)

(j) Parking in fire lane (may be towed if creating a safety hazard)

(k) Parking in zone or area marked no parking

(l) Other violations of college parking traffic regulations and its objectives

(3) At the discretion of the Dean of Administration, or designee, an accumulation of citations by a staff, administrator, or faculty member may be turned over to a private collection agency for the collection of past due fines. Other appropriate collection procedures may be initiated as deemed necessary.

(4) Vehicles parking in a manner so as to obstruct traffic, including access to and from parking spaces and areas, may be subject to a fine and may be impounded and taken to such place for storage as the safety and security supervisor, or designee, selects. The expenses of such impounding and storage shall be the responsibility of the registered owner or driver of the vehicle.

(5) Vehicles impounded by means of an immobilizing device shall be charged a service fee according to the current fee schedule.

(6) The college shall not be liable for loss or damage of any kind resulting from impounding and storage of vehicles.

(7) Vehicles involved in violations of these regulations may be impounded as provided for in these regulations.

(8) Persons may appeal the issuance of a citation according to WAC 132L-117-180.

(9) In the event a person fails or refuses to pay an uncontested fine which has been outstanding in excess of five days, the Dean of Administration, or designee, may initiate the following actions:

(a) Student may not be able to obtain transcript of credits until all fines are paid.

(b) Student may not receive a degree/diploma until all fines are paid.

(c) Students will not be able to register for subsequent quarters until all fines are paid.

NEW SECTION

WAC 132L-117-180 APPEAL PROCEEDINGS—APPEAL OF FINES AND PENALTIES. (1) Appeals must be presented in writing, giving full particulars, listing witnesses, evidence, etc.

(2) Appeals must be submitted to the Dean of Students within five days from date of citation.

(3) If an appeal is not resolved to the satisfaction of the alleged violator, he/she shall have five additional days from receipt of decision by the Dean of Students to appeal to the parking advisory committee.

NEW SECTION

WAC 132L-117-190 PARKING ADVISORY COMMITTEE. The parking advisory committee shall be structured and responsible for the following purposes:

(1) To review and recommend necessary changes to the college parking and traffic regulations annually.

(2) To receive and hear appeals related to parking and traffic violations. All decisions made by the parking advisory committee relative to parking/traffic appeals shall be final.

(3) Membership shall consist of at least: Three student representatives, one faculty representative, one classified representative, one administrator, and the Dean of Administration – ex officio.

NEW SECTION

WAC 132L-117-200 LIABILITY OF COLLEGE. The college assumes no liability under any circumstances for theft or damage occurring to vehicles, bicycles or their contents. No bailment of any sort is created by the purchase of a parking permit.

NEW SECTION

WAC 132L-117-210 DESIGNATION OF PARKING. The parking spaces available on campus may be allocated and designated by the Dean of Administration in such a manner as will best achieve the objectives of these rules and regulations.

(1) Special provisions shall be made for physically disabled employees, visitors, students, or their designee. Physically disabled individuals utilizing handicapped parking spaces must display in that vehicle a valid state issued disabled parking permit or license plate. Temporarily handicapped permits will be issued by the safety and security supervisor. In addition to the disabled permit, valid college parking permits must be purchased and displayed on the vehicle.

(2) Spaces specifically designated as "Visitor" are to be used only by visitors driving vehicles without continuing or annual permits, for a maximum time period of 30 minutes. A temporary permit is not required. Visitors requiring parking for longer than 30 minutes may obtain a temporary permit at Central Services, and will park in normal undesignated spaces.

(3) Parking spaces may be designated for special purposes as deemed necessary.

NEW SECTION

WAC 132L-117-220 PARKING WITHIN DESIGNATED SPACES. (1) No vehicle shall be parked on the campus except in those areas set aside and designated for parking.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall.

NEW SECTION

WAC 132L-117-230 REGULATORY SIGNS, MARKINGS, BARRICADES, ETC. The Dean of Administration, or designee, is authorized to make and erect signs, barricades, and other structures and to paint marks and other directions upon the streets, entry/exits, and roadways for the regulation of traffic and parking upon the various public lands devoted to, operated by, or maintained or the college. Drivers or vehicles shall observe and obey all the signs, barricades, structures,

markings and directions given them by the campus security officer in the control and regulation of traffic and parking.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 132L-117-240 **SPEED LIMIT.** No vehicle shall be operated on the campus at a speed in excess of five miles per hour, or such slower speed as is reasonable and prudent to the circumstances.

NEW SECTION

WAC 132L-117-250 **PEDESTRIANS RIGHT OF WAY.** (1) The operator of a vehicle shall yield right of way to any pedestrian. Pedestrian shall not leave a curb or other place of safety and walk or run into the path of an oncoming vehicle.

(2) When a sidewalk or crosswalk is provided, pedestrians shall proceed upon the sidewalk or crosswalk.

NEW SECTION

WAC 132L-117-260 **TWO-WHEELED MOTORCYCLES OR BICYCLES.** (1) All two-wheeled vehicles powered by an engine shall park in areas designated for motorcycles only and will not use spaces assigned to automobiles or bicycles.

(2) Bicycles and other nonengine powered cycles are to be parked in bicycle racks where provided. No person shall park a bicycle inside a building, by a doorway, on a path, sidewalk, walkway, or in such a manner as to block or obstruct the normal flow of pedestrian traffic.

NEW SECTION

WAC 132L-117-270 **REPORT OF ACCIDENTS.** (1) The operator of any vehicle involved in an accident on campus resulting in injury or death of any person or claimed damage to either or both vehicles exceeding five hundred dollars shall immediately report such accident to Central Services. Accidents occurring after the close of business shall be reported the next working day. Operator shall within twenty-four hours after such accident file a State of Washington motor vehicle report.

(2) Other minor accidents may be reported to Central Services for insurance record purposes.

NEW SECTION

WAC 132L-117-280 **DISABLED AND INOPERATIVE VEHICLES—IMPOUNDING.** (1) Disabled or inoperative vehicles shall not be parked on the campus for a period exceeding seventy-two hours, without authorization from the Dean of Administration, or designee.

(2) Vehicles parked over seventy-two hours without authorization may be impounded and stored at the expense of either or both the owner and operator thereof.

(3) Notice of intent to impound will be posted on the vehicle and sent by registered mail to the legal owner forty-eight hours prior to impound.

NEW SECTION

WAC 132L-117-290 **AUTHORITY TO ESTABLISH PARKING FEE.** The board shall set and review as necessary parking permit fees in accordance with WAC 132L-117-300 and a schedule of fines and penalties in accordance with WAC 132L-117-170.

NEW SECTION

WAC 132L-117-300 **PARKING PERMIT FEES.** Fees shall be levied in accordance with the current published fee schedule.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 132L-30 WAC Parking and Traffic Regulations—South Puget Sound Community College.

WSR 90-17-061

PERMANENT RULES UTILITIES AND

TRANSPORTATION COMMISSION

[Order R-320, Docket No. UW-900081—Filed August 14, 1990, 3:29 p.m.]

In the matter of amending WAC 480-110-021, 480-110-026, 480-110-046 and 480-110-066; and adopting WAC 480-110-028, relating to water companies.

This action is taken pursuant to Notice No. WSR 90-10-078 filed with the code reviser on May 2, 1990. The rule change hereinafter adopted shall take effect pursuant to RCW 34.05.380(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 34.05 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 90-10-078 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, June 6, 1990, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A. J. Pardini.

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 May 28, 1990, and orally at 9:00 a.m., Wednesday, June 6, 1990, in the commission's hearing room above noted. At the June 6, 1990, meeting the commission considered the rule change and the proposal was set over until June 20, 1990, at which time the rule revisions were adopted. Written and oral comments were received from Investor Owned Water Utilities Association of Washington.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-110-021, 480-110-026, 480-110-046 and 480-110-066 should be amended; and WAC 480-110-028 should be adopted to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-110-021, 480-110-026, 480-110-046 and 480-110-066 as amended and WAC 480-110-028 as adopted will clarify the difference between an applicant for service and a customer, require companies to file within 30 days a change in service area, establish that fire flow and distribution extensions will either be tarified or the contracts will be filed for commission approval.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-110-021, 480-110-026, 480-110-046, 480-110-066 and 480-110-028 as set forth in Appendix A, be amended and adopted as rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.05.380(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 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 13th day of August, 1990.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Richard D. Casad, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-30, filed 7/15/71)

WAC 480-110-021 GLOSSARY. (1) Commission - the Washington utilities and transportation commission.

(2) Utility - any corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any water plant within the state of Washington for the purpose of furnishing water service to the public for hire and subject to the jurisdiction of the commission.

(3) Applicant - any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., who has completed an application for a distribution extension, but has not requested water service.

(4) Customer - any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., who or which is receiving service from a utility or has completed an application ((to any utility)) for water service and that application has been accepted by the utility.

~~((4))~~ (5) Meter tests

(a) Periodic test - a routine test made in the regular course of a utility's operation, and in accordance with WAC 480-110-161, frequency of periodic test.

(b) Complaint test - a test made as a result of a request by a customer, and in accordance with WAC 480-110-151, complaint meter test.

(c) Installation test - a test made prior to the installation of a meter. New meters when received by a utility may be tested by an acceptable sampling plan prior to initial installation.

(d) Special test - any test other than a periodic, complaint, or installation test.

(e) Sample test - a test made as a result of the inclusion of a meter in a random statistical sample.

(6) Commission service area - a utility service area is that area the company is providing water service to or has a signed contract to provide water service.

In the application of these rules, those terms used in the public service laws of the state of Washington will have the meaning therein ascribed to them.

Terms not defined in these rules or in the applicable statutes are to be given that meaning usually accepted in the water industry.

AMENDATORY SECTION (Amending Order R-30, filed 7/15/71)

WAC 480-110-026 TARIFFS. Rate schedules and rules and regulations governing services of a utility shall be published in accordance with chapter 480-80 WAC utilities general - tariffs.

The effective tariff of each utility shall contain a description by metes and bounds or a detailed map (maps are preferred) of the commission service area which it is dedicated to serve by reason thereof. ~~((Said description or map shall be kept current.))~~ After a contract is approved by the commission for a service connection or a distribution extension outside of the commission service area, the description or commission service area map on file with the commission shall be amended within thirty days of the effective date of the contract.

All other service area changes, such as an acquisition of a new service area, shall be filed with the commission within thirty days to keep the commission service area description or maps current.

NEW SECTION

WAC 480-110-028 FIRE FLOW REQUIREMENTS. The provision of sufficient capacity and pressure to meet "fire flow requirements" or requests for fire flow shall be separately tarified, or provided by contract submitted for commission approval.

AMENDATORY SECTION (Amending Order R-30, filed 7/15/71)

WAC 480-110-046 APPLICATION FOR SERVICE. Anyone desiring service may be required to make application in writing, on forms prescribed by the utility and in accordance with its filed tariff(s). An application shall be deemed to be a notice to the utility that the applicant desires service and is an expression of his willingness to conform to such rules and regulations as are

in effect and on file with the commission. Such application shall state clearly the character of service for which applied. In the case of flat rate service the use to be made of such service shall be stated. An applicant shall be deemed a customer when the utility accepts his/her application for water service.

Should a prospective customer use service prior to making application therefor, the utility shall require said customer to pay for such service in accordance with the applicable rate schedule or schedules.

AMENDATORY SECTION (Amending Order R-30, filed 7/15/71)

WAC 480-110-066 DISTRIBUTION EXTENSIONS. Each utility shall file as a part of its tariff a distribution extension rule setting forth the conditions under which it will extend its facilities to make service available to an applicant.

All distribution extension agreements or contracts in excess of the allowances or charges contained in the company distribution extension rules shall be filed with the commission for approval. The documentation to be filed with the contract shall meet the criteria contained in WAC 480-80-335.

In determining the charge for a distribution extension, the utility must determine the most economical route consistent with the utility companies' approved plan and in compliance with sound engineering practice.

There will not be a direct charge or assessment for retrofitting or upgrading the system for applicants or customers within the commission service area unless the use of the property changes from that originally proposed when the system was designed or approved.

WSR 90-17-062
PERMANENT RULES
DEPARTMENT OF LICENSING
[Filed August 15, 1990, 9:43 a.m.]

Date of Adoption: August 15, 1990.

Purpose: To establish the standard for implementation of the master license system handling fee in regulation.

Citation of Existing Rules Affected by this Order: Amending chapter 308-300 WAC.

Statutory Authority for Adoption: RCW 34.05.220.

Other Authority: Chapter 264, Laws of 1990.

Pursuant to notice filed as WSR 90-14-022 on June 27, 1990.

Effective Date of Rule: Thirty-one days after filing.
August 15, 1990

Mary Faulk
Director

Chapter 308-300 WAC
CONSOLIDATED LICENSING SYSTEM ((FOR
GROCERY-RELATED BUSINESS))

NEW SECTION

WAC 308-300-075 HANDLING FEE. Beginning July 1, 1990, a master license handling fee of twelve

dollars shall apply to all master business applications for original licenses, permits, or registrations.

Original licenses, permits, or registrations are those that are not currently held by a business and are being sought for the first time through the use of a master application.

Applications for additional licenses, permits, or registrations received within sixty days following the initial application shall be deemed to be part of the first application.

WSR 90-17-063
PERMANENT RULES
PUGET SOUND
WATER QUALITY AUTHORITY
[Filed August 15, 1990, 1:36 p.m.]

Date of Adoption: August 15, 1990.

Purpose: To amend existing SEPA and procedural rules for the agency to reflect changes to chapter 90.70 RCW made by section [chapter] 115, Laws of 1990 and the new APA.

Citation of Existing Rules Affected by this Order: Amending WAC 400-04-040 and sections of chapter 400-06 WAC.

Statutory Authority for Adoption: Chapter 90.70 RCW and RCW 43.21C.120.

Pursuant to notice filed as WSR 90-13-106 on June 21, 1990.

Changes Other than Editing from Proposed to Adopted Version: The only change is a correction to proposed WAC 400-06-070. The phrase "or their designees" has been deleted from the stricken material and added to the underlined material.

Effective Date of Rule: Thirty-one days after filing.
August 15, 1990
Christine O. Gregoire
Chair

Chapter 400-04 WAC
PUGET SOUND WATER QUALITY AUTHORITY
— STATE ENVIRONMENTAL POLICY ACT
PROCEDURES

AMENDATORY SECTION (Amending Order 86-01, filed 2/3/86)

WAC 400-04-040 ADDITIONAL DEFINITIONS. (1) "Authority" shall mean the agency of the Puget Sound water quality authority consisting of the ~~((seven-member authority appointed by the governor and/or agency staff.))~~ eleven-member authority and/or agency staff.

(2) "Chair" shall mean the ~~((authority member appointed by the governor as chair of the authority.))~~ chair of the authority as stated in RCW 90.70.011.

Chapter 400-06 WAC
PROCEDURES — OPERATIONS — COMMUNICATIONS — PUBLIC RECORDS

AMENDATORY SECTION (Amending Order 86-02, filed 2/3/86)

WAC 400-06-020 DEFINITIONS. (1) The terms "person," "public record," and "writing" shall have the meaning as stated in RCW 42.17.020.

(2) "Authority" means the Puget Sound water quality authority.

(3) "Chair" means the chair of the authority as stated in ~~((section 3, chapter 451, Laws of 1985, chapter 90.70 RCW-))~~ RCW 90.70.011.

(4) "Public records officer" means the authority staff member so designated by the chair.

~~((5) "Voting member" means the seven members of the authority appointed by the governor.))~~

AMENDATORY SECTION (Amending Order 86-02, filed 2/3/86)

WAC 400-06-030 AUTHORITY OPERATIONS AND PROCEDURES. (1) The authority was created by the enactment of chapter 451, Laws of 1985, chapter 90.70 RCW for the principal purpose of establishing a planning mechanism for improving and maintaining the water quality of Puget Sound. The legislation also provides for a public participation process for the development of the comprehensive water quality management plan for Puget Sound (plan), a biennial state of the Sound report, methods for staffing the authority and mechanisms to assure compliance with the plan.

(2) ~~((The duties, responsibilities and powers of the authority are set forth in sections 4 through 9 of chapter 451, Laws of 1985, chapter 90.70. Provisions for establishing the authority and the appointment of members are in section 3, chapter 451, Laws of 1985, chapter 90.70 RCW-))~~ The duties, responsibilities and powers of the authority are set forth in chapter 90.70 RCW. Provisions for establishing the authority and the appointment of members are set forth in RCW 90.70.011.

(3) The authority meets at least monthly to consider and act upon major policy matters, planning decisions, and routine business of the authority. All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW) the Administrative Procedure ~~((s Act (chapter 34.04 and 1.08 RCW-))~~ Act (chapter 34.05 RCW) and Robert's Rules of Parliamentary Procedure. Any official action of the authority shall require the affirmative vote of a majority of the ~~((voting))~~ members present so long as there ~~((are at least four voting members present, except that the))~~ is a quorum present. A quorum shall consist of the majority of the number of members serving at that time. However, the adoption of the plan and any substantial revision to the plan shall require the affirmative vote of a majority of all ((voting)) members of the authority.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 86-02, filed 2/3/86)

WAC 400-06-050 PUGET SOUND WATER QUALITY AUTHORITY OFFICERS — TERMS. The officers of the authority shall be the chair and the vice-chair. The vice-chair shall be elected by a majority vote of the ~~((voting))~~ members of the authority and shall serve for a term of one year. The chair of and other members of the authority shall serve for terms as provided in ~~((chapter 451, Laws of 1985, chapter 90.70 RCW-))~~ RCW 90.70.011. The chair shall preside over the meetings. If the chair is not present, the vice-chair will serve as chair of the meeting. If neither the chair nor the vice-chair is present at a meeting, the members of the Authority shall select a member to chair the meeting.

AMENDATORY SECTION (Amending Order 86-02, filed 2/3/86)

WAC 400-06-070 PUGET SOUND WATER QUALITY AUTHORITY — DESCRIPTION OF ORGANIZATION. ~~((The authority pursuant to section 3, chapter 451, Laws of 1985, chapter 90.70 RCW, is composed of seven members appointed by the governor and confirmed by the senate. The commissioner of public lands and the director of ecology serve as ex-officio, nonvoting members of the authority.))~~ RCW 90.70.011 provides that the authority shall be composed of eleven members. Nine of these members are appointed by the governor and confirmed by the senate. The commissioner of public lands and the director of ecology, or their designees, serve as ex-officio members. The administrative office of the authority and its staff is 217 Pine Street, Suite 1100, Seattle, Washington 98101.

AMENDATORY SECTION (Amending Order 86-02, filed 2/3/86)

WAC 400-06-160 RECORDS INDEX. (1) A chronological index is maintained providing identifying information as to all governmental records issued, adopted, or promulgated on or after August 21, 1985, which are deemed by the authority to fall within the purview of RCW 42.17.260 and which are not exempted under the provisions of RCW 42.17.310.

(2) The current index promulgated by the authority shall be available to all persons under the same rules ~~((and on the same rules))~~ and on the same conditions as are applied to public records available for inspection. The records index shall be updated at least annually.

WSR 90-17-064**NOTICE OF PUBLIC MEETINGS
HARDWOODS COMMISSION**

[Memorandum—August 14, 1990]

There will be a meeting of the Washington State Hardwoods Commission on September 13, 1990, in the House Office Building, Briefing Room. The meeting will begin at 10:00 a.m. and adjourn at 2:00 p.m.

WSR 90-17-065
PROPOSED RULES
DEPARTMENT OF ECOLOGY

[Order 90-32—Filed August 15, 1990, 1:51 p.m.]

Supplemental Notice to WSR 90-15-060.

Title of Rule: Chapter 173-360 WAC, Underground storage tanks.

Purpose: The purpose of this filing is to add an additional hearing date to those already scheduled.

Hearing Location: Wenatchee, Washington, City Council Chambers, 129 South Chelan, Wenatchee, WA, on September 11, 1990, at 7:00 p.m.

Submit Written Comments to: Thom Lufkin, Department of Ecology, PV-11, Olympia, Washington 98504-8711, by September 18, 1990.

Date of Intended Adoption: November 20, 1990.

August 10, 1990

Fred Olson

Deputy Director

WSR 90-17-066
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE

[Order 2051—Filed August 15, 1990, 2:27 p.m.]

Date of Adoption: August 15, 1990.

Purpose: Record-keeping requirements for pesticide applicators.

Citation of Existing Rules Affected by this Order: Amending WAC 16-228-190.

Statutory Authority for Adoption: RCW 17.21.030.

Other Authority: RCW 17.21.100.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: It is highly necessary in order to provide the pest control operators a record-keeping form version which is specific to their needs; thus allowing for better compliance and more accurate records regarding pesticide usage.

Effective Date of Rule: Immediately.

August 15, 1990

C. Alan Pettibone

Director

AMENDATORY SECTION (Amending Order 2039
 [WSR 90-11-024], filed 5/9/90)

WAC 16-228-190 APPLICATOR REQUIREMENTS. (1) Certified applicators and all persons applying pesticides to more than one acre of agricultural land in a calendar year including public entities engaged in roadside spraying shall keep records on a form prescribed by the director which shall include the following:

(a) The name and address of the person for whom the pesticide was applied.

(b) The address or exact location of the land where the pesticide was applied. If the application is made to one acre or more of agricultural land, the field must be located on the map on the prescribed form.

(c) The year, month, day and time the pesticide was applied.

(d) The product name used on the registered label and the United States Environmental Protection Agency registration number, if applicable, of the pesticide which was applied.

(e) The direction from which the wind is blowing and estimated velocity of the wind in miles per hour (mph) and the temperature in degrees Fahrenheit at the time the pesticide was applied: **PROVIDED**, That this subsection (e) shall not apply to applications of baits in bait stations and pesticide applications within structures.

(f) The total amount of pesticide applied such as pounds, gallons, ounces, etc.

(g) The amount of pesticide applied per acre or one thousand square feet or other appropriate measure.

(i) For PCO classification or residential ornamental applications, the amount shall be recorded to the nearest ounce of product or to the nearest gallon of liquid spray per site.

(ii) Fumigation records shall include the pounds of gas released per one thousand cubic feet of space, the temperature, and the duration of the exposure period.

(h) The concentration of pesticide that was applied. Liquid applications may be recorded as amount of product per one hundred gallons of liquid spray or other appropriate measure.

(i) The pests to be controlled (for PCO classification only).

(j) Specific crop or site to which pesticide was applied.

(k) Apparatus license plate number.

(1) The licensed applicator's name, certified pesticide applicator license number, address, telephone number, and the name and license number(s) if applicable of the individual or individuals making the application.

(m) The number of acres or other appropriate measure to which the pesticide was applied.

(2) Application records shall be completed and available to the department the same day the pesticides were applied.

(3) Application records shall be kept for a period of seven years from the date of the application of the pesticide to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

(4) Upon written request, the applicator shall provide the customer with a record of each application of pesticides to his/her land, for the current season, which shall contain the information listed in WAC 16-228-190(1).

(5) Except as stated in subsection (6) of this section, the information required in subsection (1) of this section shall be kept on the appropriate page of the pesticide record form (figures ~~((1-7))~~ 1-8): **PROVIDED**, That computerized records may be maintained as long as the records can be produced in the form and format prescribed by the department.

(6) The department may allow by written permit the information required in subsection (1) of this section to

be kept in a different form and format than that described in figures ((1=7)) 1-8: **PROVIDED**, That the following criteria are met:

(a) The pesticide application record keeping system is computerized;

(b) The pesticide application record keeping system was in place and operational prior to July 23, 1989;

(c) The pesticide application record keeping system contains all the information required by subsection (1) of this section, and can be produced in a form and format acceptable to the department.

(7) All apparatus shall be kept in good repair and only that apparatus capable of performing all functions necessary to ensure proper and thorough application of pesticides shall be used. Apparatus shall be cleaned so that no residue remains which may cause injury to land, including humans, desirable plants and animals, from subsequent applications.

(8) On demand of the director, the applicator shall make immediately available for inspection the pesticides being applied and the apparatus used for the application: **PROVIDED**, That this inspection is made at the site of application or where the apparatus is located.

(9) The applicator shall make available necessary safety equipment in proper working order and advise the employees on its use to meet the safety requirements of the pesticide label.

(10) Maintain a uniform mixture at all times in operating apparatus when applying pesticides.

(11) All containers used for prepared mixtures, other than those in an apparatus, shall have a label identifying the contents as a pesticide, the active ingredient, and appropriate cautions.

State of Washington
Department of Agriculture
Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 1)

NOTE: This form must be completed same day as the application
and it must be retained for 7 years. (Ref. RCW 17.21)

1. Date of Application - Year: Month: Day: Time:
2. Name of person for whom the pesticide was applied:
Firm Name (if applicable):
Street Address: City: State: Zip:
3. Licensed Applicator's Name (if different from #2 above): License No.
Firm Name (if applicable): Tel. No.
Street Address: City: State: Zip:
4. Name of person(s) who applied the pesticide (if different than #3 above):
..... License No(s), if applicable:
5. Application Crop or Site:
6. Total Area Treated (acre, sq. ft., etc):
7. Was this application made as a result of a WSDA Permit? No Yes (if yes, give Permit No.) #
8. Pesticide Information (please list all information for each pesticide in the tank mix):

a) Product Name	b) EPA Reg. No.	c) Total Amount of Pesticide Applied in Area Treated	d) Pesticide Applied/Acre (or other measure)	e) Concentration Applied
_____	_____	_____	/	_____
_____	_____	_____	/	_____
_____	_____	_____	/	_____
_____	_____	_____	/	_____
_____	_____	_____	/	_____

9. Address **or exact location** of application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form

10. Wind direction and estimated velocity during the application:
11. Temperature during the application:
12. Apparatus license plate number (if applicable):
13. Air Ground Chemigation
14. Miscellaneous Information:

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only):

Township: N

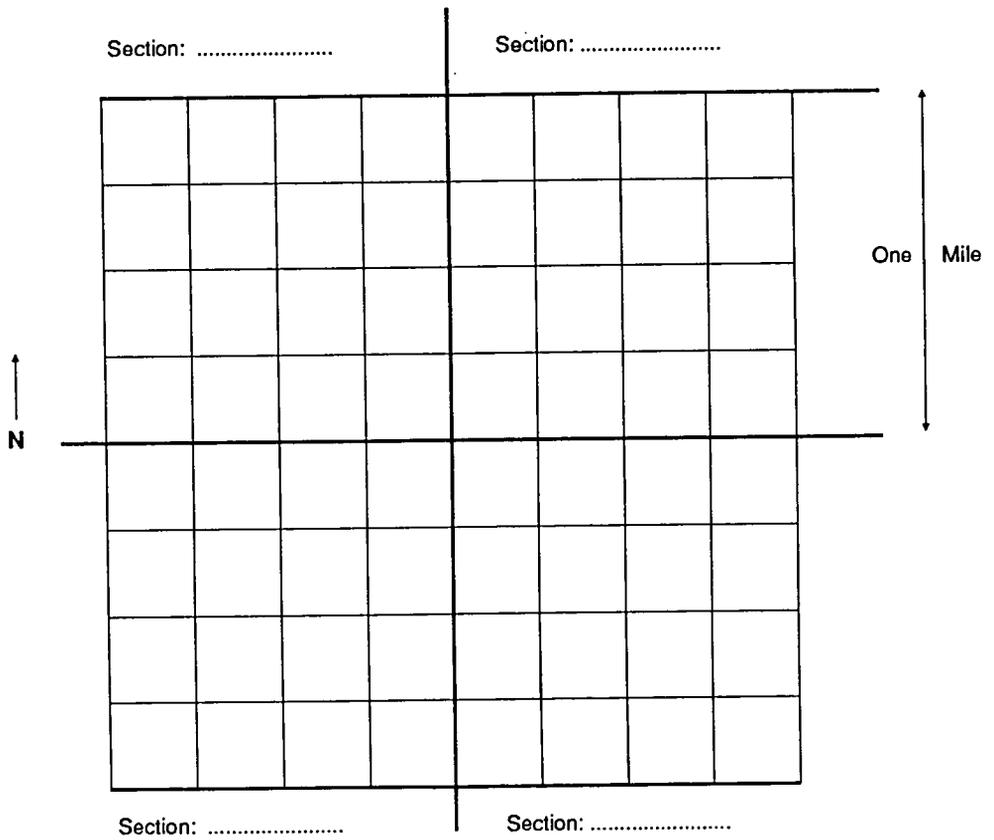
Range: E OR W (please indicate)

Section(s):

County:

PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



Miscellaneous Information:

PESTICIDE APPLICATION RECORD (Version 2)

NOTE: Application information must be completed on the same day as the application and must be retained for seven years. (Ref. RCW 17.21)

1. Name & Address of Person for Whom Pesticide was Applied:	2. Applicator Name and Address (if different from (1)): Tel. No. Lic. No.
3. Address <i>or exact location</i> of application (NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form)	4. Misc. Info. :

5. Date and Time of Application	6. Crop or Site Treated	7. Acres Treated (or other measure)	8. PRODUCT NAME	9. EPA Registration Number	10. Amount of Product Applied		11. Concentration	12. Weather Conditions, Apparatus License Plate No. and Name and License No. of person(s) who applied pesticide
					Rate per acre (or other measure)	Total Product Applied		
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation						
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation						
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation						
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation						

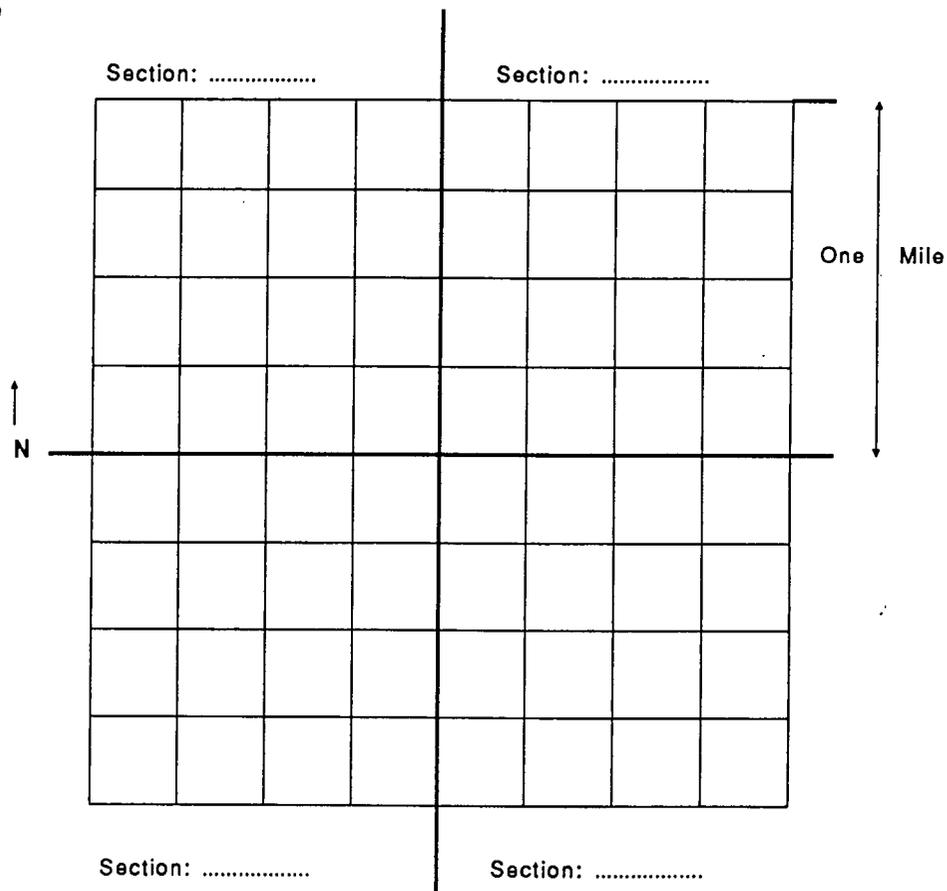
[133]

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only):

TOWNSHIP: N
RANGE: E OR W (please indicate)
SECTION(S):
COUNTY:

PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



[134]

State of Washington
 Department of Agriculture
 Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 3)

NOTE: This form must be completed same day as the application
 and it must be retained for 7 years. (Ref. RCW 17.21)

1. Date of Application - Year: Month: Day(s):
2. Name of person for whom the pesticide was applied:
 Firm Name (if applicable):
 Street Address: City: State: Zip:
3. Licensed Applicator's Name (if different from #2 above): License No.
 Firm Name (if applicable): Tel. No.
 Street Address: City: State: Zip:
4. Air Ground Chemigation
5. Application Crop or Site:
6. Total Area Treated (acre, sq. ft., etc):
7. Was this application made as a result of a WSDA Permit? No Yes (if yes, give Permit No.) #
8. Pesticide Information (please list all information for each pesticide in the tank mix):

a) Product Name	b) EPA Reg. No.	c) Total Amount of Pesticide Applied in Area Treated	d) Pesticide Applied/Acre (or other measure)	e) Concentration Applied
_____	_____	_____	/	_____
_____	_____	_____	/	_____
_____	_____	_____	/	_____
_____	_____	_____	/	_____
_____	_____	_____	/	_____

9. Address *or exact Location* of Application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.

10. Date	11. Name of person(s) making the application	12. License No.	13. Apparatus Lic. Plate No.	14. Time		15. Acres Completed	16. Wind		17. Temp.
				Start	Stop		Dir.	Vel.	

State of Washington
Department of Agriculture
Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 4)
May be used for Commercial Residential Ornamental and Lawn Applications only
NOTE: This form must be completed same day as the application and it must be retained for 7 years.

A. Date of Application - Year: Month: Day:

B. Firm name: Telephone No.

Commercial Applicator's Name: License No.

Street Address: City: State: Zip:

C. Name of person(s) who applied the pesticide:.....

License No(s):

D. Pesticide Information (please list all information for each pesticide in the tank mix):

<u>Product Name</u>	<u>EPA Reg. No.</u>	<u>Concentration</u>
		Amount - (Lbs., Qts., etc.) of brand per 100 gallons of tank mix. Amount and unit must be specified

E. Application crop or site: F. Apparatus License Plate No.

G. Record the following information for the specific conditions during each application:

	<u>CUSTOMER</u>		<u>AMOUNT APPLIED</u> (gals. of mix)	<u>AREA TREATED</u> (sq. ft., etc.)	<u>TIME</u>	<u>TEMP</u> F %	<u>WIND</u>	
	(a) full name	(b) location of application - street address					<u>DIR</u>	<u>VEL</u> (mph)
1. a)								
b)								
2. a)								
b)								
3. a)								
b)								
4. a)								
b)								
5. a)								
b)								
6. a)								
b)								
7. a)								
b)								
8. a)								
b)								
9. a)								
b)								

DAILY PESTICIDE APPLICATION RECORD (Version 5)

For Commercial Pest Control Operators Only

NOTE: This form must be completed same day as the application and retained for seven years.

A. FIRM NAME AND ADDRESS:

TELEPHONE NUMBER:

B. APPLICATOR NAME:

LICENSE NO.

C. PERSON MAKING APPLICATION:

LICENSE NO.

D. DATE:

E. APPARATUS LICENSE NO.

CUSTOMER (a) FULL NAME (b) LOCATION OF APPLICATION (c) TARGET PEST			(a) EPA REG. NO. / PRODUCT NAME(S) (b) CONCENTRATION (c) TOTAL AMOUNT USED	(a) TIME (IN/OUT) (b) TEMP. (c) WIND DIR. / VELOCITY	APPLICATION SITE (C & C, SPOT, VOID INJECTIONS, ETC.)	PESTICIDE APPLIED / ACRE OR OTHER MEASURE
1. a) _____			_____	_____	_____	____ / ____
b) _____			_____	_____	_____	____ / ____
c) _____			_____	_____	_____	____ / ____
2. a) _____			_____	_____	_____	____ / ____
b) _____			_____	_____	_____	____ / ____
c) _____			_____	_____	_____	____ / ____
3. a) _____			_____	_____	_____	____ / ____
b) _____			_____	_____	_____	____ / ____
c) _____			_____	_____	_____	____ / ____
4. a) _____			_____	_____	_____	____ / ____
b) _____			_____	_____	_____	____ / ____
c) _____			_____	_____	_____	____ / ____
5. a) _____			_____	_____	_____	____ / ____
b) _____			_____	_____	_____	____ / ____
c) _____			_____	_____	_____	____ / ____
6. a) _____			_____	_____	_____	____ / ____
b) _____			_____	_____	_____	____ / ____
c) _____			_____	_____	_____	____ / ____
7. a) _____			_____	_____	_____	____ / ____
b) _____			_____	_____	_____	____ / ____
c) _____			_____	_____	_____	____ / ____

Reviser's note: RCW 34.05.395 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.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 90-17-067

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-69—Filed August 15, 1990, 4:26 p.m.]

Date of Adoption: August 13, 1990.

Purpose: Personal use regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-190.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The ocean fishery is expected to remain open well into September in contrast to past years. Opening the area west of channel marker 13 will provide some additional angling opportunity and will provide for consistent regulations at the mouth of Grays Harbor for both boat anglers and jetty anglers during the ocean fishery.

Effective Date of Rule: Immediately.

August 15, 1990
Judith Merchant
Deputy Director
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000V SALTWATER SEASONS AND BAG LIMITS. *Notwithstanding the provisions of WAC 220-56-190, effective immediately it is unlawful to fish for or possess salmon taken by angling for personal use in those waters of Grays Harbor west of a true north-south line through Grays Harbor Channel Marker 13, except these waters are open to salmon angling coincidentally with the season, bag limit, size and gear restrictions in adjacent waters of the Pacific Ocean.*

WSR 90-17-068

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed August 16, 1990, 8:53 a.m.]

Date of Adoption: August 16, 1990.

Purpose: To explain the use tax on brokered natural gas and its administration.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to notice filed as WSR 90-14-095 on July 5, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 16, 1990

Edward L. Faker
Assistant Director

NEW SECTION

WAC 458-20-17902 BROKERED NATURAL GAS - USE TAX. (1) DEFINITIONS.

(a) "Brokered natural gas" as used in this section is natural gas purchased by a consumer from a source out of the state and delivered to the consumer in this state.

(b) "Value of gas consumed or used" as used in this section shall be the purchasing price of the gas to the consumer and generally shall include all or part of the transportation charges as explained later.

(2) **APPLICABILITY OF USE TAX.** The distribution and sale of natural gas in this state is generally taxed under the state and city public utility taxes. With changing conditions and federal regulations, it is now possible to have natural gas brokered from out of the state and sold directly to the consumer. If this occurs and the public utility taxes have not been paid, RCW 82.12.022 (state) and RCW 82.14.230 (city) impose a use tax on the brokered natural gas at the same rate as the state and city public utility taxes.

(3) **STATE TAX.** When the use tax applies, the rate of tax imposed is equal to the public utility tax on gas distribution business under RCW 82.16.020 (1)(c). The rate of tax applies to the value of the gas consumed or used and is imposed upon the consumer.

(4) **CITY TAX.** Cities are given the authority to impose a use tax on brokered natural gas. When imposed and applicable, the rate of tax is equal to the tax on natural gas business under RCW 35.21.870 on the value of gas consumed or used and is imposed on the consumer.

(5) **TRANSPORTATION CHARGES.**

(a) If all or part of the transportation charges for the delivery of the brokered natural gas are separately subject to the state's and cities' public utility taxes (RCW 82.16.020 (1)(c) and RCW 35.21.870), those transportation charges are excluded from measure of the use tax. The transportation charges not subject to the public utility taxes are included in the value of the gas consumed or used.

(b) **EXAMPLES.**

(i) Public university purchases natural gas from an out of the state source through a broker. The natural gas is delivered by interstate pipeline to the local gas distribution system who delivers it to the university. The university pays the supplier for the gas, the pipeline for the interstate transportation charge, and the gas distribution system for its local transportation charge. The transportation charge by the pipeline is not subject to public utility tax because it is an interstate transportation charge. The transportation charge paid to the local gas distribution system is subject to the public utility taxes as an intrastate delivery. The value of the gas consumed or used is the purchase price paid to the supplier plus the transportation charge paid to pipeline company.

(ii) The above factual situation applies except that the natural gas is delivered directly by the interstate pipeline to the university. The university pays the supplier for the gas and the pipeline for the transportation charge. As the transportation charge is not subject to the public utility tax, it will be included in the measure of the tax. The value of the gas consumed or used is the purchase price plus the transportation charge paid to the pipeline.

(6) CREDITS AGAINST THE TAXES.

(a) A credit is allowed against the use taxes described in this section for any use tax paid by the consumer to another state which is similar to this use tax and is applicable to the gas subject to this tax. Any other state's use tax allowed as a credit shall be prorated to the state's and cities' portion of the tax based on the relative rates of the two taxes.

(b) A credit is also allowed against the use tax imposed by the state for any gross receipts tax similar that imposed pursuant to RCW 82.16.020 (1)(c) by another state on the seller of the gas with respect to the gas consumed or used.

(c) A credit is allowed against the use tax imposed by the cities for any gross receipts tax similar to that imposed pursuant to RCW 35.21.870 by another state or political subdivision of the state on the seller of the gas with respect to the gas consumed or used.

(7) REPORTING REQUIREMENTS. The person who delivers the gas to the consumer shall make a report to the Miscellaneous Tax Division of the department by the fifteenth day of the month following a calendar quarter. The report shall contain the following information:

(a) The name and address of the consumer to whom gas was delivered,

(b) the volume of gas delivered to each consumer during the calendar quarter, and,

(c) service address of consumer if different from mailing address.

(8) COLLECTION AND ADMINISTRATION. A separate quarterly return for use tax on brokered natural gas shall be filed with the department by the consumer on or before the last day of the month following a calendar quarter accompanied by the remittance of the tax. The collection and administration for the cities of the use tax described in this section shall be done by the department under RCW 82.14.050.

WSR 90-17-069

**PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE**

[Filed August 16, 1990, 8:54 a.m.]

Subject of Possible Rule Making: WAC 458-20-132 Automobile dealers/demonstrator and executive vehicles.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: Les Jaster, Rules Coordinator, Department of Revenue, Interpretation and Appeals, Olympia, Washington 98504, Mailstop AX-02. Public meeting

scheduled at: Department of Revenue, 2nd Floor Conference Room, 400 Mercer, Seattle, WA, on October 9, 1990, at 2:00 p.m. (Written comments will be accepted to this date.)

Other Information or Comments by Agency at this Time, if any: WAC 458-20-132 (Rule 132) will be revised to clarify use tax liability and provide examples and methods of establishing the proper taxable value for the following situations: Use of loaner service cars; cars loaned to civic or other organizations; cars provided to employees or representatives of auto manufacturers/distributors; and executive car use by new and used car dealers.

August 16, 1990
Les Jaster
Rules Coordinator

WSR 90-17-070

**PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE**

[Filed August 16, 1990, 8:55 a.m.]

Subject of Possible Rule Making: WAC 458-20-109 Finance charges, carrying charges, interest, penalties.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: Les Jaster, Rules Coordinator, Department of Revenue, Interpretation and Appeals, Olympia, WA 98504, Mailstop AX-02. Public meeting scheduled at: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on September 18, 1990, at 9:00 a.m. (Written comments will be accepted at this date.)

Other Information or Comments by Agency at this Time, if any: WAC 458-20-109 (Rule 109) will be amended to clarify how interest and penalty charges are taxable by person in the utility business. The rule will also clarify how interest is taxable when received by persons engaged in leasing activities. The taxability of interest income from the sale of real estate by persons who regularly sell real estate will be added to the rule. Other changes will be made to simplify and clarify tax reporting.

August 16, 1990
Les Jaster
Rules Coordinator

WSR 90-17-071

**PROPOSED RULES
STATE BOARD OF EDUCATION**

[Filed August 16, 1990, 10:50 a.m.]

Original Notice.

Title of Rule: Chapter 180-79 WAC, Professional certification—Preparation requirements.

Purpose: To establish a revised experience requirement for all professional personnel.

Statutory Authority for Adoption: RCW 28A.70.005.

Statute Being Implemented: RCW 28A.70.005.

Summary: The rule requires 180 days of experience or its full-time equivalent and allows substitute experience to count if 30 days are served in one district.

Reasons Supporting Proposal: The legislated masters degree requirement, in conjunction with the existing experience requirement, would impose a hardship on many teachers with initial certificates.

Name of Agency Personnel Responsible for Drafting: Richard Wilson, Old Capitol Building, 753-2298; **Implementation:** Ted Andrews, Old Capitol Building, 753-3222; and **Enforcement:** Doyle Winter, Old Capitol Building, 753-1880.

Name of Proponent: State Board of Education, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Rule requires 180 days of experience or its full-time equivalent and allows substitute experience to count if 30 days are served in one district for continuing certification of teachers and educational staff associates and for initial endorsement for principals. These revisions are intended to assist persons with initial certificates obtain continuing certification prior to August 31, 1992, when the masters degree requirement shall become effective.

Proposal Changes the Following Existing Rules: Changes experience requirement for professional personnel.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Rotunda, Student Union Building, University of Puget Sound, 1500 North Warner, Tacoma, WA 98416, on September 27, 1990, at 9:00 a.m.

Submit Written Comments to: Dr. Monica Schmidt, State Board of Education, Old Capitol Building, FG-11, Olympia, Washington 98504, by September 25, 1990.

Date of Intended Adoption: September 28, 1990.

August 13, 1990
Dr. Monica Schmidt
Secretary
Executive Director

AMENDATORY SECTION (Amending Order 16-88, filed 10/7/88)

WAC 180-79-115 ACADEMIC REQUIREMENTS FOR CERTIFICATION—TEACHERS. Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC 180-75-080 and 180-75-085.

(1) Initial.

(a) Candidates for the initial certificate who apply for such certificate on or before August 31, 1992, shall hold a baccalaureate degree from a regionally accredited college or university and shall have completed the degree major in an academic field or in the teaching specialization of early childhood, elementary, reading, or special education.

(b) Candidates for the initial certificate who apply for such certificate after August 31, 1992, shall hold an approved baccalaureate degree from a regionally accredited college or university: **PROVIDED**, That if the approved baccalaureate degree is in early childhood education, elementary education, or special education, the candidate also must have at least thirty quarter hours (twenty semester hours) in one of the academic fields listed in WAC 180-79-080 (3)(a) through (c) and (4).

(2) Continuing.

(a) Candidates who apply for a continuing certificate on or before August 31, 1992, shall have completed at least forty-five quarter hours

(thirty semester hours) of upper division and/or graduate work subsequent to the baccalaureate degree (~~(of which twenty-one quarter hours (fourteen semester hours) must be taken after the first year of teaching unless such candidate holds a master's or higher degree. PROVIDED: That at least fifteen quarter hours (ten semester hours) must be completed at a single college or university that has a state approved teacher preparation program)~~): **PROVIDED** (**FURTHER**), That if the individual is pursuing study in a new subject matter area or specialization, lower division courses in that subject area or specialization shall be accepted toward continuing certification upon completion of the requirements for an endorsement in that subject area or specialization.

(b) Candidates who apply for a continuing certificate after August 31, 1992, shall have completed an approved masters degree.

(c) (~~Effective August 31, 1988;~~) Candidates (~~who apply after such date~~) shall have been granted or have completed the requirements for at least two subject area endorsements.

AMENDATORY SECTION (Amending Order 27-88, filed 12/14/88)

WAC 180-79-117 EXPERIENCE REQUIREMENT FOR CONTINUING CERTIFICATION—TEACHERS. In addition to the academic requirements specified in WAC 180-79-115, candidates for continuing teachers' certificates shall provide, as a condition for the issuance of a continuing certificate, documentation of (~~two years of continuous half-time~~) one hundred eighty days or full time equivalent or more teaching experience with ((the same)) an authorized employer—i.e., school district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

AMENDATORY SECTION (Amending Order 27-88, filed 12/14/88)

WAC 180-79-122 EXPERIENCE REQUIREMENT FOR INITIAL ENDORSEMENT—PRINCIPALS. In addition to the academic requirements specified in WAC 180-79-120(2), candidates for initial administrator's certificate with a principal's endorsement, as a condition for the issuance of such endorsement, documentation of (~~two years of continuous half-time~~) one hundred eighty days or full time equivalent or more teaching experience with ((the same)) an authorized employer—i.e., school district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

AMENDATORY SECTION (Amending Order 27-88, filed 12/14/88)

WAC 180-79-127 EXPERIENCE REQUIREMENT FOR CONTINUING CERTIFICATION—ESAS. In addition to the academic requirements specified in WAC 180-79-179, candidates for continuing educational staff associate certificates shall provide, as a condition for issuance of a continuing certificate, documentation of (~~two years of continuous half-time~~) one hundred eighty days or full time equivalent or more employment in the respective role with ((the same)) an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-79-116 TRANSITION TO NEW EXPERIENCE REQUIREMENT.

WSR 90-17-072

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed August 16, 1990, 2:45 p.m.]

Original Notice.

Title of Rule: Adjudicative proceedings, see below.

Purpose: To conform the department's rules on adjudicative proceedings to the new Administrative Procedure Act, chapter 34.05 RCW.

Statutory Authority for Adoption: RCW 34.05.220 (1)(a).

Statute Being Implemented: Chapter 34.05 RCW.

Summary: This proposal conforms the department's adjudicative proceedings to the new Administrative Procedure Act.

Reasons Supporting Proposal: To comply with statutory law and to achieve greater procedural uniformity in adjudicative proceedings the department administers.

Name of Agency Personnel Responsible for Drafting: Jeffrey O. C. Lane, Sr., Assistant Attorney General and Amanda L. Tomlinson, Assistant Attorney General, 5th Floor, Highways-Licenses, (206) 753-2702; Implementation and Enforcement: John Swannack, Deputy Director, 4th Floor, Highways-Licenses Building, Olympia, Washington 98504, (206) 753-6975.

Name of Proponent: Department of Licensing, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These rule changes will conform the department's procedural rules with the requirements of the Administrative Procedure Act, and will accurately reflect the current jurisdiction of the agency.

Proposal Changes the Following Existing Rules: The amendatory sections contain changes that are for the purposes of conforming to the language and concepts contained in the Administrative Procedure Act and accurately reflecting the current procedures and jurisdiction of the agency.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Licensing, 421 Black Lake Boulevard, Building 1, Conference Room, Olympia, WA 98502, on October 3, 1990, at 9:30 a.m.

Submit Written Comments to: Ken Mark, 421 Black Lake Boulevard, Olympia, WA 98504, by October 1, 1990.

Date of Intended Adoption: October 10, 1990.

August 6, 1990

Mary Faulk

Director

AMENDATORY SECTION (Amending Order 504-DOL, filed 7/20/78)

~~WAC 308-08-005 ((PORTIONS OF UNIFORM PROCEDURAL RULES APPLICABLE TO VARIOUS SUBAGENCIES)) APPLICATION OF THIS CHAPTER. ((With the purpose of uniformity in mind, the director, under authority granted by statute and pursuant to chapter 34.04 RCW et seq., does hereby adopt the rules of practice and procedure in the subsequent sections:~~

~~(1) Rules WAC 308-08-010 through 308-08-590 apply to administrative procedure in reference to:~~

~~RCW chapter~~

- ~~18.32—Dentists~~
- ~~18.78—Practical nurses~~
- ~~18.85—Real estate brokers and salesmen~~
- ~~18.92—Veterinarians~~
- ~~21.20—Securities Act of the state of Washington~~
- ~~46.70—Dealers' licenses (motor vehicles)~~

~~82.36—Liquid fuel tax~~

~~82.38—Special fuel tax~~

~~(2) Rules WAC 308-08-540 through 308-08-590 do not apply to the following agencies:~~

- ~~18.08—Architects~~
- ~~18.36—Drugless healing~~
- ~~18.57—Osteopathy~~
- ~~18.33—Psychologists~~
- ~~46.82—Commercial driver training schools~~

~~(3) Rules WAC 308-08-150 through 308-08-220 do not apply to the following agencies:~~

- ~~18.15—Barbers~~
- ~~18.18—Beauty culture~~
- ~~18.22—Chiropractors~~
- ~~18.39—Embalmers~~
- ~~18.74—Physical therapy~~
- ~~46.80—Motor vehicle wreckers~~
- ~~81.72—Passenger for hire licenses~~

~~(4) Rules WAC 308-08-150 through 308-08-220 and WAC 308-08-540 through 308-08-590 do not apply to the following agencies:~~

- ~~18.25—Chiropractors~~
- ~~18.29—Dental hygienists~~
- ~~18.34—Dispensing opticians~~
- ~~18.50—Midwifery~~
- ~~18.53—Optometry~~
- ~~18.90—Sanitarians~~
- ~~43.74—Basic science committee~~

~~(5) Only rules WAC 308-08-540 through 308-08-590 apply to the following license procedures under the motor vehicle laws:~~

- ~~46.12—Certificates of ownership~~
- ~~46.16—Vehicle licenses~~
- ~~[and] 46.29—Financial and safety responsibility~~
- ~~46.76—Motor vehicle transporters~~
- ~~46.84—Reciprocity~~

~~The exclusion of certain rules or the applicability of certain rules under this section is based upon the statutory authority given to the director of licensing by the legislature of the state of Washington. The word agency as used in these sections is interchangeable used with the word department, commission, or board.)) This chapter applies to all adjudicative proceedings under the jurisdiction of the department of licensing or the director of the department of licensing, provided that the rules shall not apply to adjudicative proceedings held pursuant to chapters 46.20, 46.25 and 46.65 RCW, except for hearings held pursuant to RCW 46.20.329 as provided in WAC 308-08-600 through 308-08-660.~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-08-080 NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES.

NEW SECTION

WAC 308-08-006 MODEL RULES OF PROCEDURE. Except as they may be inconsistent with the rules in this chapter, the department adopts the model rules of procedure as set forth in chapter 10-08 WAC.

NEW SECTION

WAC 308-08-085 REQUESTS FOR ADJUDICATIVE PROCEEDINGS. (1) All applications that the Department of Licensing conduct an adjudicative proceeding, including but not limited to requests for a hearing in a proceeding initiated by the department, shall be made on the applicable form for such requests provided by the department or on a form which is substantially similar.

(2) Applications to the department for an adjudicative proceeding shall be made within the following time limitations:

(a) Within twenty (20) calendar days of receipt by the applicant of a written notice of an opportunity to request a hearing upon agency action, or contemplated agency action; or

(b) Within twenty (20) calendar days from notice to the applicant from any source of administrative action by the department which the applicant believes has or will adversely affect the applicant.

(3) Failure of an applicant to file an application for an adjudicative proceeding within the time limits set forth in subsections (2)(a) or (2)(b) above, constitutes a default and results in the loss of the applicant's right to an adjudicative proceeding, and the department may proceed to resolve the case pursuant to RCW 34.05.440(1).

(4) The department shall not grant any request for an adjudicative proceeding to an applicant who does, or will, not have standing to request judicial review of the agency actions, or contemplated agency actions pursuant to RCW 34.05.530.

(5) The department shall process applications for adjudicative proceedings as provided in RCW 34.05.416 and RCW 34.05.419.

NEW SECTION

WAC 308-08-415 STAY OF FINAL ORDERS. The director will not consider petitions to stay the effectiveness of final orders. Any such request should be made in connection with a petition for judicial review under chapter 34.05 RCW.

NEW SECTION

WAC 308-08-416 PETITION FOR RECONSIDERATION OF FINAL ORDERS. Pursuant to RCW 34.05.470, a petition for reconsideration of a final order must be filed in the Office of the Director, Department of Licensing, Highways-Licenses Building, Olympia, Washington, within ten days of service of the final order.

NEW SECTION

WAC 308-08-505 ADJUDICATIVE PROCEEDINGS—PLEADINGS, BRIEFS, AND MOTIONS. Pursuant to RCW 34.05.437, pleadings, briefs, and motions must be made in writing, and must be served on all other parties. This rule does not apply to matters that properly arise during a hearing.

AMENDATORY SECTION (Amending Order MV-141, filed 7/27/72)

WAC 308-08-610 FORMAL HEARINGS—DISCRETIONARY SUSPENSIONS. All formal hearings held pursuant to RCW 46.20.329 shall be conducted by a ~~((driver improvement analyst, a))~~ department hearing officer, ~~((or the administrator of the driver improvement division, each of whom is))~~ who is appointed a referee for such purposes. In addition to the referees appointed by this section the director may from time to time appoint additional referees or may revoke the authority of any referee appointed by this section, but a record of such appointment or revocation of appointment shall be kept in the order registry in the director's office and may be examined at any time by any interested person.

AMENDATORY SECTION (Amending Order MV-141 filed 7/27/72)

WAC 308-08-640 REVIEW PROCEDURES. In all cases not heard by a person authorized to make final decisions on behalf of the department, the file, summary of the findings, and recommendation shall be forwarded to the administrator of the ~~((driver improvement division))~~ hearings and interviews section or, in his absence, the assistant director for driver services ~~((or the manager of the financial responsibility division))~~, for review. If there was a substantial issue of fact resolved at the hearing this shall be noted in the summary and the tape transcription of the proceeding shall be forwarded for review. The administrator of the ~~((driver improvement division))~~ hearings and interviews section, or in his absence, ~~((any of the other persons authorized herein to review))~~ the assistant director for driver services, shall review the file, summary of findings, recommendation, and if necessary, the tape transcription of the evidence. The reviewer may either accept the recommendation by marking the word "approved" on the findings and recommendations together with his signature, or he may reject the recommendation in which case he shall append the action he deems appropriate to the summary and recommendation. In all cases the action of the reviewer shall be final.

AMENDATORY SECTION (Amending Order MV-141, filed 7/27/72)

WAC 308-08-650 RECONSIDERATION BY DIRECTOR. In all cases not heard directly by the director of the department of ~~((motor vehicles))~~ licensing and determined by a person having authority to make final decisions following a formal hearing pursuant to WAC 308-08-660 the aggrieved person may pursue his remedies pursuant to RCW 46.20.334, or, he may prior to the effective date of the department action petition the director for reconsideration of the action taken by the department. The director, upon review of the records, evidence, and of the findings after a formal hearing, shall promptly render his decision sustaining, modifying or reversing the departmental order.

AMENDATORY SECTION (Amending Order MV-141, filed 7/27/72)

WAC 308-08-660 PERSONS AUTHORIZED TO MAKE FINAL DECISIONS FOLLOWING FORMAL HEARING. The administrator of the ~~((driver improvement division))~~ hearings and interviews section, the assistant director for driver services, ~~((and the manager of the financial responsibility division))~~ and such other persons as the director may from time to time appoint by administrative order filed in the registry maintained in his office shall have authority to render final decisions on behalf of the department on all matters heard by formal hearing pursuant to RCW 46.20.329.

AMENDATORY SECTION (Amending Regulation .08.210, effective 3/23/60)

WAC 308-08-210 SUBPOENAS—ENFORCEMENT. Upon application and for good cause shown, the department ~~((commission or board))~~ will seek judicial enforcement of subpoenas issued to parties and which have not been quashed.

AMENDATORY SECTION (Amending Regulation .08.230, effective 3/23/60)

WAC 308-08-230 DEPOSITIONS AND INTERROGATORIES IN ~~((CONTESTED CASES))~~ ADJUDICATIVE PROCEEDINGS—RIGHT TO TAKE. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave of the presiding officer must be obtained if notice of the taking is served by a proponent within twenty days ~~((after the filing of a complaint, application, or petition))~~ of the date of hearing. The attendance of witnesses may be compelled by the use of a subpoena. ~~((Depositions shall be taken only in accordance with this rule and the rule on subpoenas.))~~

AMENDATORY SECTION (Amending Regulation .08.240, effective 3/23/60)

WAC 308-08-240 DEPOSITIONS AND INTERROGATORIES IN ~~((CONTESTED CASES))~~ ADJUDICATIVE PROCEEDINGS—SCOPE. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

AMENDATORY SECTION (Amending Regulation .08.260, effective 3/23/60)

WAC 308-08-260 DEPOSITIONS AND INTERROGATORIES IN ~~((CONTESTED CASES))~~ ADJUDICATIVE PROCEEDINGS—AUTHORIZATION. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than ~~((three))~~ five days in writing to the agency and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the ~~((hearing))~~ presiding officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

AMENDATORY SECTION (Amending Regulation .08.270, effective 3/23/60)

WAC 308-08-270 DEPOSITIONS (~~AND INTERROGATORIES~~) IN (~~CONTESTED CASES~~) ADJUDICATIVE PROCEEDINGS—PROTECTION OF PARTIES AND DEONENTS. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the department (~~commission or board~~) or its designated (~~hearing~~) presiding officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the department (~~commission or board~~) or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents, or information enclosed in sealed envelopes to be opened as directed by the affected agency or the agency may make any other order which justice requires to protect the party or witness from annoyance, embarrassment or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the (~~agency~~) department, or its designated (~~hearing~~) presiding officer may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the (~~agency~~) department. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

AMENDATORY SECTION (Amending Regulation .08.280, effective 3/23/60)

WAC 308-08-280 DEPOSITIONS AND INTERROGATORIES IN (~~CONTESTED CASES~~) ADJUDICATIVE PROCEEDINGS—ORAL EXAMINATION AND CROSS-EXAMINATION. Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, (~~any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, parties may serve written interrogatories in a sealed envelope on the party taking the deposition and he shall transmit them to the officer, who shall propound them (seriatim) to the (deponent) witness and record (or cause) the answers (to be recorded) verbatim.~~)

AMENDATORY SECTION (Amending Regulation .08.290, effective 3/23/60)

WAC 308-08-290 DEPOSITIONS AND INTERROGATORIES IN (~~CONTESTED CASES~~) ADJUDICATIVE PROCEEDINGS—RECORDATION. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony (~~by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory~~) of the witness. The testimony shall be taken stenographically or recorded by other means as stipulated to by the parties, if requested by one of the parties, the testimony shall be transcribed. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

AMENDATORY SECTION (Amending Regulation .08.300, effective 3/23/60)

WAC 308-08-300 DEPOSITIONS AND INTERROGATORIES IN (~~CONTESTED CASES~~) ADJUDICATIVE PROCEEDINGS—SIGNING ATTESTATION AND RETURN. (1) When the

testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress, the department (~~commission or board~~) holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. (~~He~~) The officer shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly (~~send~~) serve it (~~by registered or certified mail to the agency, or its designated hearing officer, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties~~) on the person who ordered the transcript. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

AMENDATORY SECTION (Amending Regulation .08.310, effective 3/23/60)

WAC 308-08-310 DEPOSITIONS AND INTERROGATORIES IN (~~CONTESTED CASES~~) ADJUDICATIVE PROCEEDINGS—USE AND EFFECT. Subject to rulings by the (~~hearing~~) presiding officer upon objections a deposition taken (~~and filed~~) as provided in this rule will not become a part of the record in the proceeding until received in evidence by the (~~hearing~~) presiding officer upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the (~~hearing~~) presiding officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party.

AMENDATORY SECTION (Amending Regulation .08.320, effective 3/23/60)

WAC 308-08-320 DEPOSITIONS AND INTERROGATORIES IN (~~CONTESTED CASES~~) ADJUDICATIVE PROCEEDINGS—FEES OF OFFICERS AND DEONENTS. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose (~~instance~~) request the depositions are taken.

AMENDATORY SECTION (Amending Regulation .08.330, effective 3/23/60)

WAC 308-08-330 DEPOSITIONS UPON INTERROGATORIES—SUBMISSION OF INTERROGATORIES. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory (~~and file~~) and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within 10 days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories.

AMENDATORY SECTION (Amending Regulation .08.340, effective 3/23/60)

WAC 308-08-340 DEPOSITIONS UPON INTERROGATORIES—INTERROGATION. Where the interrogatories are forwarded to an officer authorized to administer oaths (~~as provided in WAC 308-08-250~~) the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer

and the court reporter or stenographer recording and transcribing it shall be present during the interrogation.

AMENDATORY SECTION (Amending Regulation .08.350, effective 3/23/60)

WAC 308-08-350 DEPOSITIONS UPON INTERROGATORIES—ATTESTATION AND RETURN. The officer before whom interrogatories are verified or answered shall (1) certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the ~~((agency involved))~~ department, or its designated ~~((hearing))~~ presiding officer, one copy to the counsel who submitted the interrogatories and another copy to the deponent.

AMENDATORY SECTION (Amending Regulation .08.370, effective 3/23/60)

WAC 308-08-370 OFFICIAL NOTICE—MATTERS OF LAW. The ~~((hearing))~~ presiding officer, upon request made before or during a hearing, will officially notice:

(1) Federal law. The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register;

(2) State law. The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) Governmental organization. Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations;

(4) Agency organization. The department, ~~((commission or board organization;))~~ administration, officers, personnel, official publications, and practitioners before its bar.

AMENDATORY SECTION (Amending Regulation .08.380, effective 3/23/60)

WAC 308-08-380 OFFICIAL NOTICE—MATERIAL FACTS. In the absence of controverting evidence, the ~~((agency involved))~~ department and its ~~((hearing))~~ presiding officers, upon request made before or during a hearing, may officially notice:

(1) ~~((Agency))~~ Department proceedings. The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the ~~((agency))~~ department.

(2) Business customs. General customs and practices followed in the transaction of business;

(3) Notorious facts. Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) Technical knowledge. Matters within the technical knowledge of the agency involved as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) Request or suggestion. Any party may request, or the ~~((hearing))~~ presiding officer or the department ~~((commission or board))~~ may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) Statement. Where an initial or final decision of the ~~((agency involved))~~ department rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such

decision. In determining whether to take official notice of material facts, the ~~((hearing))~~ presiding officer ~~((of the agency))~~ may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence:

(7) Controversy. Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversy shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or non-existence of the material fact assumed or denied in the decision:

(8) Evaluation of evidence. Nothing herein shall be construed to preclude the ~~((agency involved))~~ department or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

AMENDATORY SECTION (Amending Regulation .08.390, effective 3/23/60)

WAC 308-08-390 PRESUMPTIONS. Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the ~~((agency involved))~~ department, with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

(1) Continuity. That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) Identity. That persons and objects of the same name and description are identical;

(3) Delivery. Except in a proceeding where the liability of the carrier for nondelivery is involved, that mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) Ordinary course. That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly coexists with the fact presumed;

(5) Acceptance of benefit. That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his own self-interest so to do;

(6) Interference with remedy. That evidence, with respect to a material fact which in bad faith is destroyed, cloigned, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact.

AMENDATORY SECTION (Amending Regulation .08.400, effective 3/23/60)

WAC 308-08-400 STIPULATIONS AND ADMISSIONS OF RECORD. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) Upon whom binding. Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a pre-hearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them:

(2) Withdrawal. Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the ~~((hearing))~~ presiding officer of the ~~((agency involved))~~ department that such stipulation or admission was made inadvertently or under a

bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

AMENDATORY SECTION (Amending Regulation .08.460, effective 3/23/60)

WAC 308-08-460 EXCERPTS FROM DOCUMENTARY EVIDENCE. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the ((hearing examiner)) presiding officer and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

REPEALER (Amending Regulation .08.460, effective 3/23/60)

The following sections of the Washington Administrative Code are repealed:

WAC 308-08-010 APPEARANCE AND PRACTICE BEFORE AGENCY—WHO MAY APPEAR.

WAC 308-08-040 APPEARANCE AND PRACTICE BEFORE AGENCY—STANDARDS OF ETHICAL CONDUCT.

WAC 308-08-070 COMPUTATION OF TIME.

WAC 308-08-090 SERVICE OF PROCESS—BY WHOM SERVED.

WAC 308-08-100 SERVICE OF PROCESS—UPON WHOM SERVED.

WAC 308-08-110 SERVICE OF PROCESS—SERVICE UPON PARTIES.

WAC 308-08-120 SERVICE OF PROCESS—METHOD OF SERVICE.

WAC 308-08-130 SERVICE OF PROCESS—WHEN SERVICE COMPLETE.

WAC 308-08-140 SERVICE OF PROCESS—FILING WITH AGENCY.

WAC 308-08-150 SUBPOENAS—WHERE PROVIDED BY LAW—FORM.

WAC 308-08-160 SUBPOENAS—ISSUANCE TO PARTIES.

WAC 308-08-170 SUBPOENAS—SERVICE.

WAC 308-08-190 SUBPOENAS—PROOF OF SERVICE.

WAC 308-08-200 SUBPOENAS—QUASHING.

WAC 308-08-220 SUBPOENAS—GEOGRAPHICAL SCOPE.

WAC 308-08-250 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—OFFICER BEFORE WHOM TAKEN.

WAC 308-08-360 DEPOSITIONS UPON INTERROGATORIES—PROVISIONS OF DEPOSITION RULE.

WAC 308-08-410 FORM AND CONTENT OF AGENCY DECISIONS IN CONTESTED CASES.

WAC 308-08-420 DEFINITION OF ISSUES BEFORE HEARING.

WAC 308-08-430 PREHEARING CONFERENCE RULE—AUTHORIZED.

WAC 308-08-440 PREHEARING CONFERENCE RULE—RECORD OF CONFERENCE ACTION.

WAC 308-08-450 SUBMISSION OF DOCUMENTARY EVIDENCE IN ADVANCE.

WAC 308-08-470 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—NUMBER AND QUALIFICATIONS OF WITNESSES.

WAC 308-08-480 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—WRITTEN SWORN STATEMENTS.

WAC 308-08-490 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—SUPPORTING DATA.

WAC 308-08-500 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—EFFECT OF NONCOMPLIANCE WITH WAC 308-08-470 OR 308-08-480.

WAC 308-08-510 CONTINUANCES.

WAC 308-08-520 RULES OF EVIDENCE—ADMISSIBILITY CRITERIA.

WAC 308-08-530 RULES OF EVIDENCE—TENTATIVE ADMISSION—EXCLUSION—DISCONTINUANCE—OBJECTIONS.

WAC 308-08-540 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—WHO MAY PETITION.

WAC 308-08-550 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—REQUISITES.

WAC 308-08-560 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—AGENCY MUST CONSIDER.

WAC 308-08-570 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—NOTICE OF DISPOSITION.

WAC 308-08-580 DECLARATORY RULINGS.

WAC 308-08-590 FORMS.

WSR 90-17-073

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed August 16, 1990, 2:47 p.m.]

Date of Adoption: July 31, 1990.

Purpose: To regulate the telephone solicitation of prearrangement contracts by cemetery authorities for the protection of the public.

Statutory Authority for Adoption: RCW 68.05.105 (1) and (2).

Pursuant to notice filed as WSR 90-13-105 on June 21, 1990.

Changes Other than Editing from Proposed to Adopted Version: The references to various statutes were deleted as they were not intended to be part of the rule. Subsection (8) was deleted as it only referred to policy matters regarding the implementation of the rule.

Effective Date of Rule: Thirty-one days after filing.

July 31, 1990

B. David Daly
Chairman

NEW SECTION

WAC 98-14-200 TELEPHONE SOLICITATION. (1) The use of telephones for solicitation of prearrangements is prevalent. This form of communication offers unique benefits, but entails special risk and poses potential for abuse. The board finds that any impropriety in telephone solicitation is a matter vitally affecting the public interest. For the general welfare of the public and in order to protect the integrity of the cemetery industry, the use of telephones in solicitation of prearrangements must be defined by the board.

(2) Definitions:

(a) "Telephone solicitor" means any person who engages in telephone solicitation on behalf of a holder of a certificate of authority to operate.

(b) "Telephone solicitation" means an unsolicited telephone call to a person and conversation for the purpose of inducing the person to make cemetery prearrangements made without previous invitation, expressed or implied, by the person called.

(3) Time limits:

(a) No licensee may knowingly cause a telephone solicitation to be made to any person more often than once in every six months.

(b) A telephone solicitor shall not place calls which will be received before 8:00 a.m. or after 9:00 p.m.

(4) Unfair/deceptive practices. A telephone solicitor may not engage in any conduct the natural consequence of which is to harass, intimidate, or torment any person in connection with the telephone call.

(5) Identification. Within the first thirty seconds of the telephone call, a telephone solicitor or salesperson shall:

(a) Identify himself or herself, the company on whose behalf the solicitation is being made, the property, goods, or services being represented; and

(b) Terminate the telephone call within ten seconds if the purchaser indicates he or she does not wish to continue the conversation.

(6) Termination of contact. If at any time during the telephone contact, the purchaser states or indicates that he or she does not wish to be called again by the telephone solicitor or wants to have his or her name and individual telephone number removed from the telephone lists used by the telephone solicitor, the telephone solicitor shall not make any additional telephone solicitation of the called party at that telephone number within a period of at least one year.

(7) Enforcement. In the event that the board discerns a pattern of violation of these standards the board may act against the licensee's prearrangement license as provided by Title 68 RCW.

WSR 90-17-074
PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD
 [Filed August 16, 1990, 3:50 p.m.]

Continuance of WSR 90-13-001.

Title of Rule: Chapter 136-40 WAC, Regarding accommodation of utilities on county road right of way.

Purpose: Deletes entire existing chapter and replaces with entire new text.

Other Identifying Information: This is a deletion and replacement of an existing rule.

Statutory Authority for Adoption: RCW 36.78.070.

Summary: The current rule to be deleted provides an optional, detailed utility accommodation policy which has become outdated and is administratively incorrect. The new text provides for a required policy for each county and sets forth the minimum requirements for such a policy.

Reasons Supporting Proposal: Rather than provide a single, detailed policy for all counties, the new text provides general guidance for the contents of any county's policy.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Vern Wagar, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The replacement rule provides for each county to

formally adopt written policy concerning accommodation of utilities on county road right of way. Those counties with such a policy will need to review them (and change if necessary) for compliance with this new rule. Some counties will need to create a policy. The replacement rule also requires CRAB to provide a 'model' policy to any requesting county. The effect is to ensure that all counties have a written policy with minimum requirements.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Ocean Shores Inn, Ocean Shores, Washington, on October 5, 1990, at 9:00 a.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504-3913, by October 2, 1990.

Date of Intended Adoption: October 5, 1990.

August 16, 1990
 Vern E. Wagar
 Executive Director

WSR 90-17-075
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD
 [Order 78—Filed August 16, 1990, 3:51 p.m.]

Date of Adoption: July 26, 1990.

Purpose: Editing of typographical errors.

Citation of Existing Rules Affected by this Order: Amending chapter 136-20 WAC.

Statutory Authority for Adoption: RCW 36.78.070.

Pursuant to notice filed as WSR 90-13-003 on June 7, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 13, 1990
 Vern E. Wagar
 Executive Director

AMENDATORY SECTION (Amending Order 36, filed 1/3/79)

WAC 136-20-010 PURPOSE. ((~~Bridges~~)) ~~Bridges~~ of many kinds are an integral part of every county road system. The safety ((~~and~~)) and adequacy of these bridges is of vital importance to the traveling public. A program of regular periodic inspection and reporting is necessary to fully inform each county legislative authority regarding the condition and adequacy of all bridges.

AMENDATORY SECTION (Amending Order 36, filed 1/3/79)

WAC 136-20-020 INVENTORY. Each county road engineer shall have available in his office a complete inventory of all bridges on the county road system. The inventory shall list the location of each bridge by the state road log number and appropriate milepoint, and shall include such other information as the engineer

deems necessary. In addition, all data required for the SWIBS bridge inventory shall be submitted to the department of transportation state aid engineer on appropriate forms furnished by the department(~~(f-)~~);

AMENDATORY SECTION (Amending Order 36, filed 1/3/79)

WAC 136-20-030 INSPECTION. Each county road engineer shall be responsible for inspection of all bridges on the county road system in accordance with the bridge inspection procedure, described in the current edition of the AASHTO manual for maintenance inspection of bridges. The county road engineer shall note the date of inspection and any changes since the previous inspection on the SWIBS form and submit all forms to the state aid engineer at a predetermined time(~~(f-)~~);

AMENDATORY SECTION (Amending Order 36, filed 1/3/79)

WAC 136-20-040 CERTIFICATION. Submission by the county road engineer of a dated SWIBS form to the state aid engineer shall be construed as certification that inspection of that bridge has been completed in accordance with the AASHTO inspection procedures. Annually, prior to April 1, the state aid engineer will provide CRAB and the engineers of the affected counties a listing of all county bridges for which no SWIBS inspection certification has been received during the previous thirty months. Any county with a bridge or bridges on this listing shall be assumed to be not in compliance with bridge inspection procedures(~~(f-)~~);

AMENDATORY SECTION (Amending Order 36, filed 1/3/79)

WAC 136-20-060 ENGINEER'S REPORT. Each county road engineer shall furnish the county legislative authority with a written resume of the findings of the bridge inspection effort. This resume shall be made available to said authority no later than June 1 of each year and shall be consulted during the preparation of the proposed six year program revision. The resume shall include the engineer's recommendations as to replacement, repair or load restriction for each deficient bridge. The resolution of adoption of the six year program shall include assurances to the effect that the engineer's report with respect to deficient bridges was available to (~~(the)~~) said authority during the preparation of the program.

WSR 90-17-076

**PERMANENT RULES
COUNTY ROAD**

ADMINISTRATION BOARD

[Order 79—Filed August 16, 1990, 3:54 p.m.]

Date of Adoption: July 26, 1990.

Purpose: Revises procedures to fit current Washington State Patrol information needs and standards; references county road log as source of milepost information.

Citation of Existing Rules Affected by this Order:
Amending chapter 136-28 WAC.

Statutory Authority for Adoption: RCW 36.78.070.

Pursuant to notice filed as WSR 90-13-002 on June 7, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 13, 1990

Vern E. Wagar

Executive Director

AMENDATORY SECTION (Amending Order 5, filed 4/23/68)

WAC 136-28-010 PURPOSE. The National Highway Safety Act of 1966 requires that all states, in cooperation with their various local governments, collect, compile and make reports to the National Highway Safety Bureau of accident statistics in each state. In order to implement this requirement the county road administration board has acted to coordinate the activities of the county engineers(;) and the state patrol (~~(and the planning and traffic sections of the department of highways)~~). Each county engineer is now requested to cooperate in this effort by following the procedure outlined below.

AMENDATORY SECTION (Amending Order 5, filed 4/23/68)

WAC 136-28-020 PROCEDURE. The state patrol collects accident reports from all law enforcement agencies and receives accident reports from individual drivers. Periodically, the state patrol will send or deliver to the county engineer's office in each county reports concerning accidents occurring on county roads in that county.

The county engineer will analyze each report and (~~(mark in large red numbers across the upper left corner of the report the county number, the county road number according to the county's latest state road log, and the milepoint))~~ indicate within the appropriate spaces on the report the county number, the county road number, the milepoint and, if applicable, the road number of the intersecting county road at which the accident occurred. The county engineer shall also indicate in the appropriate space as to whether the location is rural or urban.

The coded reports will be returned (~~(as quickly as possible))~~ to the records section of the state patrol (~~(in accordance with a schedule to be determined between the engineer and the patrol at local level))~~ within two weeks of receipt.

Should the county engineer determine any accident report location is not on a road contained within the latest county road log, he shall return the accident report, uncoded, with a transmittal letter indicating the appropriate jurisdiction such as private road, state highway, city street, other state agency, federal agency, etc.

AMENDATORY SECTION (Amending Order 5, filed 4/23/68)

WAC 136-28-030 CODING DETAIL. (1) The county number shall be that particular number assigned to each county by the (~~(department of highways)~~) state

office of financial management for county identification purposes.

(2) The county road number shall be that particular five-digit number, including both leading and trailing zeros if applicable, assigned to each county road according to the county's latest ~~((state))~~ county road log. No local names or numbers or FAS numbers shall be used in coding.

(3) The milepoint shall be determined as accurately as practicable from a comparison of information on the accident report with the latest ~~((state))~~ county road log.

(4) Accidents ~~((related to))~~ at an intersection with a state highway ~~((should normally))~~ will be coded by the state ~~((, not by the county))~~ department of transportation.

(5) To ensure uniformity, accidents at the intersection of any two county roads shall be coded to ~~((that))~~ a road ~~((having the lowest county road number according to the county's latest state road log and to the appropriate milepoint on that road))~~ in the following priority order:

- (a) The road with the higher functional class;
- (b) The road that is the through route;
- (c) The road with the lowest road number.

(6) Accidents on roads and/or intersections with dual city-county or county-county responsibilities shall be coded in general accordance with the procedures outlined herein based on a mutual understanding between the several jurisdictions involved.

WSR 90-17-077
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF
 [Filed August 16, 1990, 4:26 p.m.]

Original Notice.

Title of Rule: WAC 148-171-700 Administration of medications.

Purpose: To adopt a rule on administration of student medication.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 72.40.022.

Summary: This rule is consistent with the practice of the Superintendent of Public Instruction governing the proper administration of medications to handicapped students.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, #110, Vancouver, 696-6471; Implementation and Enforcement: Gary L. Holman, Superintendent, Washington State School for the Deaf, 611 Grand Boulevard, Vancouver, 696-6525.

Name of Proponent: Washington State School for the Deaf, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule sets forth standards and procedures to be followed when school personnel are required to administer medications to students.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State School for the Deaf, Conference Room, 611 Grand Boulevard, Vancouver, WA, on September 27, 1990, at 10:00.

Submit Written Comments to: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, #110, Vancouver, WA 98660, by September 26, 1990.

Date of Intended Adoption: September 27, 1990.

August 10, 1990

Bonnie Y. Terada
 Assistant Attorney General

MISCELLANEOUS PROGRAM REQUIREMENTS

NEW SECTION

WAC 148-171-700 ADMINISTRATION OF MEDICATION.
 (1) Medication may be administered to a student by school personnel subject to the state professional licensing laws and the following conditions:

- (a) The medication shall be administered pursuant to a written order and written instruction from the student's physician; and
- (b) The medication shall be supplied by the student's parent(s) (or the adult student).

(2) The orders and instructions shall be current, obtained at least yearly, and reviewed and updated whenever there is a significant change in the student's school activity program.

WSR 90-17-078
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND
 [Filed August 16, 1990, 4:28 p.m.]

Original Notice.

Title of Rule: WAC 72-171-700 Administration of medications.

Purpose: To adopt a rule on administration of student medication.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 72.40.022.

Summary: This rule is consistent with the practice of the Superintendent of Public Instruction governing the proper administration of medications to handicapped students.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, #110, Vancouver, 696-6471; Implementation and Enforcement: Dean Stenehjem, Superintendent, Washington State School for the Blind, 2214 East 13th, Vancouver, 696-6322.

Name of Proponent: Washington State School for the Blind, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule sets forth standards and procedures to be followed when school personnel are required to administer medications to students.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State School for the Blind, 1st Floor Conference Room, 2214 East 13th, Vancouver, WA, on September 27, 1990, at 11:00 a.m.

Submit Written Comments to: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th Street, Suite 110, Vancouver, WA 98660-3007, by September 26, 1990.

Date of Intended Adoption: September 27, 1990.

August 10, 1990

Bonnie Y. Terada

Assistant Attorney General

MISCELLANEOUS PROGRAM REQUIREMENTS

NEW SECTION

WAC 72-171-700 ADMINISTRATION OF MEDICATION.

(1) Medication may be administered to a student by school personnel subject to the state professional licensing laws and the following conditions:

(a) The medication shall be administered pursuant to a written order and written instruction from the student's physician; and

(b) The medication shall be supplied by the student's parent(s) (or the eligible student).

(2) The orders and instructions shall be current, obtained at least yearly, and reviewed and updated whenever there is a significant change in the student's school activity program.

WSR 90-17-079

PROPOSED RULES

WASHINGTON STATE SCHOOL FOR THE BLIND

[Filed August 16, 1990, 4:31 p.m.]

Continuance of WSR 90-10-106.

Title of Rule: WAC 72-171-650 Surrogate parents.

Purpose: To implement chapter 72.40 RCW in a manner that is consistent with chapter 28A.13 RCW and is in compliance with the Education for All Handicapped Children Act, Public Law 94-142, 20 U.S.C. §§ 1401, 1412-1417.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 72.40.022, @) [20] U.S.C. §§ 1401, 1412-1417.

Summary: This rule sets forth the standards and procedures to ensure that the rights of the nonadult student are protected when no parent can be identified, located or the student is a dependent of the state.

Reasons Supporting Proposal: Required as a condition of receipt of federal funding.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th Street, #110, Vancouver, 696-6471; Implementation and Enforcement: Dr. Dean Stenehjem, Superintendent, 2214 East 13th, Vancouver, 696-6322.

Name of Proponent: Washington State School for the Blind, governmental.

Rule is necessary because of federal law, see original notice.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule sets forth standards and procedures to ensure that nonadult students' rights are protected when "parental" input or consent is required and either no

parent can be identified, located or the child is dependent. The school district of the student's residence and the school will work together to ensure that an appropriate surrogate parent is assigned.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State School for the Blind, Administration Building, 1st Floor Conference Room, 2214 East 13th Street, Vancouver, WA, on September 27, 1990, at 11:00.

Submit Written Comments to: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th Street, Suite 110, Vancouver, WA 98666, by September 26, 1990.

Date of Intended Adoption: September 27, 1990.

August 10, 1990

Bonnie Y. Terada

Assistant Attorney General

NEW SECTION

WAC 72-171-650 SURROGATE PARENTS. (1) The school shall ensure that the rights of the nonadult student are protected when:

(a) No parent (as defined in WAC 72-171-010(3)) can be identified;

(b) The school, after reasonable efforts, cannot discover the whereabouts of a parent; or

(c) The student is a ward of the state.

(2) Duty of school. The duty of the school under this section includes the assignment of a person to act as a surrogate for the parents. This duty includes the establishment of a method:

(a) For determining whether a nonadult student needs a surrogate parent; and

(b) For assigning a surrogate parent to the student.

(3) Criteria for selection of surrogates. The school shall ensure that a person selected as a surrogate:

(a) Has no interest that conflicts with the interests of the student he or she represents; and

(b) Has knowledge and skills that assure adequate representation of the student.

(4) Nonemployee requirement—Compensation:

(a) A person assigned as a surrogate may not be an employee of the school and/or other agency which is involved in the education or care of the student; and

(b) A person who otherwise qualifies as a surrogate parent pursuant to this section is not an "employee" of the school and/or other agency solely because he or she is paid by the school and/or agency to serve as a surrogate parent.

(5) Responsibilities. A surrogate parent may represent the student in all matters relating to:

(a) The identification, assessment, and educational placement of the student; and

(b) The provision of free special education and related services to the student.

WSR 90-17-080

PERMANENT RULES

DEPARTMENT OF FISHERIES

[Order 90-55—Filed August 16, 1990, 4:37 p.m.]

Date of Adoption: May 22, 1990.

Purpose: Amend catch record rules; establish halibut catch record card.

Citation of Existing Rules Affected by this Order: Amending WAC 220-69-237 and 220-69-238.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to notice filed as WSR 90-09-050 on April 13, 1990.

Changes Other than Editing from Proposed to Adopted Version: Addition of catcher vessel type to halibut catch record.

Effective Date of Rule: Thirty-one days after filing.

May 22, 1990

Judith Merchant

Deputy

for Joseph R. Blum

Director

AMENDATORY SECTION (Amending Order 90-05, filed 1/19/90, effective 2/19/90)

WAC 220-69-237 DESCRIPTION OF SPORT SALMON CATCH RECORD AND REQUIRED INFORMATION. (1) There is hereby created a sport salmon catch record form to be prepared, printed, and distributed on request, by the department of fisheries,

(2) The sport salmon catch record card shall contain space for the following information:

- (a) Name of angler.
- (b) Home address.
- (c) City, state, zip code.
- (d) ~~((Angler's birthdate, height, and weight: (e)))~~ Date of issue.
- ~~((Angler's signature: (f)))~~ (e) Angler's home phone.
- (f) Month of catch.
- ~~((g))~~ (g) Day of catch.
- ~~((h))~~ (h) Marine code or stream: Location of catch.
- ~~((i))~~ (i) Species: Catch type code.

The information in (a) through ~~((e))~~ (d) of this subsection must be completed prior to the catch record card being separated from the underlying copy of the catch record card. ~~((The angler's signature, (f) of this subsection, must be present prior to angling.))~~ The information in ~~((g))~~ (f) through ~~((j))~~ (i) of this subsection must be completed immediately upon catching a salmon to be retained.

AMENDATORY SECTION (Amending Order 90-05, filed 1/19/90, effective 2/19/90)

WAC 220-69-238 DESCRIPTION OF STURGEON CATCH RECORD AND REQUIRED INFORMATION. (1) There is hereby created a sturgeon catch record form to be prepared, printed, and distributed on request, by the department of fisheries.

(2) The sturgeon catch record card shall contain space for the following information:

- (a) Name of angler.
- (b) Home address.
- (c) City, state, zip code.
- (d) Date of issue.
- (e) Angler's ~~((signature))~~ home phone.
- (f) Month of catch.
- (g) Day of catch.
- (h) Marine code, river code, or stream: Location of catch.
- (i) Species: Catch type code.
- (j) Length of fish.

(3) The information in subsection (2)(a) through (d) of this section must be completed prior to separating the

catch record card from the underlying copy of the catch record card. ~~((The angler's signature, (e) of this subsection, must be present prior to angling.))~~ The information in subsection (2)(f) through (j) of this section must be completed immediately upon catching a sturgeon to be retained.

NEW SECTION

WAC 220-69-239 DESCRIPTION OF HALIBUT CATCH RECORD CARD AND REQUIRED INFORMATION. (1) There is hereby created a halibut catch record form to be prepared, printed, and distributed on request by the department of fisheries.

(2) The halibut catch record card shall contain space for the following:

- (a) Name of angler.
- (b) Home address.
- (c) City, state, zip code.
- (d) Date of issue.
- (e) Angler's home phone.
- (f) Month of catch.
- (g) Day of catch.
- (h) Marine code: Location of catch.
- (i) Catcher vessel type: Type of vessel from which retained halibut taken - charter boat (c) or personal vessel/kicker boat (k).

(3) The information in subsection (2)(a) through (d) of this section must be completed prior to separating the catch record card from the underlying copy of the catch record card. The information in subsection (2)(f) through (i) of this section must be completed immediately upon catching a halibut to be retained.

WSR 90-17-081

WITHDRAWAL OF PROPOSED RULES PUBLIC DISCLOSURE COMMISSION

[Filed August 17, 1990, 1:00 p.m.]

No action was taken on WAC 390-37-063 as advertised per WSR 90-12-091.

Karen M. Copeland
Administrative Officer

WSR 90-17-082

EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 90-71—Filed August 17, 1990, 2:46 p.m.]

Date of Adoption: August 16, 1990.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-24-02000S.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity

to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable number of salmon are available to commercial troll fishers. In order to meet conservation constraints, careful monitoring of this fishery is necessary. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council, and is consistent with federal regulations.

Effective Date of Rule: 12:01 a.m., August 18, 1990.

August 16, 1990
William Koss
for Joseph R. Blum
Director

NEW SECTION

WAC 220-24-02000T LAWFUL ACTS—TROLL FISHERY. Notwithstanding the provisions of WAC 220-24-010, WAC 220-24-020 and WAC 220-24-030, effective immediately it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear in the waters west of the Bonilla-Tatoosh Line, the Pacific Ocean north of Cape Falcon and south of the U.S.-Canada border, or waters west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River except as provided for in this section:

(1) Effective 12:01 a.m. August 18, 1990 it is lawful to fish for and possess salmon taken from the above waters except for those waters of a conservation zone at the mouth of the Columbia River bounded by a line projected six miles due west from North Head along 46°18'00" north latitude to 124°13'18" west longitude, thence southerly along a line 167 true to 46°11'06" north latitude, 124°11'00" west longitude (the Columbia River Buoy), thence northeasterly along the Red Buoy Line to the tip of the south jetty from which conservation zone no salmon may be taken. No participating vessel may catch, possess or land more than a total of 20 chinook salmon and 200 coho salmon during the open period provided for in this section.

(2) The above open area will close at 11:59 p.m. August 21, 1990. All fish must be landed, sold, and recorded on a Washington State Fish Receiving Ticket by 11:59 p.m. August 22, 1990.

(3) Lawful terminal gear is restricted to single point, single shank barbless hooks.

(4) No chinook salmon less than 28 inches in total length or 21.5 inches head-off length may be retained.

(5) It is unlawful to fish for or possess salmon taken for commercial purposes with any gear other than troll gear in the open fishery area.

(6) It is unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, or 4 or land in the State of Washington any salmon taken for commercial purposes contrary to the provisions of Chapter 220-33 WAC or Chapter 220-47 WAC relative to seasons and species provided for in this section.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 18, 1990:

WAC 220-24-02000S LAWFUL ACTS — TROLL FISHERY (90-52)

WSR 90-17-083

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-70—Filed August 17, 1990, 2:48 p.m.]

Date of Adoption: August 16, 1990.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19000U.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Quotas of coho and chinook remain available for harvest in coastal waters south of Cape Alava and ocean-managed waters inside the Bonilla-Tatoosh Line. These regulations are adopted to concur with Pacific Fisheries Management Council recommendations.

Effective Date of Rule: 12:01 a.m., August 18, 1990.

August 16, 1990

William Koss
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000W SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190 effective 12:01 a.m. August 18, 1990 it is unlawful to fish for salmon in Marine Areas 1, 2, 3, and 4 except as provided for in this section:

(1) Areas and times open to salmon angling:

(a) Marine Area 4 – Open east of the Bonilla-Tatoosh Line, Saturday through Thursday only, through September 20, 1990 or until the area quota of 20,000 coho or the coastwide quota of 37,000 chinook is taken.

(b) Marine Area 3 – Open Sunday through Thursdays only through September 20, 1990 or until the area coho quota of 5,400 or the coastwide chinook quota of 37,500 is taken.

(c) Marine Area 2 – Open Sunday through Thursdays only through September 20, 1990 or until the area coho quota of 91,300 or the coastwide chinook quota of 37,500 is taken.

(d) Marine Area 1, except closed in the ocean area surrounding the Columbia River mouth bounded by a line extending six nautical miles due west from North Head 46 18'00" north latitude to 124 13'18" west longitude, then southerly along a line 167 true to the Washington Oregon border – open Sunday through Thursday only, through September 20, 1990 or until the

area coho quota of 122,500, or the coastwide chinook quota of 37,500 is taken.

(2) Bag limit – 2 salmon per day, minimum size limit in all open waters provided for in this section; chinook, 24 inches in length, coho, 16 inches in length.

(3) Shore based angling from the north jetty of the Columbia River is allowed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 18, 1990:

WAC 220-56-19000U SALTWATER SEASONS AND BAG LIMITS. (90-66)

WSR 90-17-084

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-73—Filed August 17, 1990, 2:50 p.m.]

Date of Adoption: August 17, 1990.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-602.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Areas 7B, 7C, 7E, 12B and 12C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish, East Sound, and Hood Canal regions of origin, and to prevent wastage. The closure in Area 7E is necessary to protect milling chinook. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: 12:01 a.m., August 19, 1990.

August 17, 1990

Judith Merchant

Deputy Director

for Joseph R. Blum

Director

NEW SECTION

WAC 220-47-603 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday August 19, 1990, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance

with the following open periods and mesh and area restrictions:

* Areas 4B, 5, 6, 6A, 6C, 7, and 7A – Under the control of the Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.

* Areas 7B and 7C – Gillnets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Monday, Tuesday and Wednesday August 20, 21, and 22.

* Area 7E – Purse Seines may fish from 5 AM to 9 PM daily, Tuesday, Wednesday, and Thursday, August 21, 22, and 23 and gill nets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Monday, Tuesday, and Wednesday August 20, 21, and 22. This opening excludes those waters of area 7E north and east of a line projected from Madrona Point (A.K.A. Tongue Point) to the second point south of Griffin Rocks.

* Areas 12B and 12C – Purse Seines using the 5-inch strip may fish from 5 AM to 9 PM daily, Tuesday, Wednesday, and Thursday, August 21, 22, and 23 and 5 AM to 4 PM Friday August 24 and gill nets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Monday, Tuesday, Wednesday, and Thursday, August 20, 21, 22, and 23. This opening excludes those waters of area 12B north of a line projected from Tekiu Point to Triton Head.

* Areas 6B, 6D, 7D, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday August 19, 1990:

WAC 220-47-602 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (90-67)

WSR 90-17-085

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-72—Filed August 17, 1990, 2:53 p.m.]

Date of Adoption: August 17, 1990.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100E.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The catch rate for spot shrimp in the northern section of Shrimp District 1 has

declined substantially over the past three years with severely depressed rates in May and June of 1990. Because of the depressed catch rates and the continuing high level of catch effort, further harvest would endanger the resource. The scheduled closure on September 15, 1990, for this area is not adequate to ensure reproductive potential. Sale information is needed to determine catch level.

Effective Date of Rule: 12:01 a.m., August 21, 1990.

August 17, 1990
Judith Merchant
Deputy Director
for Joseph R. Blum
Director

NEW SECTION

WAC 220-52-05100F COMMERCIAL SHRIMP
Notwithstanding the provisions of WAC 220-52-051, effective 12:01 a.m. August 21, 1990 through September 15, 1990, it is unlawful to take or possess shrimp taken for commercial purposes from Shrimp District 1 except as provided for in this section:

(1) *Open area: Those waters south of a line projected from Diamond Point to Cape George.*

(b) *Gear: Maximum 10 pots per fisher.*

(c) *Sale requirement: All shrimp taken from the above waters must be sold, and the catch information recorded on State of Washington fish receiving tickets, within 24 hours of the time the shrimp are removed from the water.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100E COMMERCIAL SHRIMP
(90-36)

WSR 90-17-086

PERMANENT RULES

DEPARTMENT OF HEALTH

[Order 081—Filed August 17, 1990, 2:55 p.m.]

Date of Adoption: August 16, 1990.

Purpose: Amend rules consistent with recommendations of affected parties.

Citation of Existing Rules Affected by this Order:
Amending WAC 248-19-220.

Statutory Authority for Adoption: Chapter 70.38 RCW.

Pursuant to notice filed as WSR 90-14-127 on July 5, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 16, 1990
Pam Campbell Mead
for Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order 023, filed 1/3/90, effective 2/3/90)

WAC 248-19-220 DEFINITIONS. For the purposes of chapter 248-19 WAC, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

(1) "Acute care facilities" means hospitals and ambulatory surgical facilities.

(2) "Affected persons" means:

(a) The applicant;

(b) Health care facilities and health maintenance organizations providing services similar to the services under review and located in the health service area;

(c) Third-party payers reimbursing health care facilities in the health service area;

(d) Any agency establishing rates for health care facilities and health maintenance organizations in the health service area where the proposed project is to be located;

(e) Health care facilities and health maintenance organizations which, in the twelve months prior to receipt of the application, have submitted a letter of intent to provide similar services;

(f) Any person residing within the geographic area to be served by the applicant; and

(g) Any person regularly using health care facilities within the geographic area to be served by the applicant.

(3) "Alterations," see "construction, renovation, or alteration."

(4) "Ambulatory care facility" means any place, building, institution, or distinct part thereof not a health care facility as defined in this section and operated for the purpose of providing health services to individuals without providing such services with board and room on a continuous twenty-four-hour basis. The term "ambulatory care facility" includes the offices of private physicians, whether for individual or group practice.

(5) "Ambulatory surgical facility" means a facility, not a part of a hospital, providing surgical treatment to patients not requiring inpatient care in a hospital. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using such facility is not extended to physicians or dentists outside the individual or group practice.

(6) "Applicant," except as used in WAC 248-19-390, means any person proposing to engage in any undertaking subject to review under the provisions of chapter 70.38 RCW.

"Applicant," as used in WAC 248-19-390, means any person or individual with a ten percent or greater financial interest in a partnership or corporation or other comparable legal entity engaging in any undertaking subject to review under the provisions of chapter 70.38 RCW.

(7) "Capital expenditure" means an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a nursing home facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. The

costs of any studies, surveys, designs, plans, working drawings, specifications, and other activities (including staff effort, consulting and other services which, under generally accepted accounting principles, are not properly chargeable as an expense of operation and maintenance) shall be considered capital expenditures. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required certificate of need review if the acquisition had been made by purchase, such acquisition shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a nursing home facility, which if acquired directly by such facility, would be subject to review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review.

(8) "Certificate of need" means a written authorization by the secretary's designee for a person to implement a proposal for one or more undertakings.

(9) "Certificate of need program" means that organizational program of the department responsible for the management of the certificate of need program.

(10) "Commencement of the project" means whichever of the following occurs first: In the case of a construction project, giving notice to proceed with construction to a contractor for a construction project; beginning site preparation or development; excavating or starting the foundation for a construction project; or beginning alterations, modification, improvement, extension, or expansion of an existing building. In the case of major medical equipment, installation. In the case of other projects, initiating a health service.

(11) "Construction, renovation, or alteration" means the erection, building, remodeling, modernization, improvement, extension, or expansion of a physical plant of a health care facility, or the conversion of a building or portion thereof to a health care facility.

(12) "Continuing care contract" means a contract providing a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services. The contract is conditioned on the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(13) "Continuing care retirement community" means an entity providing shelter and services under a continuing care contract with the entity's members and sponsoring or including a health care facility or a health service.

(14) "Days" means calendar days. Days are counted starting the day after the date of the event from which the designated period of time begins to run. If the last day of the period falls on a Saturday, Sunday, or legal holiday observed by the state of Washington, a designated period runs until the end of the first working day following the Saturday, Sunday, or legal holiday.

"Working days" exclude Saturdays, Sundays, and legal holidays observed by the state of Washington. Working days are counted in the same way as calendar days.

(15) "Department" means the Washington state department of health.

(16) "Ex parte contact" means any oral or written communication between any person in the certificate of need program or any other person involved in the decision regarding an application for, or the withdrawal of, a certificate of need and the applicant for, or holder of, a certificate of need, any person acting on behalf of the applicant or holder, or any person with an interest regarding issuance or withdrawal of a certificate of need.

(17) "Expenditure minimum" means one million dollars for the twelve-month period beginning with July 24, 1983, adjusted annually by the department according to the provisions of chapter 248-156 WAC.

(18) "Health care facility" means hospitals, psychiatric hospitals, nursing homes, kidney disease treatment centers including freestanding dialysis units, ambulatory surgical facilities, continuing care retirement communities, hospices and home health agencies, and includes such facilities when owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated or listed and certified by the First Church of Christ Scientist, Boston, Massachusetts. In addition, the term "health care facility" does not include any nonprofit hospital:

(a) Operated exclusively to provide health care services for children;

(b) Which does not charge fees for such services; and

(c) If not contrary to federal law as necessary to the receipt of federal funds by the state.

(d) In addition, the term "health care facility" does not include a continuing care retirement community which:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some form of assistance with activities of daily living;

(iii) Contractually assumes responsibility for costs of services exceeding the member's financial responsibility as stated in contract, so that, with the exception of insurance purchased by the retirement community or its members, no third party, including the Medicaid program, is liable for costs of care even if the member depletes personal resources;

(iv) Offers continuing care contracts and operates a nursing home continuously since January 1, 1988, or obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the department of social and health services assuring financial liability for services to members, including nursing home services, shall not fall upon the department of social and health services;

(vi) Does not operate, and has not undertaken, a project resulting in a number of nursing home beds in excess of one for every four living units operated by the

continuing care retirement community, exclusive of nursing home beds; and

(vii) Has undertaken no increase in the total number of nursing home beds after January 1, 1988, unless a professional review of pricing and long-term solvency was obtained by the retirement community within the prior five years and fully disclosed to members.

(19) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) Is a qualified health maintenance organization under Title XIII, Section 1310(d) of the Public Health Service Act; or

(b)(i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage;

(ii) Is compensated (except for copayments) for the provision of the basic health care services listed in (b)(i) of this subsection to enrolled participants by a payment made on a periodic basis without regard to the date the health care services are provided and fixed without regard to the frequency, extent, or kind of health service actually provided; and

(iii) Provides physicians' services primarily:

(A) Directly through physicians who are either employees or partners of such organization, or

(B) Through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(20) "Health service area" means a geographic region appropriate for effective health planning including a broad range of health services.

(21) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services.

(22) "Home health agency" means an entity which is, or is to be, certified as a provider of home health services in the Medicaid or Medicare program. The department shall not require a home health agency previously issued a certificate of need as a new health care facility to obtain additional certificate of need approval if the agency has not received Medicare or Medicaid certification by the effective date of these rules.

(23) "Hospice" means an entity which is, or is to be, certified as a provider of hospice services in the Medicaid or Medicare program. The department shall not require a hospice previously issued a certificate of need as a new health care facility to obtain additional certificate of need approval if the hospice has not received Medicare or Medicaid certification by the effective date of these rules.

(24) "Hospital" means any institution, place, building or agency or distinct part thereof which qualifies or is required to qualify for a license under chapter 70.41 RCW, or as a psychiatric hospital licensed under chapter 71.12 RCW.

(25) "Inpatient" means a person receiving health care services with board and room in a health care facility on a continuous twenty-four-hour-a-day basis.

(26) "Intermediate care facility" means any institution or distinct part thereof certified as an intermediate care facility for participation in the Medicaid (Title XIX of the Social Security Act) program.

(27) "Kidney disease treatment center" means any place, institution, building or agency or a distinct part thereof equipped and operated to provide services, including dialysis and/or kidney transplantation, to persons who have end-stage renal disease.

(28) "May" means an act is permitted, but not required.

(29) "Nursing home" means any home, place, institution, building or agency or distinct part thereof including a nursing unit or a long-term care area of a hospital operating or maintaining facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include, but not be limited to, any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. Nursing home includes any such entity licensed or required to be licensed under the provisions of chapter 18.51 RCW and any other intermediate care facility or skilled nursing facility as these terms are defined in this section.

(30) "Obligation," when used in relation to a capital expenditure, means the following has been incurred by or on behalf of a health care facility:

(a) An enforceable contract has been entered into by a health care facility or by a person on behalf of the health care facility for the construction, acquisition, lease, or financing of a capital asset; or

(b) A formal internal commitment of funds by a health care facility for a force account expenditure constituting a capital expenditure; or

(c) In the case of donated property, the date on which the gift is completed in accordance with state law.

(31) "Offer," when used in connection with health services, means the health facility provides one or more specific health services.

(32) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

(33) "Predevelopment expenditures" means capital expenditures, the total of which exceeds the expenditure minimum, made for architectural designs, plans, drawings, or specifications in preparation for the acquisition or construction of physical plant facilities. "Predevelopment expenditures" exclude any obligation of a capital expenditure for the acquisition or construction of physical plant facilities and any activity which the department may consider the "commencement of the project" as this term is defined in this section.

(34) "Professional review of continuing care retirement community pricing and long-term solvency" means

~~((a)) prospective financial statements, supported by professional analysis and documentation, ((attesting to the feasibility of the continuing care retirement community, over a period of ten years or more into the future, and personally prepared by a qualified actuary, defined under WAC 284-05-060, or an independent certified public accountant, using sound financial and actuarial standards and practices. The person preparing the statement shall provide an affidavit stating the person's qualifications to assess the current and future financial and actuarial positions of the continuing care retirement community, including familiarity with current accounting and actuarial professional standards for work concerning continuing care retirement communities)) which:~~

~~(a) Conform to Principles and Practices Board Statement Number 9 of the Healthcare Financial Management Association, "Accounting and Reporting Issues Related to Continuing Care Retirement Communities"; and~~

~~(b) Project the financial operations of the continuing care retirement community over a period of ten years or more into the future; and~~

~~(c) Are prepared and signed by a qualified actuary as defined under WAC 284-05-060 or an independent certified public accountant, or are prepared by management of the continuing care retirement community and reviewed by a qualified actuary or independent certified public accountant who issues a signed examination or compilation report on the prospective financial statements; and~~

~~(d) Include a finding by management that the intended expansion project of the continuing care retirement project is financially feasible.~~

(35) "Project" means all undertakings proposed in a single certificate of need application or for which a single certificate of need is issued.

(36) "Secretary" means the secretary of the Washington state department of health or the secretary's designee.

(37) "Shall" means compliance is mandatory.

(38) "Skilled nursing facility" means any institution or distinct part thereof certified as a skilled nursing facility for participation in the Medicare (Title XVIII) or Medicaid (Title XIX) program.

(39) "State health plan" means a document developed in accordance with RCW 70.38.065 and in effect until June 30, 1990, unless superseded by department-adopted rules.

(40) "State Health Planning and Resources Development Act" means chapter 70.38 RCW.

(41) "Tertiary health service" means a specialized service meeting complicated medical needs of people and requires sufficient patient volume to optimize provider effectiveness, quality of service, and improved outcomes of care.

(42) "Undertaking" means any action subject to the provisions of chapter 248-19 WAC.

WSR 90-17-087
PERMANENT RULES
DEPARTMENT OF HEALTH

[Order 071—Filed August 17, 1990, 2:58 p.m.]

Date of Adoption: August 16, 1990.

Purpose: To administer federal funds awarded to assist HIV infected persons in need of zidovudine and other drugs.

Statutory Authority for Adoption: RCW 43.70.120.

Pursuant to notice filed as WSR 90-11-063 on May 15, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 248-168-070, increase national poverty income guidelines (NPIG) from 185% to 200%; and WAC 248-168-020, change physician to health care provider.

Effective Date of Rule: Thirty-one days after filing.

August 16, 1990

Pam Campbell Mead
 for Kristine M. Gebbie
 Secretary

AMENDATORY SECTION (Amending Order 2549, filed 10/26/87)

WAC 248-168-010 PURPOSE. The department ~~((of social and health services (DSHS)))~~ shall administer federal and state funds ((awarded)) appropriated to assist a person in need of Zidovudine, or other drugs and treatments available in the future. These drugs are used for the treatment of various stages of infection with ~~((the human immunodeficiency virus-))~~HIV(~~(?)~~).

NEW SECTION

WAC 248-168-015 DEFINITIONS. The following words and phrases have the following meaning in chapter 248-168 WAC unless the context clearly indicates otherwise:

(1) "AIDS" means acquired immunodeficiency syndrome.

(2) "APDP" means AIDS prescription drug program.

(3) "Department" or "DOH" means the Washington state department of health.

(4) "HIV" means human immunodeficiency virus.

(5) "NPIG" means National Poverty Income Guidelines as under sections 652 and 673 (2) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 9735) and as updated annually in the Federal Register on February 16.

(6) "Patient share" means the amount of cost borne by the patient.

AMENDATORY SECTION (Amending Order 2549, filed 10/26/87)

WAC 248-168-020 SERVICES. To the extent federal or state funds are ((available)) appropriated for the purpose of APDP approved drugs and treatments, ~~((DSHS))~~ the department shall reimburse a participating pharmacy, or health care provider, and clinic for costs of dispensing ~~((Zidovudine))~~ APDP approved

drugs and treatments to an eligible individual suffering from infection with HIV.

AMENDATORY SECTION (Amending Order 2549, filed 10/26/87)

WAC 248-168-030 REIMBURSEMENTS. ~~((Reimbursement shall be made upon receipt of documented evidence the individual receiving the Zidovudine has met medical and financial eligibility requirements as established by the department.))~~ Individuals desiring reimbursement for APDP approved drugs and treatments must provide evidence of financial eligibility as established by WAC 248-168-040. The department will make reimbursement, reduced by the patient share computed in accordance with WAC 248-168-070, to eligible participants who, in the department's judgment, demonstrate the greatest need or the most likely benefit from the treatments.

AMENDATORY SECTION (Amending Order 2549, filed 10/26/87)

WAC 248-168-040 FINANCIAL ELIGIBILITY.
(1) The department ~~((shall))~~ will consider a patient eligible if he or she:

(a) ~~((Establish medical eligibility criteria as determined by nationally recognized expert medical authorities allowing for the selection of a patient in greatest need or who would benefit the most))~~ Has resources at or below the exemptions listed under subsection (3) of this section; and

(b) ~~((Generally consider a patient eligible if he or she has resources at or below the exemptions listed below in subsection (3) of this section and))~~ Is ~~((ineligible))~~ not eligible for ~~((any))~~ any other resources providing similar benefits to meet the costs of ~~((this))~~ the treatment; and

(c) Has gross monthly income at or below three hundred seventy percent of the NPIG; and

(d) The total cost of program covered medications is in excess of the patient's share as computed in accordance with WAC 248-168-070.

(2) ~~((Resources:))~~ The department shall consider the following in determining resources:

(a) ~~((Income in excess of a level necessary to maintain a moderate standard of living, as defined by the department, using accepted national standards;~~

~~((b)))~~ Savings, property, and other assets;

~~((c)))~~ (b) Government and private medical insurance programs, including Medicaid, providing partial or full coverage for drug~~((s))~~ and treatments needed in the treatment of infection with HIV; and

~~((d)))~~ (c) Local funds raised for the purpose of providing financial support for a specified patient.

(3) ~~((Exemptions are as follows))~~ The following exemptions shall not be considered in determining a patient's resources to pay for treatments covered by these regulations:

(a) A home, defined as real property owned by a patient as a principal place of residence, together with the property surrounding and contiguous thereto not to exceed five acres; and

(b) Commercial property, or property used for the purpose of producing income, ~~((shall be considered excess property and subject to the limitations of subsection (3)(b)(iii) of this section:~~

~~((i)))~~ except to the extent that its value exceeds the sum of ten thousand dollars;

~~((c)))~~ Household furnishings;

~~((ii)))~~ (d) An automobile; and

~~((iii)))~~ (e) Savings, property, or other liquid assets, to the extent the value thereof does not ~~((to))~~ exceed the sum of ten thousand dollars.

AMENDATORY SECTION (Amending Order 2549, filed 10/26/87)

WAC 248-168-050 TRANSFER OF RESOURCES WITHOUT ADEQUATE CONSIDERATION. The department shall:

(1) Consider an individual ~~((shall be))~~ ineligible for the program if the person knowingly and willfully assigns or transfers nonexempt resources at less than fair market value for the purpose of qualifying or continuing to qualify for the program within two years preceding the date of application.

(2) Require expiration of two years ~~((must expire))~~ before the individual will be considered eligible between the date of transfer and reapplication.

AMENDATORY SECTION (Amending Order 2549, filed 10/26/87)

WAC 248-168-060 FISCAL INFORMATION. An individual seeking coverage shall provide fiscal information upon request of the department ~~((Such information shall include))~~ including:

(1) Sources and amounts of resources to verify financial eligibility,

(2) Evidence all other available resources ~~((have been))~~ were used before requests for reimbursement from the state program are submitted to the department, and

(3) ~~((Such))~~ Other information ~~((as may be))~~ when required by the department.

NEW SECTION

WAC 248-168-070 PATIENT PARTICIPATION. The patient shall be responsible for paying part of the cost of the treatment received in any month in which his or her income exceeds two hundred percent of the NPIG. The amount of the patient's share shall be one-sixth of the amount by which his or her income for the month exceeds two hundred percent of the NPIG.

WSR 90-17-088

PERMANENT RULES

DEPARTMENT OF HEALTH

[Order 078—Filed August 17, 1990, 3:00 p.m.]

Date of Adoption: August 7, 1990.

Purpose: To repeal chapter 308-41 WAC, Fees for drugless therapists. Drugless therapists are now covered under chapter 308-34 WAC, Naturopathy.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-41-025.

Statutory Authority for Adoption: RCW 43.70.250.

Pursuant to notice filed as WSR 90-14-043 on June 29, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 16, 1990
Pam Campbell Mead
for Kristine M. Gebbie
Secretary

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Second Floor Conference Room, Capital Plaza Building, 1025 East Union, Olympia, WA 98504, on September 25, 1990, at 1:30 p.m.-3:30 p.m.

Submit Written Comments to: Hector Gonzalez Jr., Manager, Legal Affairs, Department of Retirement Systems, 1025 East Union, Olympia, WA 98504, by September 26, 1990.

Date of Intended Adoption: November 1, 1990.

August 17, 1990
George Northcroft
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 308-41-025 FEES.

WSR 90-17-089
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed August 17, 1990, 4:20 p.m.]

Original Notice.

Title of Rule: Portability of city and state public employment retirement systems.

Purpose: To provide permanent rules for the election of retirement portability by the first class cities of Seattle, Spokane and Tacoma.

Other Identifying Information: Chapter 192, Laws of 1990 (HB 1323).

Statutory Authority for Adoption: RCW 34.05.350 and section 5(4), chapter 192, Laws of 1990 (HB 1323).

Statute Being Implemented: Chapter 192, Laws of 1990.

Summary: To provide permanent rules for the election of portability by the first class cities of Seattle, Spokane and Tacoma.

Name of Agency Personnel Responsible for Drafting: Hector X. Gonzalez Jr., Department of Retirement Systems, 586-3414; Implementation: George Northcroft, Director, Department of Retirement Systems, 753-5281; and Enforcement: Jean Wilkinson, Assistant Attorney General, Attorney General's Office, 753-0225.

Name of Proponent: Department of Retirement Systems, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 192, Laws of 1990 (HB 1323) allow first class to elect to participate in portability with retirement systems administered by the Department of Retirement Systems. HB 1323 requires that the first class cities pay all the additional benefit costs of portability permitted by the bill. The rule identifies the benefit costs the first class cities will be assessed.

Proposal does not change existing rules.

Chapter 415-113 WAC
PORTABILITY OF PUBLIC EMPLOYMENT BENEFITS

NEW SECTION

WAC 415-113-010 BACKGROUND AND PURPOSE. (1) Background - R.C.W. 41.54 as amended by Chapter 192, Laws of 1990 (House Bill 1323) provides that portability of public retirement benefits are to be made available to employees of the cities of Seattle, Spokane and Tacoma (first class cities). Chapter 192, Laws of 1990 (HB 1323) provides the option to the first class cities to irrevocably elect to have their city retirement system subject to portability with the Department of Retirement Systems (DRS) administered retirement systems. The DRS administered retirement systems that are participating in portability under this chapter are limited to those established under R.C.W. chapters 41.32 (TRS), 41.40 (PERS), 41.44 (SCERS), and 43.43 (WSP).

(2) Purpose - This chapter is intended to provide permanent rules for the election of portability by the first class cities identified by chapter 192, Laws of 1990 (HB 1323). Chapter 192, Laws of 1990 allows the first class cities to individually elect to participate before December 1, 1990 with portability becoming effective on January 1, 1991.

NEW SECTION

WAC 415-113-020 AUTHORITY TO ASSESS COSTS OF PORTABILITY. Chapter 192, Laws of 1990 (HB 1323) provides that the entire additional costs of a person receiving DRS benefits resulting from portability under its provisions are to borne by the first class city retirement system or systems of which the person is currently or has been a member. These additional costs are to be assessed by DRS against the city retirement system or systems of which the person is a current or former member.

NEW SECTION

WAC 415-113-030 DEFINITIONS FOR PURPOSES OF SECTIONS 415-113-010 THROUGH 415-113-050. (1) "Additional costs" means any benefits incurred by the DRS administered systems for member retirement allowances that are the direct result of portability under chapter 192, Laws of 1990 (HB 1323).

(2) "Dual member" means dual member as defined in chapter 192, Laws of 1990 (HB 1323).

(3) "Portability" means that a person can be a dual member of both a city retirement system or systems and one or more of the DRS administered retirement systems for the purpose of combining service credit for determining eligibility from each system if the person meets the requirements of dual membership as defined in chapter 192, Laws of 1990 (HB 1323).

(4) "Base salary" means the definition used in RCW 41.54.010(1).

(5) "First class cities" means the cities of Seattle, Spokane and Tacoma.

(6) "Average compensation" means respectively, final compensation as defined in RCW 41.28.010 and RCW 41.44.030(14); average final compensation as defined in RCW 41.32.010 and 41.40.010; average earnable compensation as defined in RCW 41.32.498; and average final salary as defined in RCW 43.43.120.

(7) "City retirement system" means the retirement systems for the cities of Seattle, Spokane and Tacoma.

(8) "DRS administered systems" means the retirement systems established under RCW chapters 41.32 (Teachers' Retirement System),

41.40 (Public Employees' Retirement System), 41.44 (State-wide City Employees' Retirement) and 43.43 (Washington State Patrol).

(9) "DRS benefits" means retirement benefits earned solely through employment with a DRS administered retirement systems.

(10) "Early retirement" means retirement at the first age when a unreduced benefit is available, absent portability, as defined in RCW 41.32.480, 41.32.765(2), 41.40.180(3), 41.40.630(2), 41.44.140, and 43.43.250(2).

(11) "Accumulated employee contributions" means all member contributions and interest to the respective DRS administered systems as defined in RCW 41.04.445(4)

NEW SECTION

WAC 415-113-040 ADDITIONAL COSTS. (1) City retirement systems will be assessed the following "additional costs" under chapter 192, Laws of 1990 (HB 1323): (a) The additional costs of DRS benefits that result from a dual member's use of base salary or average compensation from a city retirement system to increase DRS benefits. Cities will also be assessed for any cost of living adjustments (COLA) in statute at the time of the dual member's retirement which are applied to the additional costs of DRS benefits for the dual member. Cities may be assessed the cost of future COLA's only through the revision of chapter 192, Laws of 1990 (HB 1323) or the promulgation of new regulations.

(b) The additional costs of DRS benefits that result from the combination or re-establishment of service credit that is allowed under the portability provided by chapter 192, Laws of 1990 (HB 1323). The city retirement systems will bear the entire costs of the DRS benefits for a dual member when portability allows the dual member to become vested for a DRS benefit. When city retirement systems bear the entire costs of DRS benefits, the costs to the cities will be reduced by the amount of accumulated employee contributions. When portability allows a dual member to be eligible for early retirement, the cities will be assessed the present value of the difference between what would have been the member's retirement allowance with an actuarial reduction, absent portability, and the retirement allowance provided as the result of portability. Cities will also be assessed the costs of COLA's in statute at the time of the dual member's retirement which are applied to the additional costs of DRS benefits for the dual member. Cities may be assessed the cost of future COLA's only through the revision of chapter 192, Laws of 1990 (HB 1323) or the promulgation of new regulations.

(2) When a person is or has been a member of more than one city retirement system, the costs of the additional DRS benefits will be apportioned among the city retirement systems the person is or has been a member of. Additional costs will be apportioned based on the service credit the dual member has with each city retirement system.

(3) Cities will not be assessed for the administrative costs DRS incurs to implement portability under chapter 192, Laws of 1990 (HB 1323).

(4) Cities will be assessed for the cost of future DRS benefit increases which are the result of recomputation of a dual member's DRS benefits, when such recomputation is the result of revision of chapter 192, Laws of 1990 (HB 1323).

NEW SECTION

WAC 415-113-050 ELECTION TO PARTICIPATE. To participate in portability under chapter 192, Laws of 1990 (HB 1323) a first class city (Seattle, Spokane or Tacoma) must irrevocably elect to participate by adoption of a resolution before December 1, 1990. This resolution must be transmitted to the Director of DRS and to the Joint Committee on Pension Policy prior to December 1, 1990. Election to participate is on an individual basis for each city. If any city should elect not to participate, this will not prevent any of the other identified cities from having the ability to elect to participate. Transmittal of the resolutions should be made to the following offices:

For the Director of DRS - George Northcroft
Director
Department of Retirement Systems

For the Joint Committee - Stan Johnson, Chairman
Office of the State Actuary

NEW SECTION

WAC 415-113-060 REIMBURSEMENT OF ADDITIONAL COSTS. (1) DRS will assess the additional costs of DRS benefits in the following manner. Upon retirement of a dual member, DRS will compute the total cost of additional DRS benefits. DRS will notify the city retirement system of the dual member of the total costs of additional DRS benefits and the city retirement system shall then reimburse DRS for the additional costs in one lump sum, offset by accumulated employee contributions when appropriate. City retirement systems will have thirty days from notification to pay the total costs of additional DRS benefits. Interest will be charged at a reasonable rate to be determined by the Department of Retirement systems for late payments by the cities.

(2) DRS computations of additional DRS benefit costs will be based on actuarial services provided by the Office of the State Actuary (OSA). If any city should elect to participate in portability under chapter 192, Laws of 1990 (HB 1323), OSA will provide DRS before January 1, 1991 actuarial tables to compute the costs of dual member's additional DRS benefits. The tables will use interest and mortality assumptions that are used for the Public Employees Retirement System.

(3) Dual member retirees may return to employment in a position or for such a duration as to cause a suspension of their DRS benefits. DRS recognizes that a lump sum reimbursement of costs for additional DRS benefits may lead to city retirement systems reimbursing DRS for DRS benefits that may never be paid, or may result in a lesser charge to the city retirement system, if a dual member retiree is re-employed. The OSA will recompute the remaining actuarial value of DRS benefits for a re-employed dual member employee upon re-retirement of the dual member. DRS will then refund the actuarial value to the city retirement system or systems which have paid the additional costs, if the recomputation results in a lesser cost to DRS than the original computation.

WSR 90-17-090

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-74—Filed August 17, 1990, 4:27 p.m.]

Date of Adoption: August 17, 1990.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-24-02000U [220-24-02000T].

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable number of salmon are available to commercial troll fishers. In order to meet conservation constraints, careful monitoring of this fishery is necessary. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council and is consistent with federal regulations.

Effective Date of Rule: Immediately.

August 19, 1990
Judith Merchant
Deputy Director
for Joseph R. Blum
Director

NEW SECTION

WAC 220-24-02000U **LAWFUL ACTS—TROLL FISHERY.** Notwithstanding the provisions of WAC 220-24-010, WAC 220-24-020 and WAC 220-24-030, effective immediately it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear in the waters west of the Bonilla-Tatoosh Line, the Pacific Ocean north of Cape Falcon and south of the U.S.-Canada border, or waters west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River except as provided for in this section:

(1) Effective 12:01 a.m. August 18, 1990 it is lawful to fish for and possess salmon taken from the above waters except for those waters of a conservation zone at the mouth of the Columbia River bounded by a line projected six miles due west from North Head along 46 18'00" north latitude to 124 13'18" west longitude, thence southerly along a line 167 true to 46 11'06" north latitude, 124 11'00" west longitude (the Columbia River Buoy), thence northeasterly along the Red Buoy Line to the tip of the south jetty from which conservation zone no salmon may be taken. No participating vessel may catch, possess or land more than a total of 20 chinook salmon and 200 coho salmon during the open period provided for in this section.

(2) The above open area will close at 11:59 p.m. August 21, 1990. All fish must be landed, sold, and recorded on a Washington State Fish Receiving Ticket by 11:59 p.m. August 22, 1990.

(3) Lawful terminal gear is restricted to single point, single shank barbless hooks.

(4) No chinook salmon less than 28 inches in total length or 21.5 inches head-off length may be retained and no coho salmon less than 16 inches in total length or 12 inches head-off length may be retained.

(5) It is unlawful to fish for or possess salmon taken for commercial purposes with any gear other than troll gear in the open fishery area.

(6) It is unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, or 4 or land in the State of Washington any salmon taken for commercial purposes contrary to the provisions of Chapter 220-33 WAC or Chapter 220-47 WAC relative to seasons and species provided for in this section.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000T **LAWFUL ACTS — TROLL FISHERY (90-71)**

WSR 90-17-091

DEPARTMENT OF ECOLOGY

[Filed August 20, 1990, 1:30 p.m.]

September 19, 1990
7:00 p.m.

Spokane County Health Center
Auditorium
1101 West College
Spokane, Washington

September 20, 1990
7:00 p.m.

Port of Seattle
Commissioners' Chambers
Pier 66, Third Floor
2201 Alaskan Way
Seattle, Washington

The Washington Department of Ecology is accepting public comment on a report to the legislature describing spending proposals for the state and local toxics control accounts during the July 1991-June 1993 biennium. The report includes hazardous waste management and cleanup activities of the Department of Ecology and related programs in the Departments of Agriculture, Community Development, Revenue and Health.

The report may be obtained after August 27, 1990, from the toxics cleanup program by phoning 1-800-458-0920, and requesting Publication Number 90-34. Written comments on the report should be submitted to Leslie Romer, Toxics Cleanup Program, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504, by September 27, 1990.

WSR 90-17-092

**NOTICE OF PUBLIC MEETINGS
LEGAL FOUNDATION
OF WASHINGTON**

[Memorandum—August 16, 1990]

The following are revised meeting dates scheduled for 1990 by the board of trustees of the Legal Foundation of Washington for publication by the code reviser as required by the Washington Supreme Court.

September 12, 1990	Spokane Sheraton Hotel, Spokane, 8:30 a.m.
September 13, 1990	Canceled
November 2, 1990	Canceled
November 16-17, 1990	Quality Inn, Bremerton, 12:00
November 30, 1990	Canceled

WSR 90-17-093

**PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD**

[Filed August 20, 1990, 4:16 p.m.]

Original Notice.

Title of Rule: Rural arterial program, WAC 136-130-030 through 136-130-070, 136-160-050, 136-160-

060, 136-220-020 and 136-220-030, related to regional prioritization, allocation of RATA funds to projects and matching requirements.

Purpose: Modifies matching ratios, adds right-of-way eligibility, modifies project dollar limits, modifies bridge eligibilities and makes various minor editorial corrections.

Other Identifying Information: These are amendments to existing rules.

Statutory Authority for Adoption: RCW 36.79.060.

Summary: The various amendments will allow the maximum utilization of recently increased RATA funds as authorized by the legislature and are responsive to the individual regional needs.

Reasons Supporting Proposal: Present language is sufficiently restrictive especially in the area of project dollar size limitations such that the current amount of RATA funds available cannot be immediately utilized. The amendments recognize the increase in funding.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Eric Berger, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The amendments will permit all eligible counties to immediately make use of the increased RATA funding by adjusting certain allocation limits; and responds to changing regional needs related to the rural arterial program.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Ocean Shores Inn, Ocean Shores Boulevard, Ocean Shores, Washington, on Friday, October 5, 1990, at 9:00 a.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98502, by October 2, 1990.

Date of Intended Adoption: October 5, 1990.

August 20, 1990

Eric Berger
Administrative Engineer

AMENDATORY SECTION (Amending Order 61, filed 2/20/86)

WAC 136-130-030 PROJECT PRIORITIZATION IN PUGET SOUND REGION (PSR). Each county in the PSR (~~(the region)~~) may submit (~~(up to three)~~) projects requesting RATA funds not to exceed \$400,000 per project. Each project shall be rated in accordance with the PSR RAP rating procedures. PSR RAP rating points shall be assigned on the basis of 50 points for traffic volume, 50 points for accident history, 45 points for structural condition, 45 points for geometric condition, and 10 points for special use and need. Prioritization of PSR projects shall be on the basis of total PSR RAP rating points shown on the project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

WAC 136-130-040 PROJECT PRIORITIZATION IN NORTHWEST REGION (NWR). Each county in the NWR may

submit projects requesting RATA funds not to exceed ~~((two)) five hundred ((fifty)) thousand dollars per project and ((seven hundred fifty thousand dollars))~~ thirty percent of the regional allocation total. No bridge replacement projects will be funded. Each project shall be rated in accordance with the NWR RAP rating procedures. NWR RAP rating points shall be assigned on the basis of forty points for structural condition, forty points for geometrics, ten points for traffic volume and ten points for traffic accidents and five points for any project on a major collector (07). Prioritization of NWR projects shall be on the basis of total NWR RAP rating points shown on the project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending Order 69, filed 6/1/88)

WAC 136-130-050 PROJECT PRIORITIZATION IN NORTHEAST REGION (NER). Each county in the NER may submit projects requesting RATA funds not to exceed 30% (~~((per county))~~) of the NER biennial apportionment. Each project shall be rated in accordance with the NER RAP rating procedures. The NER biennial apportionment shall be divided into the following categories at the percentages shown, provided sufficient projects are submitted for prioritization in each category:

Category 1 - 10% for bridge projects where RATA funds are used as a match for federal bridge replacement funds;

Category 2 - 45% for reconstruction of rural collectors; and

Category 3 - 45% for resurfacing, restoration, rehabilitation (3R) type projects of rural collectors.

In the event that no projects or an insufficient number of projects are submitted in any of the above categories to utilize the RATA funds set aside for the category, all remaining funds in that category or categories shall be divided among the remaining categories as the CRABoard deems appropriate. The intent is to divide all available funds into categories having a sufficient number of submitted projects to fully utilize the funds available at each allocation during the biennium.

Bridge projects may be submitted requesting RATA funds under one of the following conditions:

1. Bridges must be approved for federal bridge replacement funding and RATA funds shall be used only as a match for such federal funding. Bridges will be ranked for RATA funding using the WSDOT priority list and may be added to the NER Category 1 priority array at any time during the biennium upon approval of the Bridge for Federal-Bridge Replacement funding.

2. A stand-alone bridge project may be submitted as an ordinary RAP project provided that its priority rating has been computed by the bridge rating method in the NER RAP rating procedures. Such projects shall not be considered for funding from the bridge reserve described above.

3. A RAP project may include a bridge when the cost of the bridge does not exceed 20% of the total project cost.

NER RAP rating points for reconstruction projects, 3R projects or non-federal bridge replacement projects shall be assigned on the basis of 100 points for a condition rating and 50 points for a service rating. The priority rating equals two and one half times the product of the service rating to the 1.25 power and the common logarithm of the number obtained by dividing 100 by the condition rating. Prioritization of NER projects shall be on the basis of total NER RAP rating points shown on the appropriate project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending Order 68, filed 2/16/88)

WAC 136-130-060 PROJECT PRIORITIZATION IN SOUTHEAST REGION (SER). Each county in the SER may submit projects requesting RATA funds not to exceed 30% per county of the SER biennial apportionment. Each project shall be rated in accordance with the SER RAP rating procedures. 10% of the SER biennial apportionment shall be reserved for stand-alone bridge projects (~~((in each biennium))~~). Whatever part of the bridge reserve that is not allocated to bridge projects (~~((in each biennium))~~) shall be available for allocation to other RAP projects. SER RAP rating points shall be assigned on the basis of 40 points for structural condition, 30 points for geometrics, 20 points for traffic volume and 10 points for traffic accidents. Prioritization of SER projects shall be on the basis of total SER RAP rating points shown on the project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending Order 68, filed 2/16/88)

WAC 136-130-070 PROJECT PRIORITIZATION IN SOUTHWEST REGION (SWR). Each county in the SWR may submit projects requesting RATA funds not to exceed ~~(((\$200,000 per project and \$8000,000) (\$800,000) per county))~~ 30% of the SWR biennial apportionment. No bridge replacement projects will be funded. Each project shall be rated in accordance with the SWR RAP rating procedures. SWR RAP rating points shall be assigned on the basis of 25 points for structural condition, 25 points for road surface condition, 30 points for geometrics, 10 points for traffic volume and 10 points for traffic accidents, except that Portland cement surfaces and asphalt surfaces with cement concrete bases shall have 50 points for road surface condition and no points for structural condition. Prioritization of SWR projects shall be on the basis of total SWR RAP rating points shown on the project worksheets and the prospectus form of the ~~((project))~~ application. (Amended 2-13-86)

AMENDATORY SECTION (Amending Order 68, filed 2/16/88)

WAC 136-160-050 PROJECT APPROVAL AND RATA FUND ALLOCATION. The CRABoard will meet as soon as feasible after ~~((the))~~ the passage of each biennial budget by the Legislature to approve RAP projects and allocate RATA funds. RAP projects shall be approved ~~((in each))~~ ~~((by))~~ by region ~~((of))~~ in order of their regional priority and RATA funds shall be allocated up to a cumulative dollar amount no greater than 90% of the RATA construction appropriation included in the biennial budget; provided, however, that no county shall receive a total RATA fund allocation greater than the following amounts in the respective regions: NWR, ~~(((\$500,000))~~ 20% of the regional apportionment; NER, 15% of the regional apportionment; SER, 15% of the regional apportionment; and SWR, ~~(((\$400,000))~~ 15% of the regional apportionment. The remaining construction appropriation may be allocated to approved projects later in the biennium at a time deemed appropriate by the CRABoard.

AMENDATORY SECTION (Amending Order 68, filed 7/25/88)

WAC 136-160-060 LIMITATION ON USE OF RATA FUNDS. The RATA funds requested in the project application are intended to reimburse a county for 80% of its RAP ~~((project))~~ construction costs up to the amount of the CRAB/county contract in the PSR ~~((;))~~ and NWR ~~((; and SWR))~~ and 90% in the SWR, NER and SER. ~~((RAP project))~~ RATA funds may be used to reimburse a county for 80% of its RAP project preliminary engineering costs in the PSR and 90% in the NER and SER. RATA funds may ~~((not))~~ be used for right-of-way acquisition in ~~((any region))~~ the SER only and be reimbursed at 90%.

AMENDATORY SECTION (Amending Order 68, filed 7/25/88)

WAC 136-220-020 ESTABLISHMENT OF MATCHING REQUIREMENTS. Counties will be required to match RATA funds with a minimum of 20% matching funds in the PSR ~~((;))~~ and NWR ~~((; and SWR))~~ and 10% matching funds in the SWR, NER and SER.

AMENDATORY SECTION (Amending Order 68, filed 7/25/88)

WAC 136-220-030 USE OF RATA FUNDS TO MATCH OTHER FUNDS. A county with an approved RAP project may use RATA funds to match any applicable funds available for such project, provided that the county will be required to match any RATA funds ~~((for))~~ allocated to the project with a minimum of 20% matching funds in the PSR ~~((;))~~ and NWR ~~((; and SWR))~~ and 10% matching funds in the SWR, NER and SER. Projects involving federal highway program funds will be administered through the state aid division of WSDOT except that reimbursement of RATA funds will be through the CRABoard.

WSR 90-17-094
PERMANENT RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed August 20, 1990, 4:19 p.m.]

Date of Adoption: July 12, 1990.

Purpose: To incorporate the 1990 legislative changes to RCW 88.16.090.

Citation of Existing Rules Affected by this Order: Amending WAC 296-116-075.

Statutory Authority for Adoption: RCW 88.16.035(2).

Pursuant to notice filed as WSR 90-10-060 on May 1, 1990; and WSR 90-13-076 on June 19, 1990.

Changes Other than Editing from Proposed to Adopted Version: Some tonnage and service requirements increased.

Effective Date of Rule: Thirty-one days after filing.

August 20, 1990

Marjorie T. Smitch
Assistant Attorney General

AMENDATORY SECTION (Amending Order 82-6, Resolution No. 82-6, filed 7/14/82)

WAC 296-116-075 QUALIFICATIONS FOR PILOT APPLICANTS. Under the authority of RCW 88-16.090 pilot applicants must meet one of the following additional ~~((qualifications))~~ requirements before taking the Washington state pilotage examination ~~((for either the Grays Harbor or Puget Sound pilotage districts))~~:

(1) One year of service as a master of ocean or ~~((coastwise))~~ near coastal vessels of 5000 gross tons or more while holding a license as a master of ocean steam or motor vessels of any gross tons or as a master of near coastal steam or motor vessels of any gross tons; or

~~((2))~~ ~~((One year of service as master of coastwise steam or motor vessels while holding a license as a master of coastwise steam or motor vessels any gross tons; or~~

~~((3))~~ Two years of service as a master of ~~((freight or towing vessel))~~ ocean or near coastal vessels of 450 gross tons or more while holding a license as a master of ~~((freight and towing))~~ ocean or near coastal steam or motor vessels of not more than ~~((1000))~~ 1600 gross tons; or

~~((4))~~ (3) Two years of service as a master ~~((on lakes, bays, and sounds))~~ of inland steam or motor vessels of 500 gross tons or more while holding a license as a master ~~((on lakes, bays, and sounds any))~~ of ocean, near coastal or inland steam or motor vessels of not more than 1600 gross tons; or

(4) Two years of service as a master of towing vessels of 100 gross tons or more while holding a license as a master of ocean, near coastal or inland steam or motor vessels of not more than 1600 gross tons; or

(5) Three years of ~~((experience))~~ service as a member of an organized professional pilots association ~~((;))~~ or as a U.S. government employed pilot during which period the ~~((candidate))~~ applicant was actively engaged in piloting ~~((while holding a))~~. Hold as a minimum ~~((license as))~~ a license as a master ~~((freight or towing vessel not more than 1000 gross tons))~~ of ocean, near coastal or

inland steam or motor vessels of not more than 1600 gross tons; or

(6) Two years of service as a chief ((officer on)) mate of ocean or ((coastwise)) near coastal vessels ((of not less than 1000 gross tons)) of 5000 gross tons or more while holding a license as a master of ocean steam or motor vessels of any gross tons; or

(7) Two years of service as a commanding officer of U.S. government vessels of not less than 1000 gross tons(;) and ((holding)) hold a license as either a master of ocean or near coastal steam or motor vessels of any gross tons.

((Note: (All licenses referred to in sections (1)-(7) shall be licenses for inspected vessels:))

WSR 90-17-095

PERMANENT RULES

DEPARTMENT OF WILDLIFE

(Wildlife Commission)

[Order 454—Filed August 20, 1990, 4:55 p.m.]

Date of Adoption: August 4, 1990.

Purpose: To establish hunting seasons for upland game bird and migratory waterfowl for 1990-91.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-413 1989-90 Upland game bird and migratory waterfowl seasons.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 90-13-101 on June 21, 1990.

Changes Other than Editing from Proposed to Adopted Version: A modification in bag limit for ducks in both eastern and western Washington to a daily bag to include 4 ducks - to include not more than 3 mallard, not more than 1 hen mallard, not more than 1 pintail (either sex), and not more than 2 redheads, 2 canvasbacks or 1 of each. Possession limit is twice the daily bag limit; a change in the duck season dates for western Washington to October 13-21, 1990, and November 11-December 30, 1990; and for eastern Washington to October 13-21, 1990, and November 4-December 30, 1990; a change in falconry season for ducks, coot, and snipe to October 13-21, 1990; November 11-December 30, 1990; and January 29, 1991-March 10, 1991; daily bag - 3, straight or mixed bag; possession limit - 6, straight or mixed bag; and a change in an open date for the special Canada goose season in Clark, Cowlitz, Pacific and Wahkiakum counties from December 29, 1990, to December 30, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 20, 1990

Curt Smith

Director

for John McGlenn

Chairman, Wildlife Commission

NEW SECTION

WAC 232-28-414 1990-91 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS

UPLAND GAME BIRD SEASONS

Western Washington

To hunt pheasant, quail, and partridge in western Washington, a hunting license and a western Washington Upland Bird Permit are required.

Eastern Washington

To hunt pheasant, quail, and partridge in eastern Washington, a hunting license and an eastern Washington Upland Bird Permit are required.

PHEASANT

Western Washington (See Lake Terrell, Tennant Lake, Snoqualmie, and Skagit Wildlife Area restriction).

Sept. 29-Nov. 30, 1990 (8 a.m. - 4 p.m. daily) except Voice of America Site (Clallam County) starting Oct. 13 and open only on Wednesday, Saturday, Sunday and holidays. Closed in Unit 522 (Loo-wit). No hunting is allowed on designated pheasant release areas until 8:00 a.m. or after 4:00 p.m. unless otherwise posted.

Daily bag limit: 2 Ring-necked pheasants of either sex per day on designated release sites; elsewhere, 2 cock pheasants only.

Possession limit: 15 Ring-necked pheasants.

All hunters wishing to participate in the Pheasant Release Program on the Fort Lewis Military Reservation must first obtain a hunting permit and attend a mandatory safety briefing at the Fort Lewis Hunting and Fishing Center, Bldg. 8094, phone 967-6263, 967-7990, 967-7397. Hunters must have in their possession all appropriate licenses and permits at the time of registration.

It is unlawful to hunt upland birds on the following Department of Wildlife owned or controlled lands unless the hunter is wearing fluorescent hunter orange clothing: Lake Terrell and Tennant Lake Wildlife Areas; Skagit Wildlife Area; Snoqualmie Wildlife Area; Scatter Creek Wildlife Area; Skookumchuck Wildlife Area; Vancouver Lake Shillapoo Wildlife Area; and Voice of America Wildlife Area. Hunter orange will also be required on Fort Lewis and the Yakima Firing Center for hunting of upland birds.

A minimum of 400 square inches of fluorescent hunter orange exterior clothing, worn above the waist, is required. A hunter orange shirt, jacket, or vest satisfies this requirement.

**Pheasant Hunters
Restricted Weekend Hunting Hours**

For Lake Terrell, Tennant Lake, Snoqualmie* and Skagit** Wildlife Areas

Hunting hours are restricted on Saturdays and Sundays from 8:00 a.m. until 12 noon. Hunters with odd numbered hunting licenses will hunt on one day and hunters with even numbered hunting licenses will hunt the other weekend day. Hunters 14 years of age or younger may hunt on either weekend day provided they are accompanied by an adult with appropriate hunting license number. See schedule below.

*Saluzzier, Cherry Valley, Two Rivers segments

**Headquarters, Smith Farm segments

September							October							November						
M	T	W	Th	F	Sa	Su	M	T	W	Th	F	Sa	Su	M	T	W	Th	F	Sa	Su
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

□ Both License Numbers
 ◻ Odd License Numbers
 ◼ Even License Numbers

All Hunters With A Hunting License And Western Washington Upland Bird Permit May Hunt:

WEEKENDS: Noon to 4 p.m. WEEKDAYS: 8 a.m. to 4 p.m.

Eastern Washington (pheasant)

Noon Oct. 13–Dec. 31, 1990

Daily bag limit: 3 Ring-necked cock pheasants.

Possession limit: 15 Ring-necked cock pheasants.

QUAIL

Western Washington

Oct. 13–Nov. 30, 1990

Daily bag limit: 5 quail.

Possession limit: 15 quail.

Eastern Washington

Noon Oct. 13, 1990–Jan. 13, 1991

Daily bag limit: 10 quail.

Possession limit: 30 quail.

PARTRIDGE

Chukar and Hungarian

Eastern Washington Only

Early Season

Sept. 22–Oct. 12, 1990 in Asotin and Garfield Counties; in that part of Whitman County south of the Washtucna–Colfax–Moscow Highway; in that part of Columbia County that is north and east of the Tucannon River.

Daily bag limit: 6 chukar or Hungarian partridges, straight or mixed bag.

Possession limit: 18 chukar or Hungarian partridges, straight or mixed bag.

Regular Season

Noon Oct. 13, 1990–Jan. 13, 1991

Daily bag limit: 6 chukar or Hungarian partridges, straight or mixed bag.

Possession limit: 18 chukar or Hungarian partridges, straight or mixed bag.

Rock doves (feral domestic pigeons) may be taken year around. A hunting license is required to hunt these birds.

GROUSE

Blue, Ruffed, and Spruce

Statewide: Sept. 1–Dec. 31, 1990 except closed in Unit 522 (Loo-wit). Rifles and handguns prohibited from Nov. 19–Dec. 31, 1990. Colville Indian Reservation closed to hunting of all grouse species by non-tribal members.

Daily bag limit: 3 blue, ruffed, or spruce grouse, straight or mixed bag.

Possession limit: 9 blue, ruffed, or spruce grouse, straight or mixed bag.

Sage and Sharptail Grouse

Season closed statewide.

Ptarmigan

Season closed statewide.

WILD TURKEY

Either sex season: Nov. 16–Nov. 20, 1990 in Klickitat and Skamania Counties only.

Bag and possession limit: 1 turkey per calendar year (Jan. 1–Dec. 31).

Special Regulations

- 1) Wild turkey season is open for shotgun and bow-and-arrow hunting only.
- 2) A turkey transport tag is required for hunting wild turkey; see License Requirements.
- 3) Each successful hunter must fill out and return a game harvest report card to the Department of Wildlife within 10 days after taking a turkey. Failure to do so is a misdemeanor punishable by a fine of up to \$250 and/or 90 days in jail.

BIRD DOG TRAINING SEASON

Aug. 1, 1990–Mar. 15, 1991

On designated western Washington release sites, dog training is restricted to 8:00 a.m. – 4:00 p.m. Game birds may be taken only during established bird hunting season.

MIGRATORY WATERFOWL SEASONS

DUCKS

Western Washington

8 a.m. Oct. 13–Oct. 21, 1990 and Nov. 11–Dec. 30, 1990

Daily bag limit: 4 ducks—to include not more than 3 mallards, not more than 1 hen mallard, not more than 1 pintail (either sex), and not more than 2 redheads, 2 canvasbacks or 1 of each.

Possession limit: 8 ducks—to include not more than 6 mallards, not more than 2 hen mallards, not more than 2 pintails (either sex), and not more than 4 shall be canvasbacks and/or redheads.

Eastern Washington

Noon Oct. 13–Oct. 21, 1990 and Nov. 4–Dec. 30, 1990

Daily bag limit: 4 ducks—to include not more than 3 mallards, not more than 1 hen mallard, not more than 1

pintail (either sex), and not more than 2 redheads, 2 canvasback or 1 of each.

Possession limit: 8 ducks—to include not more than 6 mallards, not more than 2 hen mallards, not more than 2 pintails (either sex), and not more than 4 shall be canvasbacks and/or redheads.

COOT (Mudhen)

Same areas, dates and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

Caution: Hunters must take care in their identification of common snipe. Many species of estuarine shorebirds, similar in appearance to common snipe, are found in the same areas, particularly in western Washington. Common snipe do not fly in flocks.

Skagit Wildlife Area Shotgun Shell Restriction

It is unlawful to have in possession more than 15 shotgun shells or to fire more than 15 shells in one day on the farmed island segment of the Skagit public hunting area, between the south fork of the Skagit River and Fresh Water Slough.

It is unlawful to hunt waterfowl from a moving boat or any free-floating device that is not in a fixed position which is either anchored or secured to shore in Port Susan Bay, Skagit Bay, Padilla Bay, and Samish Bay.

GEESE (except Brant and Cackling Canada Geese)

Western Washington

Oct. 13, 1990–Dec. 30, 1990 in Island, Skagit, Snohomish, and Whatcom counties.

The Skagit–Fraser population of lesser snow geese had consecutive breeding failures in 1988 and 1989 on Wrangel Island, U.S.S.R. If the 1990 wintering population is below 35,000 or the percentage of juveniles in the wintering flock is below ten percent, the snow goose season will be closed early or will not open.

Daily bag limit: 3 geese.

Possession limit: 6 geese.

Oct. 13, 1990–Jan. 13, 1991 in all other parts of western Washington, EXCEPT: Canada geese in Clark, Cowlitz, Pacific and Wahkiakum counties in areas listed below. (See seasons and special requirements for the counties below.)

Daily bag limit: 3 geese.

Possession limit: 6 geese.

*Special Canada Goose Season for Clark, Cowlitz, Pacific and Wahkiakum counties:

Special season for 1990–91 arranged cooperatively by the Washington Department of Wildlife and the U.S. Fish and Wildlife Service.

The Canada goose season for Clark, Cowlitz, Pacific, and Wahkiakum Counties will be closed early if dusky Canada goose harvest exceeds 45 geese.

Canada goose season is OPEN in Clark, Cowlitz, and Wahkiakum counties, only on the following dates from 9:00 a.m. to 4:00 p.m.:

Nov. 25, 1990

Dec. 1, 9, 15, 23, 30, 1990

Jan. 5, 12, 1991

Canada goose season is OPEN in Pacific County from 9 a.m. to 4 p.m., Saturdays only, Nov. 24, 1990–Jan. 12, 1991.

Bag limits for both areas:

Season limit: 1 dusky Canada goose.

Daily bag limit: 3 geese, only one of which may be a dusky Canada goose.

Possession limit: 6 geese, only one of which may be a dusky Canada goose.

Hunting only by written authorization from the Washington Department of Wildlife. Written authorization will be revoked in the event a dusky Canada goose or a cackling Canada goose is taken and the hunter will not be able to hunt Canada geese in the specified area for the remainder of the season. All hunters must carry proof of attending a 1990 goose identification class. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site.

Eastern Washington

Saturdays, Sundays, and Wednesdays only, from noon Oct. 13, 1990–Jan. 13, 1991 and on Nov. 12, 22, 23, Dec. 25, 1990 and Jan. 1, 1991 in Adams, Benton, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties; and east of Satus Pass (U.S. Highway 97) in Klickitat County.

Daily bag limit: 3 geese.

Possession limit: 6 geese.

Noon Oct. 13, 1990–Jan. 13, 1991 in all other parts of eastern Washington.

Daily bag limit: 3 geese.

Possession limit: 6 geese.

Extended Season: Jan. 14–20, 1991, in Adams, Benton, Douglas, Franklin, Grant, Kittitas, Klickitat, Lincoln, Walla Walla, and Yakima counties.

Daily bag limit: 3 geese.

Possession limit: 6 geese.

BRANT

Open in Skagit and Whatcom counties on the following dates: Dec. 8, 9, 11, 12, 13, 15, 16, 19, 20, 22, 23, 1990.

Open in Pacific County on the following dates: Dec. 8, 12, 15, 19 and 22, 1990. Brant killed in Pacific County must be checked at the Willapa National Wildlife Refuge by 6:00 p.m. on the day of the kill.

Written Authorization Required: All hunters participating in this season are required to obtain written authorization from a Washington Department of Wildlife office. With the authorization, hunters will receive a hunter activity and harvest report form. Return of the harvest report form is mandatory. Those hunters not returning the harvest report form to the Department of Wildlife by January 31, 1991 will be ineligible to participate in the 1991 brant season.

Daily bag limit: 2 brant.

Possession limit: 4 brant.

CAACKLING CANADA GEESE AND SWANS

Season Closed Statewide.

STEEL SHOT ZONES

It is unlawful to possess while hunting for or to take ducks, geese, or coots with shotshells or a muzzleloader shotgun loaded with any metal other than steel in the following zones:

1. Western Washington Zone

All areas west of the Pacific Crest Trail and west of (and including) the Big White Salmon River in Klickitat County.

2. Columbia Basin Zone

All of Adams, Benton, Franklin, Grant, Lincoln, Spokane, Walla Walla, and Yakima counties and those portions of Klickitat, Chelan, Kittitas, Douglas, and Okanogan counties bounded by the following line:

Beginning at the Washington-Oregon State border on Celilo Bridge on US 97, thence northerly on US 97 to State Highway 14, thence easterly on State Highway 14 to US 395/I-82 (formerly a continuation of Highway 14), thence northerly on US 395/I-82 to Kennewick, thence northwesterly on State Highway 240 to State Highway 24, thence westerly on State Highway 24 to US 97, thence northerly on US 97 to State Highway 155 at Omak, thence southeasterly on State Highway 155 to Grand Coulee, thence southeasterly on State Highway 174 to US 2, thence westerly on US 2 to State Highway 17, thence southerly on State Highway 17 to US 395, thence southerly on US 395 to US 12, thence southerly on US 12 and US 730 to the Oregon border (including the entire McNary and Umatilla National Wildlife Refuges), thence westerly along the Columbia River and the Washington and Oregon border to point of origin.

It is unlawful to possess while hunting, shot shells or a muzzleloader shotgun loaded with any metal other than steel on the Skagit Wildlife Area. This change will reduce lead shot availability in waterfowl feeding areas on the Skagit Wildlife Area.

SPECIAL CLOSURES AND REGULATIONS

Special Closures

Columbia River:

It is unlawful to hunt waterfowl, coot, or snipe on or within one-fourth mile of the Columbia River in the following areas:

-Between the railroad bridge at Wishram and east along the Columbia River to the grain elevator at Roosevelt.

-Between Rock Island Dam and Winesap in Chelan County and between Rock Island Dam and a point in Douglas County perpendicular to Winesap.

-Between Chief Joseph Dam and the mouth of Nespelem Creek in Okanogan and Douglas Counties.

-From the old Hanford townsite (wooden tower) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge (Highway 24).

-On or within one-fourth mile of Badger and Foundation Islands in Walla Walla County.

It is unlawful to hunt game birds on the Columbia River or from any island in the Columbia River in the following areas:

-From the mouth of Glade Creek (River Marker 57) to the old townsite of Paterson (River Marker 67) in Benton County, except the hunting of game birds is permitted from the main shoreline of the Columbia River in this area. (Check with Umatilla National Wildlife Refuge for other federal regulations for this area.)

-Between the public boat launch at Sunland Estates in Grant County (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

The U.S. Department of Energy retains security closures on the Hanford Reservation along the Columbia River.

Snake River

It is unlawful to hunt waterfowl, coot, or snipe in the following areas:

-On or within one-half mile of the Snake River from the Highway 12 bridge up river to Lower Monumental Dam.

-On or within one-fourth mile of the Snake River between the Interstate Highway 12 bridges at Clarkston, downstream to the Lower Granite Dam.

Yakima River

It is unlawful to hunt waterfowl, coot, or snipe within one-fourth mile of the Yakima River in the following areas:

-From the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).

-From the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

I-82 Ponds

It is unlawful to hunt waterfowl, coot, or snipe in the following area:

-Those waters under Department of Wildlife ownership known as Ponds 1, 2, 3, and 6 north and east of Interstate 82 and south and east of S.R. 12 from the city limits of Union Gap to the Zillah/Toppenish Road.

FALCONRY SEASONS

Ducks, Coot and Snipe

Oct. 13-21, 1990; Nov. 11-Dec. 30, 1990; and Jan 29-Mar. 10, 1991, statewide.

Daily bag limit: 3, straight or mixed bag.

Possession limit: 6, straight or mixed bag.

Geese

Oct. 13, 1990-Jan. 27, 1991 statewide

Daily bag limit: 3, straight or mixed bag

Possession limit: 6, straight or mixed bag

1990-91 OFFICIAL HUNTING HOURS*
September 1, 1990 to January 31, 1991

Dates (Inclusive)	Western Washington		Eastern Washington	
	A.M.	to P.M.	A.M.	to P.M.
Sat. Sept. 1 - Sun. Sept. 2	6:00	7:50	5:45	7:40
Mon. Sept. 3 - Sun. Sept. 9	6:05	7:40	5:50	7:30
Mon. Sept. 10 - Sun. Sept. 16	6:15	7:25	6:00	7:15
Mon. Sept. 17 - Sun. Sept. 23	6:20	7:10	6:10	7:00
Mon. Sept. 24 - Sun. Sept. 30	6:30	6:55	6:20	6:45
Mon. Oct. 1 - Sun. Oct. 7	6:40	6:45	6:30	6:30
Mon. Oct. 8 - Fri. Oct. 12	6:50	6:30	6:40	6:20
Opening** Sat. Oct. 13	6:55	6:25	6:45	6:10
Weekend Sun. Oct. 14	6:55	6:25	6:45	6:10
Mon. Oct. 15 - Sun. Oct. 21	7:00	6:15	6:50	6:05
Mon. Oct. 22 - Sat. Oct. 27	7:10	6:05	7:00	5:50
Sun. Oct. 28	6:15	5:00	6:05	4:45
Mon. Oct. 29 - Sun. Nov. 4	6:20	4:50	6:10	4:40
Mon. Nov. 5 - Sun. Nov. 11	6:35	4:40	6:20	4:30
Mon. Nov. 12 - Sun. Nov. 18	6:45	4:35	6:30	4:20
Mon. Nov. 19 - Sun. Nov. 25	6:55	4:25	6:40	4:15
Mon. Nov. 26 - Sun. Dec. 2	7:05	4:20	6:50	4:10
Mon. Dec. 3 - Sun. Dec. 9	7:10	4:20	7:00	4:05
Mon. Dec. 10 - Sun. Dec. 16	7:20	4:20	7:05	4:05
Mon. Dec. 17 - Sun. Dec. 23	7:25	4:20	7:10	4:05
Mon. Dec. 24 - Sun. Dec. 30	7:25	4:25	7:15	4:10
Mon. Dec. 31 - Sun. Jan. 6	7:25	4:30	7:15	4:20
Mon. Jan. 7 - Sun. Jan. 13	7:25	4:40	7:15	4:25
Mon. Jan. 14 - Sun. Jan. 20	7:20	4:45	7:10	4:35
Mon. Jan. 21 - Sun. Jan. 27	7:15	4:55	7:05	4:45
Mon. Jan. 28 - Thu. Jan. 31	7:10	5:05	7:00	4:55

* Opening Day - In eastern Washington, upland bird and waterfowl seasons open at noon. In western Washington, upland bird and waterfowl seasons open at 8:00 a.m.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.
- 2) Western Washington - Cottontail rabbit and snowshoe hare hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant season on designated pheasant release sites.
- 3) Before September 1 and after January 31 during their respective seasons, the lawful hunting hours for all game animals and game birds shall be one-half hour before sunrise to sunset.

- 4) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer and elk, hunting hours shall be one-half hour before sunrise to sunset.
- 5) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

REPEALER

The following section of the Washington Administrative Code is hereby repealed.

WAC 232-28-413 - 1989-90 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS

WSR 90-17-096**NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION**

[Memorandum—August 20, 1990]

The date and location for the September Washington State Transportation Commission public meeting has been changed to reflect the following: Public meeting is September 27 (rather than both the 26th and 27th). Location: Sheraton Tacoma Hotel, 1320 Broadway Plaza, Tacoma.

WSR 90-17-097**PERMANENT RULES
DEPARTMENT OF LICENSING**

[Filed August 21, 1990, 10:58 a.m.]

Date of Adoption: August 17, 1990.

Purpose: Revision of license renewal frequency to change from an annual renewal of architect licenses to a three-year license renewal period, and establishment of the three-year phase-in period and procedures to effect the change.

Citation of Existing Rules Affected by this Order: Amending WAC 308-12-320 Renewal of licenses.

Statutory Authority for Adoption: RCW 18.08.430.

Pursuant to notice filed as WSR 90-13-059 on June 15, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 17, 1990

Marsha Tadano Long
Assistant Director

AMENDATORY SECTION (Amending Order PL 517, filed 2/11/85)**WAC 308-12-320 RENEWAL OF LICENSES.**

(1) The ((annual)) license renewal date for architects shall be the architects birth date. Licensees who fail to pay the license renewal fee within thirty days of license expiration date will be subject to the late payment penalty fee as set forth in ((WAC 308-12-312)) RCW 18.08.430 and WAC 308-12-326. Architects whose renewal fees are delinquent will be listed with the state building officials.

(2) Effective with the renewal period beginning January 1, 1991, the annual renewal period for architects will be changed to a three-year renewal period. Conversion to the three-year renewal system will be accomplished as follows:

(a) Current licensees, whose birthdates are in the months of January, February, March or April, will be required to pay a fee equal to one years' renewal fee, or one-third of the current three-year renewal fee, in order to extend their licenses for a period of one year. Subsequent renewals for this group of licensed architects will be for a three-year period.

(b) Current licensees, whose birthdates are in the months of May, June, July or August, will be required to pay a fee equal to two years' renewal fee, or two-thirds of the current three-year renewal fee, in order to

extend their licenses for a period of two years. Subsequent renewals for this group of licensed architects will be for a three-year period.

(c) Current licensees, whose birthdates are in the months of September, October, November or December, will be required to pay the current three-year renewal fee, in order to extend their licenses for a period of three years. Subsequent renewals for this group of licensed architects will be for a three-year period.

(3) Effective January 1, 1991, all new architect licenses, initial or reciprocity, will be issued for a three-year period, with subsequent renewals for a three-year period.

(4) Following completion of the conversion to a three-year renewal period, licensees will renew every three years on their date of birth.

(5) Assessment of delinquent fees will be based on the number of years delinquent multiplied by one-third of the three-year renewal fee or the fee for one year. Penalty fees are one-third of the three-year renewal fee or equal to the fee for one year multiplied by the number of years delinquent.

WSR 90-17-098**PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed August 21, 1990, 12:00 p.m.]

Original Notice.

Title of Rule: Amending WAC 16-550-010 Definitions; and 16-550-040 Assessments and collections.

Purpose: To increase the assessment on Washington blueberries. To add to the definitions of commercial quantities to include those berries "stored" in the state of Washington.

Statutory Authority for Adoption: Chapter 15.65 RCW.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: Rule will increase the assessment of Washington blueberries from one-half cent per pound to three-fourth of a cent per pound. Rule would also expand the definition of affected producer to include those who "store" blueberries in this state.

Reasons Supporting Proposal: To increase the revenue available for the Washington Blueberry Commission and to include blueberries produced out of state and stored in the state of Washington subject to the assessment.

Name of Agency Personnel Responsible for Drafting: Roger L. Roberts, Washington State Department of Agriculture, 406 General Administration Building, Olympia, (206) 753-5028; Implementation and Enforcement: Washington Blueberry Commission, 1360 Bow Hill Road, Bow, WA, (206) 766-6173.

Name of Proponent: Washington blueberry growers petition as provided for in RCW 15.65.060, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Amending WAC 16-550-010 will make those

blueberries produced out of state and stored in this state subject to the assessment, and increase the total revenue for the commission; and amending WAC 16-550-040 will increase the total revenue to the commission.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State University, Research and Extension Center, 7612 Pioneer Way East, Puyallup, WA, on October 8, 1990, at 1:00 p.m.

Submit Written Comments to: Washington State Department of Agriculture, 406 General Administration Building, AX-41, Olympia, WA 98504, by October 8, 1990.

Date of Intended Adoption: December 3, 1990.

August 17, 1990

Arthur C. Scheunemann
Managing Director
Market Development Division

AMENDATORY SECTION (Amending Order 1116, filed 5/14/69, effective 6/15/69)

WAC 16-550-010 DEFINITIONS OF TERMS. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

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

(3) "Act" means the Washington State Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association or corporation.

(5) "Affected producer" means any person who produces blueberries in commercial quantities in the state of Washington, or who sells or stores blueberries in the state of Washington for fresh market or for processing.

(6) "Commercial quantity" means any blueberries produced, or stored, for a market by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, storing, or distributing blueberries not produced by him.

(8) "Blueberry commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of WAC 16-550-020 of this blueberry order.

(9) "Blueberries" means and includes all kinds, varieties, and hybrids of "vaccinium corym bosum" and "vaccinium australe" grown and marketed in the state of Washington.

(10) "Marketing season" or "fiscal year" means the twelve-month period beginning with July 1 of any year and ending with the last day of June following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to blueberries. A producer-handler shall be deemed to be a producer with respect to the blueberries which he produces and a handler with respect to the blueberries which he handles, including those produced by himself.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(14) "Affected unit" means one pound net of blueberries.

AMENDATORY SECTION (Amending Order 1594, filed 12/21/78)

WAC 16-550-040 ASSESSMENTS AND COLLECTIONS. (1) Assessments.

(a) The annual assessment on all varieties of blueberries shall be ~~((one-half))~~ three-quarters of a cent per affected unit (pound).

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized, to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

WSR 90-17-099

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed August 21, 1990, 12:03 p.m.]

Original Notice.

Title of Rule: Time, place, method for payment, and collection of assessments, and penalties for noncompliance.

Purpose: To establish rules for the collection of assessments for Washington Wine Commission and penalties for noncompliance.

Statutory Authority for Adoption: RCW 15.88.130.

Statute Being Implemented: Chapter 15.88 RCW.

Summary: Rules describe the time, place, method of payment and collection procedures for the Washington Wine Commission assessment on vinifera grapes.

Reasons Supporting Proposal: Rules required for orderly collection of assessments as required in RCW 15.88.130.

Name of Agency Personnel Responsible for Drafting: Roger Roberts, Washington State Department of Agriculture, 406 General Administration Building, Olympia, WA, (206) 753-5028; Implementation and Enforcement: Washington Wine Commission, 1932 1st Avenue #510, Seattle, WA, (206) 728-2252.

Name of Proponent: Washington Wine Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Rules establish time, place and method of payment of the assessment levied on all vinifera grapes, and penalties for late or nonpayment of the assessment. It requires the first handler to deduct the assessment from

the remittance to growers, and transmit same to the commission, or for the grower to pay the assessment directly to the commission if he sells for export.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Agricultural Service Center, 2015 South 1st Street, Yakima, WA 98903, on September 27, 1990, at 1:15 p.m.

Submit Written Comments to: Washington State Department of Agriculture, 406 General Administration Building, AX-41, Olympia, WA 98504, by September 27, 1990.

Date of Intended Adoption: December 3, 1990.

August 17, 1990

Arthur C. Scheunemann
Managing Director
Market Development Division

Chapter 16-575 WAC
WINE COMMISSION

NEW SECTION

WAC 16-575-010 TIME—PLACE—METHOD FOR PAYMENT AND COLLECTION OF ASSESSMENTS. Effective with the growing season of 1990, the following procedure is established for the reporting and paying of the assessment of three dollars per ton of vinifera grapes harvested, levied pursuant to RCW 15.88.130:

(1) All first handlers of vinifera grapes for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. All such assessments accumulated will be due and payable to the commission on or before December 31 of each year. First handlers shall submit to the commission on or before December 31 of each year, a report listing the name, address, tons of vinifera grapes handled or purchased, and amount deducted or collected for each grower on forms provided by the commission.

(2) All growers selling vinifera grapes for export, shall pay the assessment directly to the commission, on or before December 31 of each year. Such growers shall submit to the commission on or before December 31 of each year, a report listing the name and address of the exporter, tons sold, and assessment due, on forms provided by the commission.

NEW SECTION

WAC 16-575-020 PENALTIES. Any due and payable assessment herein levied in such specified amount as may be determined by the commission pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the commission on December 31 of each year.

In the event any person fails to pay the commission the full amount of such assessment or such other sum on or before the date due, the commission may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collection of the same.

In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the commission may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

WSR 90-17-100

WITHDRAWAL OF PROPOSED RULES INSURANCE COMMISSIONER

(By the Code Reviser's Office)

[Filed August 21, 1990, 1:00 p.m.]

WAC 284-55-010, 284-55-020, 284-55-030, 284-55-035, 284-55-040, 284-55-045, 284-55-050, 284-55-060, 284-55-065, 284-55-067, 284-55-070, 284-55-080, 284-55-090, 284-55-095, 284-55-115, 284-55-120, 284-55-125, 284-55-150, 284-55-155, 284-55-160, 284-55-165, 284-55-172, 284-55-177, 284-55-180, 284-55-185, 284-55-190, 284-55-205 and 284-55-210, proposed by the Insurance Commissioner in WSR 90-04-089, appearing in issue 90-04 of the State Register, which was distributed on February 21, 1990, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-17-101

WITHDRAWAL OF PROPOSED RULES CLARK COLLEGE

(By the Code Reviser's Office)

[Filed August 21, 1990, 1:01 p.m.]

WAC 132N-400-010, 132N-400-020, 132N-400-030 and 132N-400-040, proposed by the Clark College in WSR 90-04-079, appearing in issue 90-04 of the State Register, which was distributed on February 21, 1990, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-17-102

RULES COORDINATOR EMPLOYMENT SECURITY DEPARTMENT

[Filed August 21, 1990, 2:12 p.m.]

In accordance with RCW 34.05.310, the rules coordinator of the Employment Security Department is Wm. Eric Jordan, 212 Maple Park, Mailstop KG-11, Olympia, WA 98504, phone (206) 586-2915.

Ernest F. LaPalm
Deputy Commission

WSR 90-17-103

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed August 21, 1990, 2:15 p.m.]

Date of Adoption: August 20, 1990.

Purpose: To assist in collecting unemployment insurance benefit overpayments due to other states.

Citation of Existing Rules Affected by this Order: Amending WAC 192-28-115 and 192-28-130.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Pursuant to notice filed as WSR 90-11-119 on May 23, 1990.

Effective Date of Rule: Thirty days after filing.

August 20, 1990

Ernest F. LaPalm

Deputy Commissioner

AMENDATORY SECTION (Amending Order 3-86, filed 8/12/86)

WAC 192-28-115 RECOVERY OF BENEFIT OVERPAYMENT—EQUITY AND GOOD CONSCIENCE PROVISIONS. (1) The department will not consider or grant waiver of an overpayment and will not consider or accept an offer in compromise of an overpayment, when the overpayment is based on an overpayment decision written by a state other than Washington.

(2) The department will grant waiver of an overpayment when it is found that the individual was without fault in the overpayment and when it is determined that to require repayment would be against equity and good conscience. It will be against equity and good conscience to deny waiver when repayment of the overpayment would deprive the individual of income required for necessary living expenses unless there are unusual circumstances which would militate against waiver.

~~((2))~~ (3) The individual will be required to provide financial information for the determination of waiver of the overpayment. Failure on the part of the individual to provide such information within 10 days from the request date will result in the department making a decision, based on available information, regarding the individual's eligibility for waiver. All such information is subject to verification by the department. Any overpayment amount waived on the basis of information which is later determined to be fraudulent or misrepresented shall be restored to the overpayment balance.

~~((3))~~ (4) The financial information requested shall include:

(a) An account of the individual's income and to the extent available to the individual, other financially contributing members of the household for the month preceding, the current month and the month following the date the financial information is requested.

(b) An account of the individual's current and readily available liquid assets. Liquid assets may include, but are not limited to, checking and savings account balances, stocks, bonds and cash on hand.

(c) An account of the individual's expenses for the month preceding, the current month and the month following the date the financial information is requested.

~~((4))~~ (5) If average monthly expenses equal or exceed average monthly income and there are no substantial liquid assets available, waiver of the overpayment will be considered. The presence of unusual circumstances may justify waiver on other than a financial basis when not to waive would be unconscionable.

~~((5))~~ (6) When an individual has been denied waiver or waiver was not considered, the individual may enter into a payment agreement with the department.

~~((6))~~ (7) When an individual has been denied waiver or has been unable to reach a payment agreement with the department, he or she may make an offer in compromise pursuant to the provisions of RCW 50.24-.020. The allowance or denial of an offer in compromise will be in accordance with the same criteria used by the department for allowance or denial of waiver of an overpayment. Any overpayment amount compromised on the basis of information which is later determined to be fraudulent or misrepresented shall be restored to the overpayment balance.

AMENDATORY SECTION (Amending Order 4-88, filed 4/29/88)

WAC 192-28-130 MINIMUM PAYMENT CALCULATION. Unless otherwise authorized by the commissioner or his/her designee, the minimum monthly payment shall be as follows:

(1) A minimum monthly payment will not be calculated for overpayments assessed by states other than Washington. Recovery of benefit overpayments by offset against future benefits will be done in accordance to WAC 192-28-120 (5)(a) and (b).

(2) For overpayments assessed under RCW 50.20.070, the minimum monthly payment amount will be the individual's weekly benefit amount or three percent of the remaining overpayment balance at the time of the billing statement rounded to the next lower multiple of one dollar, whichever is greater.

~~((2))~~ (3) For all other overpayments, the minimum monthly payment amount will be one-third of the weekly benefit amount, three percent of the remaining overpayment balance at the time of the billing statement rounded to the next lower multiple of one dollar, or twenty-five dollars, whichever is greater.

WSR 90-17-104

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed August 21, 1990, 2:17 p.m., effective August 21, 1990]

Date of Adoption: August 20, 1990.

Purpose: To clarify the interpretation of the requirements for requalification for a new benefit year which includes wages earned before the beginning of a previous benefit year.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Pursuant to notice filed as WSR 90-11-120 on May 23, 1990.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Section 1, chapter 245, Laws of 1990 (SHB 2426a), became effective with the governor's signature on March 28, 1990. This interpretive rule is necessary for the uniform interpretation of the act. This permanent rule replaces an emergency rule which expires August 21, 1990.

Effective Date of Rule: August 21, 1990.

August 20, 1990
Ernest F. LaPalm
Deputy Commissioner

NEW SECTION

WAC 192-16-004 INTERPRETIVE REGULATION—BENEFIT YEAR—FURTHER DEFINING INITIAL SEPARATION FROM EMPLOYMENT—RCW 50.04.030. RCW 50.04.030 requires in part, "That a benefit year cannot be established if the base year wages include wages earned prior to the establishment of a prior benefit year unless the individual worked and earned wages since the initial separation from employment in the previous benefit year of not less than six times the weekly benefit amount." For the purposes of RCW 50.04.030,

(1) "initial separation from employment in the previous benefit year" means the last separation from employment before the application for initial determination.

(2) "employment" means employment covered by Title 50 RCW.

WSR 90-17-105

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed August 21, 1990, 2:19 p.m.]

Date of Adoption: August 20, 1990.

Purpose: To implement legislation allowing the charging of interest on unemployment insurance benefit overpayments, section 5, chapter 245, Laws of 1990.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Pursuant to notice filed as WSR 90-11-121 on May 23, 1990.

Effective Date of Rule: Thirty days after filing.

August 20, 1990
Ernest F. LaPalm
Deputy Commissioner

NEW SECTION

WAC 192-28-122 APPLICATION OF OFFSETS OR CASH REPAYMENTS. (1) Offsets will only be applied against the overpayment assessment.

(2) Cash repayments will be applied against the outstanding balance as follows:

- (a) Court assessments and warrant fees.
- (b) Interest charges.
- (c) The overpayment assessment.

NEW SECTION

WAC 192-28-145 OVERPAYMENT SUBJECT TO INTEREST CHARGES. (1) Overpayments assessed by another state, but collected by this department, will not be charged interest.

(2) No interest will be charged in months when the minimum monthly payment is received on or before the due date.

(3) Overpayments based on misrepresentation (RCW 50.20.070) will be charged interest at the rate of one percent per month if one or more minimum monthly payments are delinquent.

(4) Overpayments not based on misrepresentation will be charged interest at the rate of one percent per month if two or more minimum monthly payments are delinquent.

(5) Overpayments containing both misrepresentation and nonmisrepresentation will be charged interest in accordance with (3) and (4) above.

(6) If unusual circumstances exist, the commissioner or authorized delegate may suspend the assessment or collection of interest charges.

NEW SECTION

WAC 192-28-150 BENEFIT OVERPAYMENT INTEREST CHARGES - DEFINITIONS. (1) The "outstanding balance" is defined as the total of all unpaid overpayment assessments, warrant fees, court assessments and interest charges.

(2) The "due date" is defined as the date shown on the department's monthly statement, mailed to the claimant's last known address.

(3) "Delinquent" is defined as the minimum payment due, not being received on or before the due date.

WSR 90-17-106

PROPOSED RULES

**BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS**

[Filed August 21, 1990, 2:32 p.m.]

Original Notice.

Title of Rule: Amendment to WAC 196-24-060 Renewal fees, pertaining to the regulation of engineers and land surveyors.

Purpose: Amend the provisions of WAC 196-24-060 relative to license renewal fees. This amendment specifies the expiration date of an individual's license as a professional engineer or land surveyor.

Statutory Authority for Adoption: RCW 18.43.035.

Statute Being Implemented: Chapter 18.43 RCW.

Summary: The amendment specifies that the director has established an individual's birth date as date of license expiration.

Reasons Supporting Proposal: The existing rule specified annual renewal without stating specific expiration date. This proposal clarifies the rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Alan E. Rathbun, 2424 Bristol Court S.W., Olympia, 753-3634.

Name of Proponent: Board of Registration for Professional Engineers and Land Surveyors, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule specifies the licensee's date of birth as the annual expiration date of their professional license. It further explains that it is the licensee's responsibility to pay the required fee by the expiration date.

Proposal Changes the Following Existing Rules: It specifies the annual date of license expiration for engineers and land surveyors. Further, this proposal establishes as permanent rule, a rule previously adopted by emergency under WSR 90-17-013.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Seattle Marriott, Sea-Tac, City Suite Area, 3201 South 176th Street, Seattle, WA, on September 28, 1990, at 10:00 a.m.

Submit Written Comments to: Alan E. Rathbun, P.E., P.O. Box 9649, Olympia, WA 98504, by September 26, 1990.

Date of Intended Adoption: September 28, 1990.

August 20, 1990
 Alan E. Rathbun
 Registrar

AMENDATORY SECTION (Amending Order 81-10, filed 12/18/81)

WAC 196-24-060 RENEWAL FEES. (1) Renewals are issued on an annual basis. The director of the department of licensing has determined that all licenses for individuals registered as a professional engineer and/or professional land surveyor shall expire on the licensee's birth date. It shall be the licensee's responsibility to submit payment of the prescribed renewal fee to the department of licensing on or before the date of expiration.

(2) Under the staggered license renewal system the late payment penalty provision will be applied as follows: Before the expiration date of the individual's license the director of the department of licensing shall mail a notice for renewal of license to the last known address of every person holding a current license. The licensee must return such notice along with current renewal fees prior to the expiration of said license. Regardless of whether a renewal notice is received by the licensee, said license shall become invalid if the required fee is not paid by the date of expiration. If the licensee fails to pay the prescribed renewal fees within ninety days after the expiration date of the license, then the renewal fee will be the current fee plus an amount equal to one year's renewal fee.

(3) The renewal fee for engineers, land surveyors, engineering corporations and engineering partnerships are determined by the director of the department of licensing.

WSR 90-17-107
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed August 21, 1990, 2:35 p.m.]

Original Notice.

Title of Rule: License renewals pertaining to the regulation of engineers and land surveyors.

Purpose: The director of the department has the authority to establish a staggered license renewal process.

This rule establishes the expiration date for individuals, corporations and partnerships licensed under chapter 18.43 RCW.

Statutory Authority for Adoption: RCW 43.24.140.

Statute Being Implemented: Chapter 18.43 RCW.

Summary: This rule establishes the annual date of license renewal for individuals, corporations and partnerships regulated under chapter 18.43 RCW.

Reasons Supporting Proposal: RCW 43.24.140 gives the director the authority to establish staggered renewals in order to enhance the program's efficiency. A birth date renewal increases the program's efficiency.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Alan E. Rathbun, 2424 Bristol Court S.W., Olympia, 753-3634.

Name of Proponent: Department of Licensing, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes that individuals, partnerships and corporations licensed under chapter 18.43 RCW shall renew their license annually. The date of renewal for individuals shall be the licensee's birth date. Corporations and partnerships date of renewal shall be the last day of the month of December.

Proposal does not change existing rules.

This proposal is to establish a permanent rule adopted as an emergency rule under WSR 90-17-014.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Seattle Marriott, Sea-Tac, City Suite Area, 3201 South 176th Street, Seattle, WA, on September 28, 1990, at 10:00 a.m.

Submit Written Comments to: Alan E. Rathbun P.E., P.O. Box 9649, Olympia, WA 98504, by September 26, 1990.

Date of Intended Adoption: September 28, 1990.

August 20, 1990
 Marsha Tadano Long
 Assistant Director

NEW SECTION

WAC 196-26-030 LICENSE RENEWALS. The licenses for those individuals registered as a professional engineer and/or a professional land surveyor shall be renewed annually. The date of renewal shall be the licensee's birth date. Licensees who fail to pay the prescribed renewal fee within ninety days of the license expiration date will be subject to the late payment penalty fee as set forth in WAC 196-24-060.

The certificates of authorization for corporations and partnerships shall be renewed annually. The date of renewal shall be the last day of the month of December. Failure to pay the prescribed fee by the date of expiration shall cause the certificate to become invalid.

WSR 90-17-108
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
 [Order 455—Filed August 21, 1990, 2:46 p.m.]

Date of Adoption: August 21, 1990.

Purpose: To increase the number of permits issued from two to three in Sheep Unit 2, Vulcan Mountain.

Statutory Authority for Adoption: RCW 77.12.040 and 77.04.055.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A data processing error resulted in drawing one additional bighorn sheep permit (total of three) in Sheep Unit 2, Vulcan Mountain. The permit season for bighorn sheep will begin on September 22, 1990. Bighorn sheep are doing very well on Vulcan Mountain. Therefore, the issuance of one additional bighorn sheep permit will resolve the error of drawing.

Effective Date of Rule: Immediately.

August 21, 1990

Curt Smitch

Director

for John McGlenn

Chairman, Wildlife Commission

NEW SECTION

WAC 232-28-81201 1990 MOUNTAIN GOAT, SHEEP, MOOSE, COUGAR, AND LYNX HUNTING SEASONS - BIGHORN SHEEP PERMIT HUNTS - SHEEP UNIT 2, VULCAN MOUNTAIN Notwithstanding the provisions of WAC 232-28-812, the following regulations apply to the hunting seasons and limits for bighorn sheep in Sheep Unit 2, Vulcan Mountain.

SHEEP UNIT 2, VULCAN MOUNTAIN: Three bighorn sheep permits will be issued in Sheep Unit 2, Vulcan Mountain, for September 22 through October 7, 1990, both dates inclusive.

This replaces the corresponding information on page 30 of the Washington Department of Wildlife 1990-91 Hunting Seasons and Rules, Pamphlet Edition.

WSR 90-17-109

EMERGENCY RULES

DEPARTMENT OF WILDLIFE

(Wildlife Commission)

[Order 456—Filed August 21, 1990, 3:09 p.m.]

Date of Adoption: August 21, 1990.

Purpose: To remove a conflict in hunter reporting requirements in Pacific County.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A written authorization is now required to hunt brant in Pacific, Skagit and Whatcom counties. The requirement that brant be checked at the Willapa National Wildlife Refuge by 6:00 p.m. on the day of the kill is no longer necessary because the same harvest information can be gained from the mandatory harvest report which accompanies this authorization. The amendment is designed to prevent confusion in the regulations, to be more convenient to hunters, and to reduce the personnel and time needed to staff a mandatory check station.

Effective Date of Rule: Immediately.

August 21, 1990

Curt Smitch

Director

for John McGlenn

Chairman, Wildlife Commission

NEW SECTION

WAC 232-28-41402 1990-91 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS - BRANT GEESE - PACIFIC COUNTY Notwithstanding the provisions of WAC 232-28-414, eliminate the requirement that brant harvested in Pacific County be checked at the Willapa National Wildlife Refuge.

WSR 90-17-110

PERMANENT RULES

SUPERINTENDENT OF

PUBLIC INSTRUCTION

[Order 25—Filed August 21, 1990, 3:46 p.m.]

Date of Adoption: July 18, 1990.

Purpose: To set forth policies and procedures for the operation of a permissive shared leave program in school districts and educational service districts which permits employees to donate annual and sick leave to a fellow employee who is suffering from or has a relative or household member suffering for an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment.

Citation of Existing Rules Affected by this Order: Chapter 392-126 WAC.

Statutory Authority for Adoption: RCW 28A.58.095.

Pursuant to notice filed as WSR 90-12-122 on June 6, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 20, 1990

Judith A. Billings

Superintendent of

Public Instruction

FINANCE—SHARED LEAVE

NEW SECTION

WAC 392-126-004 AUTHORITY. The authority for this chapter is RCW 28A.400.380 which authorizes

the superintendent of public instruction to adopt rules and regulations promulgating standards governing the administration of the shared leave program which permits sharing of annual and sick leave by school district and educational service district employees.

NEW SECTION

WAC 392-126-006 **PURPOSE.** The purpose of this chapter is to set forth policies and procedures for the operation of a permissive shared leave program in school districts and educational service districts which permits employees to donate annual and sick leave to a fellow employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment.

NEW SECTION

WAC 392-126-015 **DEFINITION—ANNUAL LEAVE.** As used in this chapter, "annual leave" means vacation leave that an employee accrues and is maintained in records of a district for employees eligible to accrue vacation leave.

NEW SECTION

WAC 392-126-020 **DEFINITION—SICK LEAVE.** As used in this chapter, "sick leave" means leave granted to an employee for the purpose of absence from work with pay in the event of illness, injury, and emergencies as authorized in RCW 28A.400.300 (2)(c).

NEW SECTION

WAC 392-126-025 **DEFINITION—EMPLOYEE.** As used in this chapter, "employee" means any school district or educational service district employee entitled to use and accrue annual and/or sick leave.

NEW SECTION

WAC 392-126-030 **DEFINITION—DISTRICT.** As used in this chapter, "district" means a school district or an educational service district.

NEW SECTION

WAC 392-126-035 **DEFINITION—LEAVE RECIPIENT.** As used in this chapter, "leave recipient" means a current employee who has an approved application to receive shared leave.

NEW SECTION

WAC 392-126-040 **DEFINITION—LEAVE DONOR.** As used in this chapter, "leave donor" means an employee who has an approved written request for the transfer of annual or sick leave to the shared leave program.

NEW SECTION

WAC 392-126-045 **DEFINITION—DONATED ANNUAL LEAVE.** As used in this chapter, "donated annual leave" means the amount of annual leave donated by a leave donor under the shared leave program.

NEW SECTION

WAC 392-126-050 **DEFINITION—DONATED SICK LEAVE.** As used in this chapter, "donated sick leave" means the amount of sick leave donated by a leave donor under the shared leave program.

NEW SECTION

WAC 392-126-055 **DEFINITION—EMPLOYEE'S RELATIVE.** As used in this chapter, "employee's relative" means the leave recipient's spouse, child, stepchild, grandchild, grandparent, parent, sibling, or other close relative by blood or marriage.

NEW SECTION

WAC 392-126-060 **DEFINITIONS—HOUSEHOLD MEMBERS.** As used in this chapter, "household members" means those persons who reside in the same home as a family unit. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.

NEW SECTION

WAC 392-126-065 **DEFINITION—EXTRAORDINARY OR SEVERE.** As used in this chapter, "extraordinary or severe" means serious or extreme and/or life threatening.

NEW SECTION

WAC 392-126-070 **PERMISSIBILITY OF SHARED LEAVE PROGRAM.** Pursuant to RCW 28A.400.380 districts may institute a shared leave program for employees. This chapter shall govern such programs.

NEW SECTION

WAC 392-126-075 **ELIGIBILITY.** In the event a district implements a shared leave program, an employee shall be eligible to receive shared leave under the following conditions:

- (1) The employee's job is one in which annual and/or sick leave can be used and accrued.
- (2) The employee is not eligible for time loss compensation under chapter 51.32 RCW.
- (3) The employee has abided by district policies regarding the use of sick leave.
- (4) The employee has exhausted, or will exhaust, his or her annual leave and/or sick leave.
- (5) The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate district employment.

NEW SECTION

WAC 392-126-080 DONATION OF ANNUAL LEAVE. An employee may donate annual leave to specific individuals or pool using the following criteria:

(1) The employee may donate any amount of annual leave provided the donation does not cause the employee's annual leave balance to fall below ten days.

(2) Employees may not donate excess annual leave that the donor would not be able to take because of an approaching date after which the annual leave cannot be used.

(3) All donated annual leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating annual leave.

NEW SECTION

WAC 392-126-085 DONATION OF SICK LEAVE. An employee may donate sick leave to specific individuals or pool using the following criteria:

(1) The employee must be in a job in which annual leave is not accrued.

(2) The employee must have accrued more than sixty days of sick leave.

(3) Employees may not donate more than six days of sick leave during any twelve-month period.

(4) Employees may not donate an amount of sick leave that will result in his or her sick leave account going below sixty days.

(5) All donated sick leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating sick leave.

NEW SECTION

WAC 392-126-090 MAXIMUM AMOUNT. The district shall determine the amount of shared leave a leave recipient may receive and may only authorize an employee to use up to a maximum of two hundred sixty-one days of shared leave during total state employment. All forms of paid leave available for use by the recipient must be used prior to using shared leave.

NEW SECTION

WAC 392-126-095 DOCUMENTATION. The district shall require the employee or his or her legal representative, to submit, prior to approval or disapproval, documentation from a licensed physician or other authorized health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

NEW SECTION

WAC 392-126-099 CALCULATION OF SHARED LEAVE BENEFIT—PRORATION. Shared leave shall be calculated as follows:

(1) The leave recipient shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of the recipient's salary. The dollar value of the leave shall be converted from the donor to the recipient. The leave received shall be

coded as shared leave and shall be maintained separately from all other leave balances.

(2) In the alternative the dollar value of the leave donated shall be ignored and the leave shall be calculated on a day donated and day received basis.

(3) Regardless of which basis is used to calculate and account for shared leave, in the event the district determines that unused shared leave should be returned to leave donors, the district shall develop a plan for prorated return of both annual and sick leave.

NEW SECTION

WAC 392-126-104 ANNUAL CONVERSION OF ACCUMULATED SICK LEAVE. The provisions of this chapter shall not reduce the ability of the employee to convert accumulated sick leave under WAC 392-136-015.

WSR 90-17-111**PROPOSED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES****(Institutions)**

[Filed August 21, 1990, 4:01 p.m.]

Continuance of WSR 90-14-045.

Title of Rule: WAC 275-16-030.

Date of Intended Adoption: August 23, 1990.

August 21, 1990

Leslie F. James, Director

Administrative Services

by Rosemary Carr

WSR 90-17-112**PROPOSED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES****(Public Assistance)**

[Filed August 21, 1990, 4:02 p.m.]

Continuance of WSR 90-14-047.

Title of Rule: WAC 388-28-480.

Date of Intended Adoption: August 23, 1990.

August 21, 1990

Leslie F. James, Director

Administrative Services

by Rosemary Carr

WSR 90-17-113**PROPOSED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES****(Public Assistance)**

[Filed August 21, 1990, 4:03 p.m.]

Continuance of WSR 90-14-051.

Title of Rule: WAC 388-81-060 and 388-82-160.

Date of Intended Adoption: August 23, 1990.
 August 21, 1990
 Leslie F. James, Director
 Administrative Services
 by Rosemary Carr

WSR 90-17-114
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 21, 1990, 4:04 p.m.]

Continuance of WSR 90-14-055.
 Title of Rule: WAC 388-87-005.
 Date of Intended Adoption: September 5, 1990.
 August 21, 1990
 Leslie F. James, Director
 Administrative Services
 by Rosemary Carr

WSR 90-17-115
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 21, 1990, 4:05 p.m.]

Continuance of WSR 90-14-049.
 Title of Rule: Chapter 388-31 WAC.
 Date of Intended Adoption: August 23, 1990.
 August 21, 1990
 Leslie F. James, Director
 Administrative Services
 by Rosemary Carr

WSR 90-17-116
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3050—Filed August 21, 1990, 4:06 p.m.]

Date of Adoption: August 21, 1990.
 Purpose: To delete references to refugee assistance (RA) clients receiving \$30 plus one-third.
 Citation of Existing Rules Affected by this Order: Amending WAC 388-28-570.
 Statutory Authority for Adoption: RCW 74.08.090.
 Pursuant to notice filed as WSR 90-14-048 on June 29, 1990.
 Changes Other than Editing from Proposed to Adopted Version: Add the words "For rules exempting earned income for refugee assistance, see WAC 388-55-010."

Effective Date of Rule: Thirty-one days after filing.
 August 21, 1990
 Leslie F. James, Director
 Administrative Services
 By Rosemary Carr

AMENDATORY SECTION (Amending Order 2865, filed 9/1/89, effective 10/2/89)

WAC 388-28-570 NET CASH INCOME—EXEMPT EARNED INCOME. (1) For rules on exempting earned income of a full- or part-time student, see WAC 388-28-535. For rules exempting income from training, see WAC 388-28-515. For rules exempting earned income for Refugee Assistance, see WAC 388-55-010. For rules on other income, see WAC 388-28-580.

(2) As used in this section, "earned income" shall mean income in cash or in-kind earned as wages, salary, commissions, or profit from activities in which the individual is engaged as a self-employed person or as an employee. Earned income may be derived from self-employment (such as business enterprise or farming), or derived from wages or salary received as an employee. Earned income also includes earnings over a period of time for which settlement is made at one time, for example, sale of farm crops, livestock, or poultry. Income from rentals is earned income, provided the individual has managerial responsibility for the rental property.

(3) For an AFDC recipient, earned income includes earnings under Title I of the Elementary and Secondary Education Act, all earnings received under the Economic Opportunity Act, wages from WIN on-the-job training, and wages paid under the Job Training Partnership Act (JTPA). See WAC 388-28-535(2) for treatment of a child excluded from the grant.

(4) The definition of "earned income" excludes:

(a) Returns from capital investment with respect to which the individual is not actively engaged, as in a business. For example, under most circumstances, dividends and interest are excluded from "earned income."

(b) Benefits accruing as compensation or reward for service, or as compensation for lack of employment, for example, pensions and benefits from labor organizations, veterans' benefits, unemployment compensation, Social Security, etc.

(c) Income from WIN incentive payments and training-related expenses derived from WIN institutional or work experience training.

(d) Income received under the Job Training Partnership Act for training allowances, payments for support services, etc.

(5) In AFDC, refugee assistance, and general assistance when payment of income earned over a period of more than one month is delayed, the exemption applies to the period during which the income was earned.

(6) Aid to families with dependent children (~~and refugee assistance~~).

(a) The following shall be disregarded sequentially from the monthly gross earned income of each individual member of the assistance unit.

(i) Ninety dollars for work expenses, regardless of the number of hours worked per month.

(ii) For each nonstudent dependent child and adult found otherwise eligible to receive assistance or having received assistance in one of the four prior months, thirty dollars and one-third of the remainder not already disregarded. The thirty dollars and one-third disregard shall be applied for a maximum of four consecutive months; it cannot be applied again until the recipient has been a nonrecipient for twelve consecutive months.

(iii) After expiration of the disregard in subsection (6)(a)(ii) of this section, thirty dollars for a maximum of eight consecutive months, whether or not the recipient has earnings or is receiving assistance; it cannot be applied again until the recipient has been a nonrecipient for twelve consecutive months.

(iv) The actual cost not to exceed the following amounts depending upon the number of hours worked per month for the care of each dependent child or incapacitated adult living in the same home and receiving AFDC ((or ~~refugee~~ assistance)). No deduction shall be made for child care provided by a parent or stepparent. The amount incurred must be verified by the provider. The expense must have been incurred for the month of employment being reported to be allowed as a deduction.

Hours Worked Per Month	Child Care Maximum Deductions Child 2 Years of Age or Older	Child Care Maximum Deductions Child Under 2 Years of Age
0 - 40	\$ 43.75	\$ 50.00
41 - 80	87.50	\$100.00
81 - 120	131.25	\$150.00
121 or more	175.00	\$200.00

(b) The exemptions and deductions in subsection (6)(a) of this section will not be applied for any month if the individual within a period of thirty days preceding the month in which the income was received:

(i) Terminated the individual's employment or reduced the individual's earned income without good cause; or

(ii) Refused without good cause to accept employment in which the individual is able to engage which is offered through employment security department, or is otherwise offered by an employer if the offer of such employment is determined by the local office to be a bona fide offer of employment.

(c) The exemptions and deductions in subsection (6)(a) of this section will not be applied for any month the recipient failed without good cause to make a timely report of income. When a timely report is made under these circumstances, the thirty-dollar and one-third exemption shall be counted in the applicable time limits. Good cause shall be determined by the department. Any circumstance beyond the control of the recipient shall constitute good cause.

To be considered timely, a report must be received by the department:

(i) On or before the eighteenth day of the month following the month in which the income was received, or

(ii) By the first following work day if the eighteenth day of the month falls on a weekend or holiday.

(d) If a recipient requests termination in order to break the consecutiveness of the applicable time limits

for the thirty-dollar plus one-third exemption, and would have been eligible, the months of voluntary non-receipt of assistance shall be counted toward the applicable time limits.

(e) If a recipient quits work without good cause, the thirty-dollar and one-third exemption shall be deemed to have been received and shall be counted toward the applicable time limits.

(f) Months in which the applicant/recipient received the thirty-dollar and one-third exemption in another state shall not apply toward the applicable time limits.

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

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

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

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

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

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

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

WSR 90-17-117
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3051—Filed August 21, 1990, 4:07 p.m.]

Date of Adoption: August 21, 1990.

Purpose: To implement by emergency adoption and subsequent regular adoption; provisions of 7 CFR 273.21 (b)(1) requiring that migrant and seasonal farmworker households have their eligibility and benefits determined prospectively. Also, to clarify that supplemental security income (SSI) is budgeted prospectively.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-520.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 90-14-050 on June 29, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 21, 1990

Leslie F. James, Director

Administrative Services

By Rosemary Carr

AMENDATORY SECTION (Amending Order 2663, filed 8/2/88)

WAC 388-49-520 PROSPECTIVE INCOME BUDGETING. (1) The department shall budget income prospectively for:

(a) Migrant households; ((and))

(b) Seasonal farmworker households; and

(c) Households in which all adult members (~~are elderly or disabled and~~) have no earned income and are:

- (i) Elderly; or
- (ii) Disabled.

(2) The department shall budget the following income prospectively:

- (a) Monthly student financial aid, except for work study;
- (b) Public assistance; (~~and~~)
- (c) Supplemental security income (SSI); and
- (d) Income from a new household member for the first two months of participation when the:
 - (i) (~~The~~) Household timely reports the new member; and
 - (ii) (~~The~~) New member has not received benefits within the last calendar month.
- (3) The department shall consider income exclusions and deductions prospectively when budgeting income prospectively.

WSR 90-17-118
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3052—Filed August 21, 1990, 4:08 p.m.]

Date of Adoption: August 21, 1990.

Purpose: To add a new Medicaid program for individuals who have AIDS or Class IV HIV disability disease.

Citation of Existing Rules Affected by this Order: New WAC 388-83-220.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 90-14-053 on June 29, 1990.

Changes Other than Editing from Proposed to Adopted Version: In subsection (1)(b) a diagnosis is added. Wording added is "P2 HIV/AIDS diagnosis, if fourteen years of age or under,"; a new subsection (5) is added to clarify eligibility when participation is involved. Subsection (5) reads as follows "When the department has determined that the client has financial participation under subsection (4), the client must meet the participation obligation to remain eligible." The principal reasons for adopting the changes are as follows: The additional diagnosis expands eligibility to children who would not meet the adult diagnosis; and the new subsection (5) is an eligibility requirement, erroneously not included in the proposed WAC. It does not significantly change the content of the WAC. Both changes are made because of additional comments from the Department of Health.

Effective Date of Rule: Thirty-one days after filing.

August 21, 1990
 Leslie F. James, Director
 Administrative Services
 By Rosemary Carr

PROGRAM. (1) An eligible person for CCASA shall be an individual:

- (a) Meeting the Title XIX categorically needy eligibility requirements for SSI-related institutionalized individuals. For the purposes of CCASA, the department shall consider an individual institutionalized the date the individual meets other eligibility criteria, except institutional status;
- (b) Having a diagnosis of Acquired Immune Deficiency Syndrome or Disabling Class IV Human Immunodeficiency Virus disease or P2 HIV/AIDS diagnosis, if fourteen years of age or under, as defined by the Centers for Disease Control or Washington state department of health;
- (c) Determined medically at risk of need for the level of hospital-provided care;
- (d) Certified by the person's physician or nurse practitioner as in the terminal stage of life;
- (e) Agreeing to receive services in the person's own home, a licensed congregate care facility, or adult family home; and
- (f) Having a department-approved and department of health approved plan of care.

(2) The department shall allocate available total income, including amounts disregarded in determining eligibility of a CCASA recipient residing at home:

- (a) The recipient retains as maintenance needs an amount equal to the medically needy income level (MNIL) for one person; and
- (b) As described under WAC 388-95-360 (1), (2)(c), (d), (e), and (f), (3), (4), and (5).

(3) The department shall allocate available total income, including amounts disregarded in determining eligibility of a CCASA recipient residing in an adult family home or congregate care facility as follows:

- (a) The recipient shall retain a specified personal needs allowance as described under WAC 388-29-130 or 388-29-280;
- (b) As described under WAC 388-95-360 (1), (2)(c), (d), (e), (f), and (g), and (3), (4), and (5); and
- (c) Pay remaining income up to the MNIL to the facility for the cost of board and room.
- (4) CCASA recipient's income remaining after deductions in subsection (2) or (3) of this section shall be the participation amount for CCASA services.
- (5) When the department has determined that the client has financial participation under subsection (4), the client must meet the participation obligation to remain eligible.

WSR 90-17-119
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3053—Filed August 21, 1990, 4:09 p.m.]

Date of Adoption: August 21, 1990.

Purpose: To include the medical services provided by a school district that will be reimbursed by Medicaid

NEW SECTION

WAC 388-83-220 COORDINATED COMMUNITY AIDS SERVICE ALTERNATIVES (CCASA)

funds; and to include the limited services of occupational therapy.

Citation of Existing Rules Affected by this Order: Amending chapter 388-86 WAC.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 90-14-054 on June 29, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 21, 1990

Leslie F. James, Director
Administrative Services
By Rosemary Carr

NEW SECTION

WAC 388-86-022 MEDICAL SERVICES BY SCHOOL DISTRICTS. (1) The department shall pay for medical services to an eligible categorically needy child when a school district furnishes the medical services as part of the child's individualized education program (IEP).

(2) Qualified Medicaid providers as described under WAC 388-87-007 shall provide such school district medical services.

NEW SECTION

WAC 388-86-073 OCCUPATIONAL THERAPY. (1) The department shall pay for occupational therapy when the following conditions are met:

(a) A licensed occupational therapist, or a licensed occupational therapy assistant supervised by a licensed occupational therapist, provides the service;

(b) Approval is obtained before services are performed as required for each program as designated in the division of medical assistance billing instructions; and

(c) The occupational therapy is provided:

(i) As part of an outpatient program when identified in the early and periodic screening, diagnosis, and treatment program of a recipient twenty years of age and younger;

(ii) By a home health agency;

(iii) As part of the physical medicine and rehabilitation program; or

(iv) In a neuromuscular center.

(2) The department shall not pay for occupational therapy when payment for occupational therapy is included in the reimbursement of other treatment programs including, but not limited to hospital inpatient diagnosis related group services.

(3) The department shall pay for occupational therapy provided to recipients eligible under the:

(a) Categorically needy, general assistance unemployable and ADATSA programs;

(b) Medically needy program only when the recipient is:

(i) Twenty years of age and younger and referred by a screening provider under the early and periodic screening, diagnosis and treatment program; or

(ii) Receiving home health care services.

(c) Medically indigent program as part of the treatment program under home health care services.

AMENDATORY SECTION (Amending Order 2758, filed 2/13/89)

WAC 388-86-090 PHYSICAL THERAPY. (1) The department shall ~~((provide))~~ pay for physical therapy as an outpatient service when:

(a) ~~((Prescribed by))~~ The attending physician prescribes physical therapy; ~~((and))~~

(b) ~~((Performed by a registered))~~ A licensed physical therapist or physiatrist or a physical therapist assistant supervised by a licensed physical therapist provides the treatment; and

(c) The therapy assists the recipient:

(i) ~~((Avoids the need for))~~ In avoiding hospitalization or nursing home care; or

(ii) ~~((Assists the recipient))~~ In becoming employable; or

(iii) ~~((Enables a person suffering))~~ Who suffers from severe motor disabilities to obtain a greater degree of self-care or independence; or

(iv) ~~((Is))~~ As part of a treatment program intended to restore normal function of a body part following injury, surgery, or prolonged immobilization.

(2) The department shall require ~~((prior))~~ approval before services are performed for outpatient physical therapy sessions exceeding ten sessions per patient in a ~~((twelve-month period))~~ calendar year.

(3) The medical director of the division of medical assistance (DMA) may waive the prior approval requirement for physical therapy provided:

(a) In facilities ~~((which have))~~ having contracts with DMA as neuromuscular centers; and

(b) By school districts as part of an individual education program or individualized family service plan.

~~((3))~~ (4) The department shall ~~((include payment))~~ not pay for physical therapy when payment for physical therapy is included in the reimbursement as part of other treatment programs including, but not limited to ~~((:~~

~~(a))~~ hospital inpatient diagnostic related group services ~~(;~~

~~(b))~~ and nursing home services ~~((, and~~

~~(c) Home health care))~~.

~~((4))~~ (5) The department shall ~~((not provide))~~ pay for outpatient physical therapy ~~((under the medically needy or medically indigent programs))~~ for recipients eligible under the:

(a) Categorically needy, general assistance unemployable and ADATSA programs;

(b) Medically needy program only when the recipient is:

(i) Twenty years of age and under and referred by a screening provider under the early and periodic screening, diagnosis, and treatment program; or

(ii) Receiving home health care services.

(c) Medically indigent program when receiving home health care services.

AMENDATORY SECTION (Amending Order 2649, filed 7/8/88)

WAC 388-86-098 SPEECH THERAPY SERVICES. (1) The department shall ~~((provide))~~ pay for speech therapy for conditions which are the result of

medically recognized diseases and defects (~~(if medically necessary and otherwise covered by this program. Such conditions may include aphasia, sudden bilateral on-set of hearing loss, rapid progressive bilateral loss and post laryngectomy surgery. The therapist shall document medical necessity in the therapist's records).~~)

(2) The department shall ((apply the following conditions to approval of)) pay for speech therapy when the following conditions are met:

(a) ((Prior)) A speech pathologist is granted a certificate of clinical competence by the American speech, hearing and language association, or a person who completed the equivalent educational and work experience necessary for such a certificate provides the service; and

(b) Approval ((requirements)) is obtained before the service is performed for:

(i) All speech therapy for ((clients)) recipients three years of age through twenty years of age ((requires prior approval)); and

(ii) Speech therapy sessions after the evaluation and twelve sessions in a calendar year for ((clients under)) recipients three years of age or younger or twenty-one years of age and over((, speech therapy, except for the evaluation and up to twelve sessions of speech therapy in a twelve-month period, requires prior approval.

(b) That the services be performed by a speech pathologist granted a certificate of clinical competence by the American speech and hearing association, or who has completed the equivalent educational and work experience necessary for such a certificate; and

(c) The department reserves the right to limit the number of treatments based on professional judgment)).

(3) The medical director of the division of medical assistance (DMA) may waive the prior approval requirement for speech therapy provided:

(a) In facilities having contracts with DMA as neuromuscular centers; and

(b) By school districts as part of an individualized education program or individualized family service plan.

(4) The department shall not pay for speech therapy when the speech therapy payment is in the reimbursement as part of other treatment programs including, but not limited to:

(a) Hospital diagnosis related group services; and

(b) Nursing home services.

(5) The department shall pay for speech ((and language)) therapy ((is not)) provided to recipients eligible under ((the limited casualty program));

(a) The categorically needy, general assistance unemployable and ADATSA programs;

(b) The medically needy program only when the recipient is:

(i) Twenty years of age and under and referred by a screening provider under the early and periodic screening, diagnosis, and treatment program; or

(ii) Receiving home health care services.

(c) The medically indigent program when receiving home health care services.

WSR 90-17-120
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 3054—Filed August 21, 1990, 4:10 p.m.]

Date of Adoption: August 21, 1990.

Purpose: Defines the newly authorized sexual predator program.

Citation of Existing Rules Affected by this Order: Amending [new] chapter 275-155 WAC.

Statutory Authority for Adoption: Chapter 3, Laws of 1990.

Pursuant to notice filed as WSR 90-14-046 on June 29, 1990.

Changes Other than Editing from Proposed to Adopted Version: Changes between the proposed rule and the adopted version are: WAC 275-155-010 (9)(c) changed from chapter 18.19 RCW to chapters 18.71 and 18.57 RCW.

Effective Date of Rule: Thirty-one days after filing.

August 21, 1990

Leslie F. James, Director
 Administrative Services

By Rosemary Carr

Chapter 275-155 WAC
**SEXUAL PREDATOR PROGRAM—SPECIAL
 COMMITMENT PROCESS**

NEW SECTION

WAC 275-155-005 SPECIAL COMMITMENT OF SEXUALLY VIOLENT PREDATORS—LEGAL BASIS. (1) Laws of 1990, chapter 3, section 1006 authorizes the department to develop a sexual predator program (SPP) for a person the court determines is a sexually violent predator.

(2) Beginning July 1, 1990, the department's SPP shall provide:

(a) Evaluation of a person court-ordered to the SPP for determining if the person meets the definition of a sexually violent predator under this chapter; and

(b) Control, care, and treatment services to a person court-committed as a sexually violent predator.

NEW SECTION

WAC 275-155-010 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Appropriate facility" means a facility the department uses for evaluating and determining if a person meets the definition of a sexually violent predator as defined in this section.

(2) "Care" means a service the department provides during a person's commitment to the SPP to sustain adequate health, shelter, and physical sustenance.

(3) "Control" means a restraint, restriction, or confinement the department applies protecting a person from endangering self, others, or property during a commitment under this chapter.

(4) "Department" means the department of social and health services.

(5) "Evaluation" means an examination, report, or recommendation a professionally qualified person makes determining if a person meets or continues to meet the definition of a sexually violent predator as defined in this section.

(6) "Individual treatment plan (ITP)" means an outline the SPP staff persons develop detailing how control, care, and treatment services are provided to a SPP-committed person.

(7) "Predatory" means acts a person directs toward strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization.

(8) "Mental abnormality" means a congenital or acquired condition affecting a person's emotional or volitional capacity, including personality disorders, predisposing the person to commit criminal acts of sexual violence placing other persons in danger.

(9) "Professionally qualified person" includes:

(a) "Mental health counselor" means a person certified as a mental health counselor under chapter 18.19 RCW;

(b) "Psychiatric nurse" means a person licensed as a registered nurse under chapter 18.88 RCW and having two or more years supervised clinical experience;

(c) "Psychiatrist" means a person licensed as a physician under chapters 18.71 and 18.57 RCW. In addition, the person shall:

(i) Have completed three years of graduate training in a psychiatry program approved by the American Medical Association or the American Osteopathic Association; and

(ii) Be certified, or eligible to be certified, by the American Board of Psychiatry and Neurology;

(d) "Psychologist" means a person licensed as a doctor of psychology under chapter 18.83 RCW; and

(e) "Social worker" means a person certified as a social worker under chapter 18.19 RCW.

(10) "Secure facility" means a department-operated facility, not located on the grounds of a state mental facility or residential habilitation center, with the purpose of confining and treating a person committed to the SPP.

(11) "Sexual predator program (SPP)" means a department-administered and operated program established for:

(a) A court-ordered person's evaluation; or

(b) Control, care, and treatment of a court-committed person defined as a sexually violent predator under this chapter.

(12) "Sexually violent offense" means an act defined under Laws of 1990, chapter 3, section 1002 and for which a person is charged or convicted on, before, or after July 1, 1990.

(13) "Sexually violent predator" means a person defined under Laws of 1990, chapter 3, section 1002 who has been convicted or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence.

NEW SECTION

WAC 275-155-020 AUTHORIZATION FOR INDEFINITE COMMITMENT TO THE SEXUAL PREDATOR PROGRAM. The department shall admit a person to the SPP as a sexually violent predator only when all of the following requirements are met:

(1) Petition. The prosecuting attorney or attorney general if requested by the prosecutor files a petition with the superior court in the county where a person was most recently charged or convicted of a sexually violent offense;

(2) Probable cause. A court determines probable cause exists and orders a person transferred to an appropriate facility for evaluation as to whether the person is a sexually violent predator;

(3) Evaluation. A person is evaluated by one or more professionally qualified persons and is found to have:

(a) Been charged with or convicted of a sexually violent offense;

(b) A mental abnormality rendering the person likely to commit a sexually violent offense; and

(c) A sentence or commitment about to expire or having expired.

(4) Trial. A court commences a trial determining if a person is a sexually violent predator within forty-five days of the petition filing date, not including continuances requested by the alleged sexually violent predator; and

(5) Judgment. A court or jury finds a person, beyond a reasonable doubt, to be a sexually violent predator and the person is committed to the department's custody for control, care, and treatment.

NEW SECTION

WAC 275-155-030 SEXUAL PREDATOR PROGRAM EVALUATION—REPORTING. (1) When a court orders a person transferred to an appropriate facility for evaluation, the department shall, within forty-five days of the petition filing date, evaluate and provide a recommendation to the court as to whether the person meets the statutory definition of a sexually violent predator under Laws of 1990, chapter 3, section 1002.

(2) Annually or more often, the department shall provide the committing court an evaluation determining if a committed person continues meeting the definition of a sexually violent predator under this chapter.

NEW SECTION

WAC 275-155-040 INDIVIDUAL TREATMENT. (1) When the court commits a person to the SPP as a sexually violent predator, SPP staff persons shall develop an individual treatment plan (ITP). The ITP shall include, but not be limited to:

(a) A description of a person's specific treatment needs;

(b) An outline of intermediate and long-range treatment goals, with a projected timetable for reaching the goals;

(c) The treatment strategies for achieving the treatment goals;

(d) A description of SPP staff persons' responsibility; and

(e) Criteria for recommending to the court whether a person should be released from the SPP.

(2) The SPP staff persons shall review a committed person's ITP every six months or more often.

NEW SECTION

WAC 275-155-050 RIGHTS OF A PERSON COMMITTED TO THE SEXUAL PREDATOR PROGRAM. (1) During a person's evaluation or commitment to the SPP, the department shall apprise the committed person of the person's right to an attorney and to retain a professionally qualified person to perform an evaluation on the committed person's behalf.

(2) Upon request, the department shall provide to the following persons access to a committed person for an evaluation and all records and reports related to the person's commitment, control, care, and treatment:

- (a) The committed person's attorney;
- (b) The committed person's professionally qualified person, if any;
- (c) The prosecuting attorney, or the attorney general, if requested by the prosecuting attorney; and
- (d) The professionally qualified person approved by the prosecuting attorney or the attorney general.

(3) A person the court commits to the SPP shall:

(a) Receive adequate care and individualized treatment;

(b) Be permitted to wear the committed person's own clothes and keep and use the person's personal possessions, except when deprivation of possessions is necessary for the person's protection and safety, the protection and safety of others, or the protection of property within the SPP;

(c) Be permitted to accumulate and spend a reasonable amount of money in the person's SPP account;

(d) Have access to reasonable personal storage space within SPP limitations;

(e) Be permitted to have approved visitors within reasonable limitations;

(f) Have reasonable access to a telephone to make and receive confidential calls within SPP limitations; and

(g) Have reasonable access to letter writing material and to:

(i) Receive and send correspondence through the mail within SPP limitations; and

(ii) Send written communication regarding the fact of the person's commitment.

(4) A person the court commits to the SPP shall have the following procedural rights to:

(a) Have reasonable access to an attorney and be informed of the name and address of the person's designated attorney;

(b) Remain silent, understanding statements the person makes may be used against the person;

(c) Present evidence and to cross-examine witnesses testifying against the person in court;

(d) Petition the court for release from the SPP; and

(e) Receive annual written notice of the person's right to petition the committing court for release. The department's written notice and waiver shall:

(i) Include the option to voluntarily waive the right to petition the committing court for release; and

(ii) Annually be forwarded to the committing court by the department.

NEW SECTION

WAC 275-155-060 SEXUAL PREDATOR PROGRAM REIMBURSEMENT. (1) The department shall obtain reimbursement under RCW 43.20B.330, 43.20B.335, 43.20B.340, 43.20B.345, 43.20B.350, 43.20B.355, 43.20B.360, and 43.20B.370 for the cost of care of a person committed to a SPP to the extent of the person's ability to pay.

(2) The department shall calculate ability to pay and assess liability under chapter 275-16 WAC.

**WSR 90-17-121
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3055—Filed August 21, 1990, 4:11 p.m.]

Date of Adoption: August 21, 1990.

Purpose: Administratively add Coeur d'Alene, Idaho as a bordering city for medical care.

Citation of Existing Rules Affected by this Order: Amending WAC 388-82-130.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 90-14-052 on June 29, 1990.

Effective Date of Rule: Thirty-one days after filing.

August 21, 1990

Leslie F. James, Director

Administrative Services

By Rosemary Carr

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

WAC 388-82-130 MEDICAL CARE PROVIDED IN BORDERING CITIES. The department shall provide medical care ((will be provided)) to eligible ((individuals)) Washington state residents in a bordering city on the same basis as in-state care. The only recognized bordering cities are Coeur d'Alene, Moscow, Sandpoint, Priest River, and Lewiston, Idaho; Portland, The Dalles, Hermiston, Hood River, Rainier, Milton-Freewater, and Astoria, Oregon.

**WSR 90-17-122
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3056—Filed August 21, 1990, 4:12 p.m.]

Date of Adoption: August 21, 1990.

Purpose: To add federally qualified health center services as a mandatory service; to move Medicare certified rural health clinic services from optional to mandatory; to show additional organ transplants now covered as specified under state plan; and to add chiropractic services as an optional covered service under the medical assistance program.

Citation of Existing Rules Affected by this Order: Amending chapter 388-86 WAC; and [new] WAC 388-87-019.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 90-14-055 on June 29, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-87-019 has a colon at the end of subsection (1), this is changed to a period.

Effective Date of Rule: Thirty-one days after filing.

August 21, 1990

Leslie F. James, Director
Administrative Services
By Rosemary Carr

AMENDATORY SECTION (Amending Order 3009, filed 5/31/90, effective 7/1/90)

WAC 388-86-005 SERVICES AVAILABLE TO RECIPIENTS OF CATEGORICAL NEEDY MEDICAL ASSISTANCE. (1) The department shall provide the following Title XIX mandatory services:

(a) Early and periodic screening diagnosis and treatment services to eligible individuals twenty years of age or under;

(b) Family planning services;

(c) Federally qualified health center services;

(d) Home health agency services;

~~((d))~~ (e) Inpatient and outpatient hospital care;

~~((e))~~ (f) Medicare certified rural health clinic services;

(g) Other laboratory and x-ray services;

~~((f))~~ (h) Skilled nursing home care;

~~((g))~~ (i) Certified registered nurse practitioner services; and

~~((h))~~ (j) Physicians' services in the office or away from the office as needed for necessary and essential medical care.

(2) The department shall provide the following Title XIX optional services:

(a) ~~((Anesthetization))~~ Anesthesia services;

(b) Blood;

(c) Chiropractic services;

(d) Drugs and pharmaceutical supplies;

~~((d))~~ (e) Eyeglasses and examination;

~~((e))~~ (f) Hearing aids and examinations;

~~((f))~~ (g) Hospice((s)) services;

~~((g))~~ (h) ~~((Nurse and))~~ Licensed midwife services;

~~((h))~~ (i) Maternity support services;

~~((i))~~ (j) Oxygen;

~~((j))~~ (k) Personal care services;

~~((k))~~ (l) Physical therapy services;

~~((l))~~ (m) Private duty nursing services;

~~((m))~~ Rural health clinic services;

(n) Surgical appliances;

(o) Prosthetic devices and certain other aids to mobility; and

(p) Dental services.

(3) The department shall limit organ transplants to the cornea, heart, heart-lung, kidney, kidney-pancreas, liver, pancreas, single lung, and bone marrow.

(4) The department shall provide treatment, dialysis, equipment, and supplies for acute and chronic nonfunctioning kidneys when the recipient is in the home, hospital, ((and)) or kidney center as described under WAC 388-86-050(5).

(5) The department shall provide detoxification and medical stabilization to chemically using pregnant women in a hospital.

(6) The department shall provide detoxification of acute alcohol or other drug intoxication only in a certified detoxification center or in a general hospital having a detoxification provider agreement with the department.

(7) The department shall provide outpatient chemical dependency treatment in programs certified under chapter 275-19 WAC.

(8) The department shall approve requested services:

(a) Listed in this section; and

(b) Where evidence is obtainable to establish medical necessity as defined under WAC 388-80-005, if the recipient or provider submits sufficient objective clinical information including, but not limited to:

(i) A physiological description of the disease, injury, impairment, or other ailment;

(ii) Pertinent laboratory findings;

(iii) X-ray reports; and

(iv) Patient profiles.

(9) The department shall deny a request for medical services when the requested service is:

(a) Not medically necessary as defined under WAC 388-80-005; or

(b) Generally regarded by the medical profession as experimental in nature or as unacceptable treatment, unless the recipient demonstrates through sufficient objective clinical evidence the existence of particular circumstances rendering the requested service medically necessary.

(10) The department shall:

(a) Approve or deny all requests for medical services within fifteen days of the receipt of the request; or

(b) If additional justifying information is necessary before a decision can be made, neither approve nor deny the request, but shall return the request to the provider within five working days of the original receipt. If additional justifying information is:

(i) Not returned within thirty days of the date the request was returned to the provider, then the department shall approve or deny the original request.

(ii) Returned to the department, the department shall act on the request within five working days of the receipt of the additional justifying information.

(11) When the department denies a request for medical services, the department shall, within five working days of the decision, give the recipient and the provider written notice of the denial. The notice shall state:

(a) The specific reasons for the department's conclusion to deny the requested service;

(b) The recipient has a right to a fair hearing if the request is made within ninety days of receipt of the denial, with the instruction on how to request the hearing;

(c) The recipient may be represented at the hearing by legal counsel or other representative;

(d) That upon request, the community service office (CSO) shall furnish the recipient the name and address of the nearest legal services office; and

(e) If a fair hearing is requested, a medical assessment from other than the person involved in making the original decision may be obtained at the department's expense.

(12) For services available under the limited casualty:

(a) Program—medically needy, see chapter 388-99 WAC; and

(b) Program—medically indigent, see chapter 388-100 WAC.

(13) The department may require a second opinion and/or consultation before the approval of any elective surgical procedure:

(14) The department shall designate diagnoses that may require surgical intervention:

(a) Performed in other than a hospital in-patient setting; and

(b) Requiring prior approval by the central authorization unit for a hospital admission.

(15) The department shall assure the availability of necessary transportation to and from covered Title XIX medical services.

NEW SECTION

WAC 388-86-019 CHIROPRACTIC SERVICES.

(1) The department shall authorize payment for services of a chiropractor:

(a) When the chiropractor is licensed by the state of Washington to perform services within the scope of the chiropractor's license; and

(b) The services are medically necessary.

(2) Chiropractic services shall be subject to the following limitations:

(a) Treatment shall be restricted to adjustment by hand of subluxation of the spine;

(b) X-rays shall be:

(i) A single area film when the treatment area can be isolated;

(ii) A maximum of one x-ray per area, per calendar year; and

(iii) Limited to an anterior-posterior, and lateral view of the following spinal areas:

(A) Cervical;

(B) Thoracic (dorsal); and

(C) Lumbar or lumbo-sacral.

(c) The department shall pay for a maximum of twelve chiropractic visits within a twelve-month period.

(d) The maximum number of visits include the initial new patient visit.

(3) The department shall pay for chiropractic services for recipients under:

(a) The categorically needy, general assistance unemployable and ADATSA programs; and

(b) The medically needy program only when the recipient is:

(i) Twenty years of age and under; and

(ii) Referred by a screening provider under the early and periodic screening, diagnosis, and treatment program.

NEW SECTION

WAC 388-87-019 PAYMENT—CHIROPRACTIC SERVICES. (1) The department shall pay for medically necessary services a licensed chiropractor provides as limited in chapter 388-86 WAC.

(2) The department shall not pay for:

(a) Modalities such as light, heat, hydrotherapy, and physiotherapy; or

(b) Any food supplement, medication, or drug.

**WSR 90-17-123
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)**

[Order 3057—Filed August 21, 1990, 4:13 p.m.]

Date of Adoption: August 21, 1990.

Purpose: To comply with chapter 43.43 RCW to require nursing home licensees to make criminal history background checks with Washington State Patrol on applicants, employees and volunteers who may have unsupervised access to nursing home residents and to prohibit from knowingly permitting persons with criminal or abuse histories from having unsupervised access to residents.

Citation of Existing Rules Affected by this Order: Amending chapter 248-14 WAC, Nursing homes.

Statutory Authority for Adoption: RCW 74.42.620 and 18.51.070.

Pursuant to notice filed as WSR 90-13-031 on June 13, 1990.

Changes Other than Editing from Proposed to Adopted Version: All references to "pending charges" have been deleted from the WAC revision because they were not included in the statute and no amendment to RCW 74.42.620 was requested. The following are editing changes in the WAC revision. The term "crime against a person" has been changed to the legal term "crime against persons" as used in the statute. This is a law enforcement designation, not to be confused with such phrases as "any persons or all persons." In WAC 248-14-080 (4)(c) the word "any" was deleted before "training, experience . . ." because it was ambiguous. In WAC 248-14-249 (1)(a) the reference to RCW 43-43.830 was added.

Effective Date of Rule: Thirty-one days after filing.

August 21, 1990

Leslie F. James, Director
Administrative Services
By Rosemary Carr

AMENDATORY SECTION (Amending Order 2881, filed 10/13/89, effective 11/13/89)

WAC 248-14-001 DEFINITIONS. (1) All adjectives and adverbs such as adequate, approved, immediately, qualified, reasonable, reputable, satisfactory, sufficient, or suitable, used in these nursing home regulations to qualify a requirement shall be as determined by the department with the advice and guidance of the nursing home advisory council and the state board of health.

(2) "Activity director" means an employee responsible for the development, implementation, and maintenance of a program for residents intended to provide activities to meet the residents' needs and interests.

(3) "Alterations" means physical, mechanical, or electrical changes made to existing facilities except for painting or repair.

(4) "Ambulatory person" means a person, who, unaided by another person, is physically and mentally capable of walking a normal path to safety, including the ascent and descent of stairs.

(5) "Attending physician" means the doctor responsible for a particular person's total medical care.

(6) "Authorized practitioner" means:

(a) A certified registered nurse under chapter 18.88 RCW when authorized by the board of nursing;

(b) An osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners; or

~~((f))~~(~~(f)~~) A physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners.

(7) "Background inquiry" means a written request to the department determining if an individual has a record of any of the following:

(a) Conviction of a crime against persons as defined under RCW 43.43.830;

(b) Conviction of crimes relating to financial exploitation of a vulnerable adult as defined under RCW 43.43.830;

(c) Found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult as defined under RCW 43.43.830;

(d) Found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult;

(e) Found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

(f) Found by a court in a domestic relations proceeding under Title 26 RCW to have abused or financially exploited a vulnerable adult.

(8) "Bathing facility" means a bathtub or shower.

~~((8))~~ (9) "Berm" means a bank of earth piled against a wall.

~~((9))~~ (10) "Change of ownership" means a change in the individual or legal organization responsible for the daily operation of a nursing home.

(a) Events which change ownership include, but are not limited to, the following:

(i) The form of legal organization of the licensee is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Title to the nursing home business enterprise is transferred by the licensee to another party;

(iii) Where the licensee is a partnership, any event occurs which dissolves the partnership;

(iv) Where the licensee is a corporation, the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation; or

(v) Any other event occurs which results in a change of operating entity.

(b) Ownership does not change when the following, without more, occur:

(i) A party contracts with the licensee to manage the enterprise as the licensee's agent, i.e., subject to the licensee's general approval of daily operating decisions;

(ii) If the licensee is a corporation, some or all of its stock is transferred; or

(iii) The real property or personal property assets associated with the nursing home change ownership or are leased, or a lease of them is terminated, without a change of operating entity.

~~((10)) "Cognitively impaired" means a diminished perception, reasoning, intuition or memory, and absence or reduction of intellectual faculties as in dementia, including Alzheimer's disease or a related disorder.))~~

(11) "Citation" means the finding written by a surveyor on an official state and/or federal statement of deficiencies form following a full survey, post survey, or complaint investigation.

(12) "Cognitively impaired" means a diminished perception, reasoning, intuition or memory, and absence or reduction of intellectual faculties as in dementia, including Alzheimer's disease or a related disorder.

(13) "Contact with animals" means close proximity to animals to allow for close observation, interaction, handling, or petting achieved by either animals:

(a) Being brought into the nursing home on a regular basis; or

(b) Allowed to live on the nursing home premises.

~~((13))~~ (14) "Department" means the state department of social and health services.

~~((14))~~ (15) "Dialysis" means the process of separating crystalloids and colloids in solution by means of the crystalloids and colloids unequal diffusion through a natural or artificial, semipermeable membrane.

(a) "Acute dialysis" means hemodialysis or peritoneal dialysis in the treatment of a person with renal failure for a period of time during which it is medically determined whether renal function may be restored or the failure is irreversible.

(b) "Dialysis helper" means a health care assistant trained by a kidney center under RCW 18.135.060.

~~((15))~~ (16) "Dialysis room" means a room where a patient undergoes dialysis.

~~((16))~~ (17) "Dietetic service supervisor" means a person who:

(a) Is a dietitian; or

(b) Has completed or is enrolled with a set date of completion in a dietetic technician or dietetic assistant

training program, correspondence or classroom, approved by the American Dietetic Association; or

(c) Has completed or is enrolled with a set date of completion in a state-approved training program providing ninety or more hours of classroom instruction in food service supervision, and has experience in a health care institution.

~~((17))~~ (18) "Dietitian" means a person who is eligible for registration by the commission on dietetic registration of the American Dietetic Association based on the 1982 criteria for registration. A person not meeting this definition but employed in that capacity by a nursing home or homes on or before the effective date of this regulation will be deemed to meet the requirement of WAC 248-14-230(5). This grandfather clause is only effective as long as the:

(a) Person continues employment with the same nursing home or homes; and

(b) Nursing home has no serious deficiencies in dietary services.

~~((18))~~ (19) "Disclosure statement" means a signed statement by an individual indicating whether or not the individual was:

(a) Convicted of any crime against persons as defined under RCW 43.43.830;

(b) Convicted of crimes relating to financial exploitation of a vulnerable adult or defined under RCW 43.43.830;

(c) Found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor;

(d) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor;

(e) Found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult; or

(f) Found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult.

(20) "Drug" means:

(a) A substance(s) recognized as a drug(s) in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or any supplement to any of the listed publications;

(b) A substance(s) intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man;

(c) "Drug administration" means the direct application of a drug by injection, inhalation, ingestion, or any other means to the body of a resident;

(d) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, ~~((pursuant to))~~ under the order, the proper selection, measuring, labeling, packaging, and issuance of the drug or biological to a residential care unit; and

(e) "Legend drug" means a drug bearing the legend, "caution, federal law prohibits dispensing without a prescription."

~~((19))~~ (21) "Drug facility" means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

~~((20))~~ (22) "End stage renal disease (ESRD)" means the stage of renal impairment, virtually always irreversible and permanent, requiring dialysis or kidney transplantation to ameliorate uremic symptoms and maintain life.

~~((21))~~ (23) "Facilities" means a room or area and/or equipment to serve one or more specific functions.

~~((22))~~ (24) "Grade" means the level of ground adjacent to the building floor level measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

~~((23))~~ (25) "Immediate supervision" means on-site supervision of one or more persons.

~~((24))~~ (26) "Kidney center" means a hospital-based or independent dialysis facility, as defined and certified by the federal government, to provide dialysis and related services and provide services as specified in WAC 248-30-090.

~~((25))~~ (27) "Lavatory" means a handwashing sink.

~~((26))~~ (28) "Licensed nurse" means either a registered nurse or a licensed practical nurse.

(a) "Licensed practical nurse" means a person duly licensed under the provisions of the Licensed Practical Nurse Act of the state of Washington, chapter 18.78 RCW.

(b) "Registered nurse" means a person duly licensed under the provisions of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW.

~~((27))~~ (29) "New construction" means the following, when the preliminary plans have not been reviewed and accepted at the time of adoption of these regulations:

(a) New buildings to be used as a nursing home;

(b) Additions to buildings used as a nursing home;

(c) Conversions of existing buildings including previously licensed nursing homes; and

(d) Alterations.

~~((28))~~ (30) "Nursing care" means services designed to maintain or promote achievement of optimal independent function and health status planned, supervised, and evaluated by a registered nurse in the context of an overall individual plan of care.

~~((29))~~ (31) "Nursing home" means any home or institution operating or maintaining facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours.

(a) A nursing home cares for three or more residents not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable to properly care for themselves.

(b) Convalescent and chronic care may include, but not be limited to, any or all procedures commonly employed in waiting on the sick, such as:

- (i) Administration of medicines;
- (ii) Preparation of special diets;
- (iii) Giving of bedside nursing care;
- (iv) Application of dressings and bandages; and
- (v) Carrying out of treatment prescribed by a duly licensed practitioner of the healing arts.

(c) Nothing in the nursing home definition shall be construed to include facilities precluded by RCW 18.51-.010 and 18.51.170; and

(d) Licensed nursing home beds shall not be licensed for any other purpose or use specifically regulated under state law; except, beds dually licensed for five years or more may continue to be dually licensed if the licensing does not adversely affect the quality of care provided.

~~((30))~~ (32) "Nursing services" means an organized department under the direction of a registered nurse, the members of which provide nursing care.

~~((31))~~ (33) "Outpatient service" means any service provided to a nonresident of the nursing home.

~~((32))~~ (34) "Patient" means a person receiving preventive, diagnostic, therapeutic, habilitative, rehabilitative, maintenance, or palliative health-related services under professional direction.

(a) "Inpatient" means a resident receiving services with board and room in a nursing home on a continuous twenty-four-hour-a-day basis.

(b) "Outpatient" means a nonresident of the nursing home receiving services at a nursing home not providing the nonresident the services with room and board on a continuous twenty-four-hour-a-day basis.

(c) "Resident~~((s))~~ requiring skilled nursing care" means a resident~~((s))~~ whose condition~~((s))~~, needs, and/or services are of such complexity and sophistication to require the frequent or continuous observation and intervention of a registered nurse, and the supervision of a licensed physician. A resident~~((s))~~ requires ongoing assessments of physiological and/or psychological needs, and the development and implementation of a comprehensive plan of care involving interdisciplinary planning input and coordination. Resident needs include ongoing evaluations, care plan revisions, and the teaching necessary to provide for residents whose condition is unstable and/or complex.

(d) "Residents requiring intermediate nursing care" means residents whose physiological and psychological functioning is stable, but require individually planned treatment and services under the daily direction of a registered nurse or a licensed nurse with registered nurse consultation as provided by exemption and the supervision of a licensed physician. The program is directed toward maintenance of maximum independence and return to the community whenever possible. The program includes an established treatment regimen involving more than supervision, assistance with personal care, and protection.

(e) "Residents requiring care for mental retardation or related conditions" means residents found eligible by the division of developmental disabilities and requiring health care services under subsection ~~((32))~~ (34)(c) or (d) of this section, and are in need of a comprehensive habilitative and/or developmental program incorporated into a twenty-four-hour overall program plan.

~~((33))~~ (35) "Peninsular (or island) bathtub" means a bathtub having sufficient clearances around both sides and one end to accommodate residents, equipment, and attendants.

~~((34))~~ (36) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy under the provisions of chapter 18.64 RCW.

~~((35))~~ (37) "Pharmacy" means a place where the practice of pharmacy is conducted, properly licensed under the provisions of chapter 18.64 RCW.

~~((36))~~ (38) "Physician's assistant" means a person acting as an extender for a designated physician and under a plan of utilization approved by the board of medical examiners or the board of osteopathic medicine and surgery and is registered under the provisions of the law regulating the practice of physician's assistant in the state of Washington, chapters 18.57A or 18.71A RCW.

~~((37))~~ (39) "Practitioner" means a:

(a) Physician under chapter 18.71 RCW;

(b) An osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW;

(c) A dentist under chapter 18.32 RCW;

(d) A podiatrist under chapter 18.22 RCW;

(e) A certified registered nurse under chapter 18.88 RCW as authorized by the board of nursing;

(f) An osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners;

(g) A physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners; or

(h) A pharmacist under chapter 18.64 RCW.

~~((38))~~ (40) "Protective unit" means a separate physical and functional section of a nursing home for the cognitively impaired and offers the cognitively-impaired residents increased space for ambulation and a reduction in anxiety-provoking stimuli.

~~((39))~~ (41) "Resident" means an inpatient.

~~((40))~~ (42) "Residential care unit" means a separate, physical, and functional unit including resident rooms, toilets, bathing facilities, and basic service facilities as identified in WAC 248-14-120 (2)(a).

~~((41))~~ (43) "Respiratory isolation" means a procedure for the prevention of transmission of pathogenic organisms by means of droplets and droplet nuclei coughed, sneezed, or breathed into the environment.

~~((42))~~ (44) "Responsible party" means a legally responsible person to whom the rights of a client have legally devolved.

~~((43))~~ (45) "Supervision" means the process of overseeing performance while having the responsibility and authority to guide or direct and critically evaluate.

~~((44))~~ (46) "Toilet fixture" means a bowl-shaped plumbing fixture fitted with a seat and a device for flushing the bowl with water.

~~((45))~~ (47) "Toilet room" means a room containing at least one toilet fixture.

~~((46))~~ (48) "Unit-dose" means the ordered amount of a drug in a dosage form ready for administration to a particular person.

~~((47))~~ (49) "Unit-dose drug distribution system" means a system of drug dispensing and control characterized by the dispensing of the majority of drugs in unit doses ~~((and))~~. For most drugs, not more than a forty-eight-hour supply of doses is available at the residential care unit at any time.

~~((48))~~ (50) "Usable floor space" excludes areas taken up by passage door swings, closets, wardrobes, portable lockers, and toilet rooms.

(51) "Volunteer" means a person who is a regularly scheduled person not receiving payment for services and having unsupervised access to a nursing home resident.

AMENDATORY SECTION (Amending Order 2460, filed 1/13/87)

WAC 248-14-080 LICENSURE—DISQUALIFICATION. (1) The department shall consider separately and jointly as applicants each ~~((and every))~~ individual named in an application for a nursing home license ~~((shall be considered separately and jointly as applicants, and))~~. If the department finds any ~~((one be deemed))~~ individual unqualified ~~((by))~~, the department shall deny, suspend, or revoke the license in accordance with the law or these rules, regulations, and standards ~~((; the license shall be denied, suspended, or revoked))~~.

(2) The department shall not grant a license to an individual ~~((s))~~ who, in the state of Washington or in any other place ~~((other than the state of Washington))~~, ~~((have been))~~ has previously been denied a license to operate a hospital ~~((, nursing, maternity,))~~ or ~~((boarding home or other))~~ facility for the care of children, ~~((the))~~ or adults who are developmentally disabled, aged, ill, or infirm ~~((, or have been))~~. The department shall not grant a license to an applicant convicted of operating such a facility without a license, or ~~((have))~~ who has had their license ~~((to operate such a facility))~~ revoked ~~((, shall not be granted a license))~~.

(3) ~~((Any individual addicted to the use of narcotics or the excessive use of intoxicants and individuals of poor credit reputation shall be disqualified even though the premises are adequate. Individuals convicted of a crime of moral turpitude or a felony may be disqualified by reason of such conviction if such conviction is reasonably related to the competency of the individual to exercise responsibilities of ownership and/or operation of a nursing home and the department determines, after investigation, that such person has not been sufficiently rehabilitated subsequent to such conviction to warrant public trust. License shall also be denied, suspended, or revoked))~~ The department shall disqualify the following individual, even though the premises meet minimum requirements:

(a) Engaging in the illegal use of drugs or the excessive use of alcohol;

(b) With a poor credit history;

(c) Convicted of a felony or a crime against persons if the conviction reasonably relates to the competency of the individual to own or operate a nursing home, and who, the department determines, is not sufficiently rehabilitated to warrant public trust.

(4) The department shall deny, suspend, or revoke a license for failure or refusal to comply with the requirements established by chapter 18.51 RCW or ~~((with these))~~ rules, regulations, and standards ~~((promulgated pursuant thereto))~~ adopted thereunder, ~~((and in addition,))~~ or for any of the following:

(a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation ~~((:))~~;

(b) Permitting, aiding, or abetting the commission of any illegal act on the nursing home premises ~~((:))~~;

(c) Cruelty or indifference to the welfare of the patients ~~((:))~~;

(d) ~~((Personnel))~~ Maintaining insufficient ~~((in number or unqualified by training, experience, or temperament, properly))~~ numbers of staff to properly care for the ~~((proposed or actual))~~ number and type of ~~((patients:))~~ residents;

(e) Maintaining staff lacking training, experience, or temperament to care for the type of residents in the facility;

(f) Misappropriation of the property of the patients ~~((:))~~; or

~~((ff))~~ (g) Failure or inability to meet financial obligations as they fall due in the normal course of business.

~~((4))~~ (5) The department shall not issue or renew a license if the applicant or licensee allows access to residents by any person employed directly or by contract, or as a volunteer or student who:

(a) Was convicted of a crime against persons as defined under RCW 43.43.830;

(b) Was convicted of crimes related to financial exploitation of a vulnerable adult as defined under RCW 43.43.830;

(c) Was found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult;

(d) Was found in any final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult;

(e) Was found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

(f) Was found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

(6) The department shall deny a nursing home license to any applicant ~~((who has))~~ with a history of significant noncompliance with federal or state nursing home requirements.

~~((5))~~ (7) In making a determination to deny a nursing home license, the department shall review the information contained in the application. In addition, other documents ~~((that))~~ the department deems relevant may be reviewed, including survey and complaint investigation findings in each facility ~~((with which))~~ the applicant is or has been affiliated during the past ten years.

~~((6))~~ (8) The department may consider, but is not limited to, the following criteria in conducting a review

relating to noncompliance with federal or state regulation:

(a) Whether the ~~((violation or))~~ violations threatened or resulted in significant harm to the health, safety, or welfare of any patient~~((:));~~;

(b) Whether a reasonably prudent nursing home operator should have been aware of the conditions ~~((which resulted))~~ resulting in the violation or violations~~((:));~~;

(c) Whether the applicant promptly investigated the circumstances surrounding any violation and took steps to correct and prevent recurrences of the ~~((violation or))~~ violations~~((:));~~;

(d) The overall frequency of noncompliance as well as the recurrence of violations in the same or similar areas~~((:));~~ or

(e) Inability to attain compliance within a reasonable period of time.

~~((7))~~ (9) All applications for nursing home licensure are subject to review under this chapter. Applications for renewal are not considered applicants under this chapter. The department will not commence review of an incomplete application. The department requires a minimum of sixty days to review a completed application.

~~((8))~~ (10) Failure to provide any authorization the department requires in order to verify information contained in the application or to verify additional information ~~((which))~~ the department deems ~~((is))~~ relevant to the application shall result in denial of the license. If the department deems additional information is necessary to process the application, the applicant ~~((must))~~ shall respond to such a request in a timely fashion.

~~((9))~~ (11) Any applicant denied a license shall be afforded an opportunity for an administrative hearing if a hearing is requested within twenty days after receipt by the applicant of notice of denial~~((, pursuant to))~~ as required under RCW 18.51.065. All hearings shall be conducted in accordance with the Administrative Procedure Act, chapter ~~((34.04))~~ 34.05 RCW.

AMENDATORY SECTION (Amending Order 2427, filed 9/22/86)

WAC 248-14-240 PERSONNEL. ~~((Personnel sufficient))~~ The nursing home shall:

(1) Have personnel available in sufficient numbers and qualifications ~~((shall be available))~~ to meet the requirements of this chapter.

~~((1) At least annual))~~ (a) Maintain and review written evaluations of work performance ~~((which have been reviewed))~~ with the employee ~~((are maintained))~~ once a year or more often.

~~((2))~~ (b) Ensure staff, including consultants and pool personnel, are appropriately licensed or certified at the time of their assignment to duties.

~~((3))~~ (c) Ensure any employee giving direct resident care or treatment shall be ~~((at least))~~ eighteen years of age or older unless the employee is enrolled in or ~~((has))~~ successfully ~~((completed))~~ completes a bona fide nurse or nurse aide training program. The employee's nurse aide training shall be completed within four months of employment.

~~((4))~~ (d) Ensure no employee currently working shall evidence signs or symptoms of infectious diseases, such as running sores or fever.

~~((5))~~ (e) Ensure each employee shall have ~~((on))~~ at the time of employment a tuberculin skin test by the Mantoux method with PPD, except ~~((that if))~~, when there is documentation of a Mantoux test administered after the employee's eighteenth birthday or a documented history of adequately treated tuberculosis, no further skin testing is necessary.

~~((a))~~ (i) An employee~~((s))~~ thirty-five years of age or older with a reaction~~((s))~~ of less than ten millimeters induration within forty-eight to seventy-two hours after administration of the antigen shall have a second skin test within one to three weeks after the first test.

~~((b))~~ (ii) An employee~~((s))~~ with a reaction~~((s))~~ of ten or more millimeters induration within forty-eight to seventy-two hours after either test shall have a chest x-ray within thirty days.

~~((c))~~ (iii) Any employee ~~((who believes))~~ believing the tuberculin skin test by the Mantoux method ~~((would present))~~ presents a hazard to ~~((his or her))~~ the employee's health because of conditions peculiar to ~~((his or her))~~ the employee's own physiology may present supporting medical data to this effect to the tuberculosis control program, ~~((health services division,))~~ department of ~~((social and))~~ health ~~((services))~~. The department ~~((with))~~ of health shall decide whether ~~((the))~~ a waiver ~~((should be))~~ is granted to the individual employee and ~~((with))~~ shall notify the employee accordingly. ~~((Any))~~ An employee granted a waiver from the tuberculin skin test shall have an examination for tuberculosis as directed by the state tuberculosis control officer.

~~((d))~~ (iv) The facility shall retain a record of findings ~~((shall be retained by the facility))~~ for the duration of the employee's employment. The employee shall be provided a copy of the tuberculosis screening record.

(2) Except as provided under WAC 248-14-249(2), no nursing home shall employ any person, directly or by contract, or accept as a volunteer or student any person who may have unsupervised access to residents when the person:

(a) Was convicted of a crime against persons as defined under RCW 43.43.830;

(b) Was convicted of a crime relating to financial exploitation of a vulnerable adult as defined under RCW 43.43.830;

(c) Was found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult;

(d) Was found in a final decision issued by any disciplinary board to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult;

(e) Was found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

(f) Was found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

NEW SECTION

WAC 248-14-249 CRIMINAL HISTORY DISCLOSURE AND BACKGROUND INQUIRIES. (1) Except as provided in subsection (2) of this section, a nursing home shall not hire or retain any employee, directly or by contract, or accept any volunteer or student:

(a) With a criminal history as described in RCW 10-97.030 and RCW 43.43.830;

(b) Having a protection order issued against them for abuse or financial exploitation of a vulnerable adult as described under chapter 74.34 RCW;

(c) Found in any disciplinary board final decision to have abused or financially exploited any vulnerable adult or to have sexually or physically abused or exploited any minor or developmentally disabled person;

(d) Found in any dependency action under RCW 13-34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

(e) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

(2) A nursing home may conditionally employ a person pending a background inquiry provided the nursing home requests the inquiry within seventy-two hours of the conditional employment.

(3) Before a nursing home employs, directly or by contract, or accepts any person as a volunteer or student, a nursing home shall:

(a) Inform the person the Washington state patrol shall make a background inquiry;

(b) Require the person to sign a disclosure statement;

(c) Require the person to sign a statement authorizing the nursing home and the department to make a background inquiry;

(d) Verbally inform the person of the background inquiry results within seventy-two hours of receipt;

(e) Not employ any person either directly or by contract or accept any volunteer or student whose background inquiry reveals the person committed any of the offenses as specified under WAC 248-14-249 (1)(a), (b), (c), (d), and (e); and

(f) Notify the appropriate licensing or certifying agency of any person resigning or terminated as a result of having a record.

(4) Nursing homes:

(a) Shall require all current direct or contract employees, volunteers, and students to sign disclosure statements;

(b) Shall request a background inquiry of any person employed, directly or by contract, or accepted as a volunteer or student on or after July 23, 1989;

(c) Shall request a background check by the Washington state patrol through the department for any employee, volunteer, or student the licensee believes has a record as specified under WAC 248-14-001(7); and

(d) May request a background inquiry of any person employed, directly or by contract, or accepted as a volunteer or student before July 23, 1989.

(5) The nursing home shall establish procedures ensuring:

(a) All disclosure statements and background inquiry responses are maintained in a confidential and secure manner;

(b) Disclosure statements and background inquiry responses are used for employment purposes only; and

(c) Disclosure statements and background inquiry responses are not disclosed to any person except:

(i) The person about whom the nursing home made the disclosure or background inquiry;

(ii) Authorized state and federal employees; and

(iii) The Washington state patrol auditor.

(d) A record of findings shall be retained by the facility for the duration of employment.

(6) Except as provided in WAC 248-14-249(2), no nursing home shall employ any person, directly or by contract, or accept as a volunteer or student any person who may have unsupervised access to residents if the person:

(a) Was convicted of a crime against persons as defined under RCW 43.43.830;

(b) Was convicted of crimes relating to financial exploitation of a vulnerable adult as defined under RCW 43.43.830;

(c) Was subject to an order of protection under chapter 74.34 RCW for abuse or financial exploitation of a vulnerable adult;

(d) Was found in a final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult;

(e) Was found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

(f) Was found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

WSR 90-17-124
PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD
 [Filed August 21, 1990, 4:26 p.m.]

Original Notice.

Title of Rule: New chapter 136-300 WAC, County arterial preservation programs.

Purpose: Adopts permanent rules for the implementation and administration of the county arterial preservation program as authorized by chapter 42, Laws of 1990.

Other Identifying Information: This is a new rule.

Statutory Authority for Adoption: Section 103(4), chapter 42, Laws of 1990.

Statute Being Implemented: Sections 102 (1)(g) and 103(4), chapter 42, Laws of 1990.

Summary: Adopts permanent rules for the implementation of the county arterial preservation program related to general administration, distribution of funds, pavement management requirements, annual programming

and reporting, allowable activities, and accounting and audit provisions.

Reasons Supporting Proposal: The authorizing statute directs the County Road Administration Board to adopt reasonable rules and develop policies to implement this program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Reid Wheeler, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rules will provide procedural guidance to all eligible counties as to requirements for utilization of the county arterial preservation account funds as authorized by the 1990 legislature. There will be additional programming and reporting requirements directly related to this program for all participants. These rules provide a statewide standardization of the application of these funds yet also provides sufficient individual county flexibility as to specific types and locations of eligible expenditures.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Ocean Shores Inn, Ocean Shores Boulevard, Ocean Shores, Washington, on October 5, 1990, at 9:00 a.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98502, by October 2, 1990.

Date of Intended Adoption: October 5, 1990.

August 21, 1990

Vern E. Wagar
Executive Director

Chapter 136-300 WAC
GENERAL ADMINISTRATION PROCEDURES

NEW SECTION

WAC 136-300-010 **PURPOSE AND AUTHORITY.** Section 103(4), chapter 42, Laws of 1990 (the act), provides that the county road administration board (CRABoard) shall administer the county arterial preservation program (CAPP) and the county arterial preservation account (CAPA) established by this act. This chapter describes the manner in which the CRABoard will implement the several provisions of the act.

NEW SECTION

WAC 136-300-020 **ADOPTION OF RULES.** The CRABoard shall adopt rules in accordance with the provisions of the act for purposes of administering the CAPP regarding the following:

- (1) Distribution of county arterial preservation account (CAPA) funds.
- (2) Pavement management systems.
- (3) Preparation of annual county arterial preservation programs.
- (4) Allowable activities for CAPA funding.
- (5) Accounting and audit provisions.
- (6) Annual CAPP report.

NEW SECTION

WAC 136-300-030 **DELEGATION OF AUTHORITY.** In order to assure effective and timely administration of the CAPP the

CRABoard may, by resolution, delegate specific administrative authorities to its executive director.

NEW SECTION

WAC 136-300-040 **STAFF SERVICES AND FACILITIES.** The CRABoard shall arrange for all necessary staff services and facilities necessary for the efficient administration of the county arterial preservation program. The costs of such services and facilities as well as all other lawful expenses of the CRABoard that are attributable to CAPP shall be paid from the county arterial preservation account in the motor vehicle fund.

Chapter 136-310 WAC
DISTRIBUTION OF COUNTY ARTERIAL PRESERVATION
ACCOUNT FUNDS

NEW SECTION

WAC 136-310-010 **CERTIFICATION OF COUNTY ARTERIAL MILEAGE.** (1) Classification. The act specifies that expenditure of CAPA funds is restricted to paved arterials in the unincorporated area of each county. Arterials are defined as being those county roads:

(a) In urban areas, classified as arterials (Federal Functional Classes 12, 13, 14, 15, and 16) or classified as collectors (Federal Functional Class 17);

(b) In rural areas, classified as major collectors (Federal Functional Class 07) or minor collectors (Federal Functional Class 08).

Paved roads are defined as those roads which, at the time of CAPA allocation determination, are hard-surfaced through the application of a bituminous surface treatment (BST), asphalt cement concrete (ACP), or portland cement concrete (PCC). Brick or block surfaces shall also be considered as paved.

(2) Source of information. The master county road log as maintained by the CRABoard in accordance with chapter 136-60 WAC shall be the source of official paved road mileages to be used for CAPA distribution.

NEW SECTION

WAC 136-310-020 **ESTABLISHMENT OF ALLOCATION PERCENTAGES.** At the next regular or special meeting after July 1 of each year, the CRABoard shall establish the next calendar year's allocation percentages for the individual counties based on information contained in the most recently certified master county road log. Each county's allocation percentage shall be computed by the CRABoard as its percentage of paved arterial lane miles of the total paved county arterial lane miles in the state.

NEW SECTION

WAC 136-310-030 **NOTICE TO COUNTIES.** Upon establishment, the CRABoard shall notify the county legislative authority and the county road engineer of each county of the respective county's CAPA allocation percentage and the latest estimate of the amount of CAPA funds to be allocated during the next calendar year.

NEW SECTION

WAC 136-310-040 **DISTRIBUTION TO COUNTIES.** Distribution of allocated CAPA funds shall be done monthly by the state treasurer. The state treasurer shall use the allocation percentages provided by the CRABoard as computed under the provisions of WAC 136-310-020.

NEW SECTION

WAC 136-310-050 **ELIGIBILITY.** Beginning May 1, 1990, all arterial preservation work and related activities done shall be eligible for CAPA funding provided that:

- (1) The county road engineer submits the description of the pavement management system as provided in chapter 136-320 WAC; and
- (2) The county road engineer submits the annual CAPA program as provided in chapter 136-325 WAC; and
- (3) The work is in conformance with the allowable activities as specified in chapter 136-330 WAC.

Chapter 136-320 WAC
PAVEMENT MANAGEMENT SYSTEMS

NEW SECTION

WAC 136-320-010 DEFINITION. A pavement management system (PMS) is a systematic method used to preserve and maintain paved road systems by analyzing pavement life cycles, determining when and what kind of pavement preservation work is necessary, and budgeting funds accordingly to prevent major road deterioration. A key element of a PMS is the capacity to plan pavement preservation work based upon a predictive pavement deterioration model or process.

NEW SECTION

WAC 139-320-020 APPLICATION. A county's pavement management system shall be applied to the pavement preservation and rehabilitation activities of all county paved arterials. Application to the local access system, although desirable, shall not be required to receive CAPA funds.

NEW SECTION

WAC 139-320-030 SUBMITTALS BY COUNTIES. In order for a county to be eligible for CAPA funds the county road engineer must submit a description of the county's current pavement management system. Work done prior to the submittal of the pavement management system description shall not be eligible for CAPA funding. The description must contain sufficient information, including specific policies and/or procedures, to evaluate the adequacy of the following items:

(1) System definition. The PMS must assure that all paved arterial lane miles are included for analysis and that system changes, additions, and deletions are periodically incorporated into the system definition. This shall also include a system of maintaining a historical record of all resurfacing and/or rehabilitation work on all paved arterials.

(2) Condition rating criteria. The PMS must contain specific definitions/descriptions of how pavement condition is determined, the frequency of the determination, and the threshold(s) at which the various preservation actions should be taken. Condition determination, frequency, and thresholds may vary depending upon pavement type and operational characteristics of road groups.

(3) Annual prioritization. The PMS must contain specific definition/description of the county's method, in consideration of limited resources and/or other restraints, for the advance determination of which paved arterial road segments will receive what priority in the annual expenditure of pavement preservation and pavement rehabilitation funds regardless of the source of the funds. This item shall also include discussion of how local access roads are included in the prioritization process.

(4) Advance programming. The PMS must contain specific definition/description of the county's procedures to estimate future pavement preservation and reconstruction needs on at least an annual basis such as to prevent major arterial road deterioration.

NEW SECTION

WAC 136-320-040 EVALUATION. Upon receipt of a county's pavement management system description, the executive director shall evaluate it as to its adequacy in meeting the four preceding items. The executive director shall notify the county road engineer of its evaluation.

NEW SECTION

WAC 136-320-050 MODIFICATIONS. Subsequent to the initial submittal of a county's pavement management system description, the county road engineer shall notify the executive director, in writing, of any substantive change in their PMS process. All changes will be evaluated by the executive director in the same manner as the original evaluation and notification provided to the county road engineer.

NEW SECTION

WAC 136-320-060 ANNUAL REVIEW. In conjunction with the annual determination of CAPA allocations as set forth in chapter 136-310 WAC, the executive director shall review the status of each county's pavement management system and report his findings to the

CRABoard. The review shall consider the original description submittal, any subsequent modifications and a staff evaluation of the adequacy of implementation. The staff evaluation shall be drafted and a copy sent to the respective county engineer not less than two weeks prior to the CRABoard's annual CAPA allocation meeting.

NEW SECTION

WAC 136-320-070 STANDARDIZATION. (1) Distress methodology. In order to achieve uniformity in pavement condition determination for analysis and reporting purposes, the CRABoard shall adopt one or more standard pavement distress identification and analysis methodologies. Upon adoption, the standard or standards shall be provided to each county. Each county shall utilize the adopted standard/standards or an acceptable alternate.

(2) Alternate methodologies. Any county which utilizes pavement condition or distress data different from a CRAB standard shall either modify its PMS process to accommodate the standard or shall demonstrate to the satisfaction of the CRABoard the equivalency of county's method to the CRAB standard. The county shall be responsible for providing any research documents, conversion equations, or other technical support such that the county's pavement condition data can be correctly converted to the CRAB standard.

(3) Retention of CAPA eligibility. No county shall be eligible for CAPA funds that have not met the requirements of subsections (1) and (2) of this section within three years of CRAB's promulgation of standards.

NEW SECTION

WAC 136-320-080 CRAB ASSISTANCE. To enable each county to meet its eligibility requirements, CRAB will update its existing WSC2-PMS micro-computer software so that it is fully integrated with the county road log through the county road information system (CRIS). Upon completion, CRAB will make the updated software and appropriate training available to counties on request. CRAB shall also provide, on request, administrative and technical assistance related to defining, developing, operating, managing, and utilizing current pavement management technology.

Chapter 136-325 WAC

ANNUAL COUNTY ARTERIAL PRESERVATION PROGRAMS

NEW SECTION

WAC 136-325-010 COORDINATION WITH ANNUAL ROAD PROGRAM. Each county road engineer shall, in conjunction with the county's annual road construction program as required by RCW 36.81.130 and chapter 136-16 WAC, prepare an annual CAPA expenditure program. Appropriate forms will be provided by CRAB.

NEW SECTION

WAC 136-325-020 CONTENTS. The county's annual CAPA program shall consist of a list of all proposed CAPA-funded county arterial preservation projects and activities for the ensuing year that are included in both the construction and maintenance programs. In order to evaluate the relative ability of CAPA funds to meet the county's total pavement preservation needs, beginning for year 1992, the annual CAPA program shall also include those arterial preservation projects and activities not proposed for CAPA funding as well as those on the county's local access system.

NEW SECTION

WAC 136-325-030 SUBMITTAL TO CRAB. The county road engineer shall submit the proposed CAPA program to CRAB along with the county's annual road program and budget in accordance with chapter 136-16 WAC.

Chapter 136-330 WAC
ALLOWABLE ACTIVITIESNEW SECTION

WAC 136-330-010 PAVEMENT MANAGEMENT SYSTEMS. To promote and assist the implementation of comprehensive,

computer-based pavement management systems meeting the requirements of chapter 136-320 WAC, CAPA funds may be used for the following activities:

- (1) Acquisition of computer hardware and software that may be necessary to operate a computer-based pavement management system.
- (2) Pavement management system training not otherwise provided by CRAB. This can include software usage, pavement condition surveying, and other specialized training directly related to the operation and maintenance of a computer-based pavement management system.
- (3) Payment for related services such as data entry, pavement condition surveys, and rental of specialized PMS-related equipment such as road raters.

Acquisition of equipment other than computer hardware as described in subsection (1) of this section is not eligible.

NEW SECTION

WAC 136-330-020 ALLOWABLE ACTIVITIES. Except as described in WAC 136-330-010 and 136-330-040, or unless otherwise approved by the CRABoard, CAPA funding shall be limited to the direct and attributable indirect costs associated with paved surface preservation and rehabilitation activities on existing roadways only. Activities which are allowable for CAPA funding include the following:

- (1) Nonstructural surfacing projects (maintenance). These include thin asphalt concrete overlays (one-inch or less); bituminous seal coats (single and double); slurry seals, sand seals, and fog seals; associated tack coats, paving fabrics, and preleveling; and associated surface grinding and planing.
- (2) Structural surfacing projects (construction). These include thick asphalt concrete overlays (greater than one-inch); portland cement concrete overlays; associated tack coats, paving fabrics, and preleveling; associated surface grinding and planing; and hot/cold bituminous road mixes.
- (3) Associated activities (maintenance). These include crack sealing (bituminous and portland cement pavements); full-depth, structural patching done in preparation for structural or nonstructural overlays or seals; portland cement pavement joint reconstruction, undersealing, panel jacking and panel replacement; and other related surface maintenance activities.

To qualify for CAPA funding, all preservation work as allowable in subsections (1) and (2) of this section shall be identified through the county's pavement management system.

NEW SECTION

WAC 136-330-030 MINIMUM ROAD WIDTHS. For all CAP projects which involve structural resurfacing, the existing road must meet the following minimum width standards:

SHOULDERED ROADWAY SECTIONS

Current ADT	Minimum widths (feet)	
	Lane Width	Shoulder Width
0 to 100	9	2
101 to 400	10	2
401 to 4000	10	2
over 4000	11	4

CURBED ROADWAY SECTIONS

Current ADT	Minimum Lane Width (feet)	
	Two way Undivided	One way & Two way Divided
all	10	9

All roadways less than the above standards for which a county proposes to perform structural resurfacing must be widened with other than CAPA funds.

NEW SECTION

WAC 136-330-040 PARTICIPATION WITH OTHER FUNDS. CAPA funds may also be used to fund resurfacing work associated with the reconstruction and/or widening of existing paved arterials. This participation is limited as follows:

- (1) The present roadway is a paved county arterial as defined by WAC 136-310-010;

(2) The county's approved pavement management system has identified the existing pavement as requiring resurfacing within two years of the expected reconstruction/widening project completion date;

(3) The reconstruction/widening project will bring the roadway to at least the lane and shoulder width standards and non-CAPA funding requirements of WAC 136-330-030;

(4) The CAPA participation will be limited to the resurfacing portion of the project as described in WAC 136-330-020 (1) and (2).

Chapter 136-340 WAC
ACCOUNTING AND AUDIT PROVISIONS

NEW SECTION

WAC 136-340-010 ACCOUNTING REQUIREMENTS. (1) Deposits. Upon receipt of CAPA funds from the state treasurer, each county shall deposit them in a separate BARS revenue account within the county road fund or in a fund separate from the county road fund. The county engineer shall evaluate the capabilities of the county road fund accounting system and select the method of deposit and related accounting.

(2) Expenditures. Expenditures of these funds shall be solely for CAPA-eligible work and must be separately identified within each county's road fund expenditure reporting system.

NEW SECTION

WAC 136-340-020 AUDIT REQUIREMENTS. CAPP audits may be conducted by the state auditor's office and will normally be conducted in conjunction with the audits of the different counties of the state as required by RCW 43.09.260 and 36.80.080. Special audits of specific CAPP activities or projects may be accomplished at the request of the CRABoard. If a special audit is conducted outside the confines of those audits required by the above statutes, then the costs of the special audit shall be the responsibility of the CRABoard.

NEW SECTION

WAC 136-340-030 SCOPE OF AUDITS. The audit of any CAP project or activity shall include but not be limited to the review of the county's compliance with (1) the provisions of the act and (2) the rules in Title 136 WAC regarding implementation and administration of the act, with detailed review of the application of CAPA funds and the various reporting requirements. The audit shall also include a review of the financial accounting and reporting of those funds associated with and received for the CAPP activity or project.

NEW SECTION

WAC 136-340-040 NONCOMPLIANCE AND QUESTIONED COSTS. If the audit of a CAP activity or project reveals any area of noncompliance and/or questioned costs, then such exceptions shall be subject to comment by the examiner within the audit report.

NEW SECTION

WAC 136-340-050 POST-AUDIT PENALTY. In the event an exception has been noted within the audit report it shall be the duty of the CRABoard to evaluate the noted discrepancy. Discrepancies may be cause for the CRABoard to order the payback of improperly expended CAPA funds and/or withdrawal or denial of the certificate of good practice of the county in question as provided in chapter 136-04 WAC.

Chapter 136-350 WAC
ANNUAL REPORTING OF PAVEMENT PRESERVATION ACTIVITIES

NEW SECTION

WAC 136-350-010 ANNUAL REPORT FORM. The CRABoard shall prepare and distribute to all counties standard reporting forms for use by the county engineer to annually summarize the pavement preservation activities, both CAPA and non-CAPA funded, in their county. For all CAPA-funded work, the report will require a specific listing of roads improved including a definition of work scope and the amount of CAPA funds expended.

NEW SECTION

WAC 136-350-020 SUBMITTAL OF ANNUAL REPORT. At any time prior to April 1 of the year following, the county engineer shall, in conjunction with the annual construction report as required by WAC 136-16-050, submit an annual summary of pavement preservation activities on the entire paved road system. This report shall be on the approved forms or in an equivalent format.

WSR 90-17-125**PROPOSED RULES****DEPARTMENT OF ECOLOGY**

[Order 90-40—Filed August 22, 1990, 10:09 a.m.]

Original Notice.

Title of Rule: Chapter 173-300 WAC, Certification of operators of solid waste incinerator and landfill facilities.

Purpose: Through certification of operators and inspectors, maintain to the highest degree possible, environmentally sound solid waste disposal facilities.

Statutory Authority for Adoption: Chapter 70.95D RCW and RCW 70.95.710.

Statute Being Implemented: Chapter 70.95D RCW and RCW 70.95.710.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: David H. Dubreuil, Rowsix, Lacey, 438-7231; and Enforcement: Tom Eaton, Program Manager, Rowsix, Lacey, 459-6316.

Name of Proponent: Washington State Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Through the use of a strong educational component and testing requirements, chapter 173-300 WAC is expected to insure that the protection of human health and the environment at and around solid waste facilities is kept at the highest degree possible. While there will be an economic impact on some individuals, the private sector and local and state government, in most cases its expected to be minimal. Owners and/or operators in responsible charge and governmental inspectors will have to attend instruction and pass the qualifying examination to be certified by the Department of Ecology.

Proposal does not change existing rules.

Small Business Economic Impact Statement: The Small Business Economic Impact Statement filed by the Department of Ecology have been omitted from publication in the Register under the authority of RCW 34.05.210(4) as being unduly cumbersome to publish. Copies of this material may be obtained from the Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, Attn. Jerri Brooker, (206) 438-7256.

Hearing Location: October 1, 1990, Seattle, Washington, Sea-Tac Airport, Skoal Room, at 7:00 - 9:00 p.m.; October 2, 1990, Washougal, Washington, Clark County PUD, Joseph Ast Building, 89 C Street,

at 7:00 - 9:00 p.m.; October 3, 1990, Spokane, Washington, Spokane County Public Safety Building, West 100 Mellon Street, at 7:00 - 9:00 p.m.; and October 4, 1990, Kennewick, Washington, Cascade Natural Gas Building, 200 North Union, at 7:00 - 9:00 p.m.

Submit Written Comments to: David H. Dubreuil, Department of Ecology, PV-11, Solid Waste Support Section, Olympia, Washington 98504-8711, by October 12, 1990.

Date of Intended Adoption: December 18, 1990.

August 20, 1990

Fred Olson

Deputy Director

CHAPTER 173-300 WAC
CERTIFICATION OF OPERATORS OF SOLID WASTE
INCINERATOR AND LANDFILL FACILITIES

WAC

173-300-010	Authority and Purpose.
173-300-020	Definitions.
173-300-030	Duties of the Board of Advisors.
173-300-040	Board of Advisors — Staff Services and Facilities.
173-300-050	Certification Required at Incineration Facilities.
173-300-060	Certification Required at Landfill Facilities.
173-300-070	Certification of Inspectors.
173-300-080	Applications and Certification Requirements.
173-300-190	Training and Examinations.
173-300-100	Certificate Term.
173-300-110	Certificate Term.
173-300-120	Fees.
173-300-130	Revocation.
173-300-140	Reciprocity.
173-300-150	Unlawful Acts — Variance from Requirements.
173-300-160	Penalties.
173-300-170	Appeals.
173-300-180	Incineration of Biomedical or Medical Waste.

Reviser's note: The typographical error in the above digest occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-300-010 AUTHORITY AND PURPOSE. One of the basic requirements of the Act relating to solid waste (Chapter 431, Laws of 1989) is to have the owner or operator in responsible charge of a solid waste incinerator or solid waste landfill be certified in the operation and maintenance of the facility. Certification under this act is available to all individuals who can meet the minimum qualifications for a given type of facility. Operating personnel not required to be certified by Chapter 70.95D RCW are encouraged to become certified on a voluntary basis. NOTE: All codes, standards, rules, or regulations cited in this chapter are available for inspection at the Department of Ecology, Mail Stop PV-11, Olympia, WA 98504-8711.

NEW SECTION

WAC 173-300-020 DEFINITIONS. (1) "Ash" See definition "Special incinerator ash."

(2) "Biomedical waste" means untreated solid waste of the following types:

(a) "Animal waste" which includes waste animal carcasses, body parts, and bedding of animals that were known to have been deliberately infected or inoculated with human pathogenic microorganisms during research.

(b) "Liquid human body fluids" means waste which includes waste liquid emanating or derived from humans including but not limited to human blood and blood products, serum and plasma, sputum, drainage secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid and amniotic fluid that exceeds fifty milliliters per container, storage vessel, or plastic bag and cannot be and has not been directly discarded into a sanitary sewage system.

(c) "Cultures and stocks" means waste which includes waste cultures and stocks of microbiological agents infectious to humans, human

serums and discarded live and attenuated vaccines infectious to humans, human blood specimens, and laboratory wastes that are contaminated with these agents or specimens.

(d) "Biosafety level 4 disease waste" which includes wastes contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases which are identified as viruses assigned to Biosafety Level 4 by the Centers for Disease Control, National Institute of Health, Biosafety in Microbiological and Biomedical Laboratories, 2nd Edition, 1988. These viruses include, but are not limited to, Congo-Crimean hemorrhagic fever, tick-borne encephalitis virus complex (Absettarov, Hanzalova, Hypr, Kumlinge, Kyasanur Forest disease, Omsk hemorrhagic fever, and Russian spring-summer encephalitis), Marburg, Ebola, Junin, Lassa, and Machupo.

(e) "Pathological waste" which includes waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, autopsy, and laboratory procedures. "Pathological waste" does not include teeth or formaldehyde or other preservative agents human corpses, remains, and anatomical parts that are intended for interment or cremation.

(f) "Sharps waste" which includes waste hypodermic needles, syringes, IV tubing with needles attached, scalpel blades, and lancets that have been used in animal or human patient care or treatment in medical research.

(3) "Biomedical waste treatment" means incineration, steam sterilization, or any method, technique, or process that changes the biological character or composition of biomedical waste to render it noninfectious. Any waste, except sharps, that has been treated shall not be considered biohazardous or biomedical, and may be considered to be solid waste for purposes for handling and disposal. Disposal may include incineration or land filling.

(4) "Board" means the board of advisors for solid waste incinerator and landfill certification established by RCW 70.95D.050.

(5) "Certificate" means the certificate of competency issued by the director stating that the operator has met the requirements for the operation and maintenance of a specific classification of solid waste incinerator or landfill facility.

(6) "Certificate holder" means the individual to whom a certificate is issued.

(7) "Commercial waste" means non-hazardous solid waste which is generated by the retail commercial business sector.

(8) "Department" means the Washington state department of ecology.

(9) "Director" means the director of the department of ecology or the director's designee.

(10) "Fee" means only those monies to be paid for examinations, certification, or renewal. NOTE: Fees shall not include the costs of training or other educational opportunities.

(11) "Hog fuel" means woodwaste which is reduced in size to facilitate burning.

(12) "Incineration" means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

(13) "Incinerator" means an enclosed mechanical combustion device which has as its primary purpose the burning and reduction of the volume of solid waste or solid waste-derived fuel. Combustion devices that burn human corpses, or animal bodies, exclusively, or burn primarily hog fuel waste are not included in this definition. NOTE: Crematoria facilities that burn any kind of biomedical, treated or untreated medical waste, human or animal, or other solid waste, in their incinerator shall be subject to this rule.

(14) "Incineration facility" means a facility which includes a solid waste incinerator. It may also include means for storage, preparation, and conveyance of the solid waste fuel, and air pollution control equipment.

(15) "Incinerator operator in responsible charge" means an individual who is the owner or who is designated as the on-site operator in responsible charge of operation and maintenance duties at a solid waste incineration facility.

(16) "Inspector" means any person employed by any public agency that inspects the operation of solid waste incinerators, or the operation of solid waste landfills, to determine the compliance of the facility with state and local laws or rules.

(17) "Institutional waste" means non-hazardous solid waste which is generated by any commercial or noncommercial service establishment.

(18) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment.

(19) "Landfill operator in responsible charge" means an individual who is the owner or who is designated as the on-site operator in responsible charge of operation and maintenance duties at a landfill facility.

(20) "Limited purpose landfill" means a landfill that receives solid waste of a limited type or types of known and consistent composition such as woodwaste landfills.

(21) "Monofill" means a disposal facility or part of a facility which is not a land treatment facility, at which only a single, specific substance is deposited in or on.

(22) "Municipal solid waste" means any combination of non-hazardous solid waste generated by residential sources, and any institutional waste, commercial waste, and industrial waste.

(23) "Owner" means, in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chief elected official of the county legislative authority or the chief elected official's designee; in the case of a board of public utilities, association, municipality, or other public body, the president or chief elected official of the body or the president's or chief elected official's designee; in the case of a privately owned landfill or incinerator, the legal owner.

(24) "Reciprocity" means the automatic recognition of comparable training from another state, the federal government, a local government, or a professional association. NOTE: Correction of deficiencies such as a lack of training in Washington State solid waste law shall be required for certification.

(25) "Reserved" means a section having no requirements and which is set aside for future possible rule-making as a note to the regulated community.

(26) "Solid waste" or "wastes" as defined in Chapter 70.95.030 RCW (1989 ed.) means all putrescible and non-putrescible solid and semisolid wastes including but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials. NOTE: Treated biomedical waste or medical waste not defined as biomedical waste shall be considered to be solid waste.

(27) "Special incinerator ash" means ash residues resulting from the operation of incineration or energy recovery facilities managing municipal solid waste from residential, commercial, and industrial establishments, if the ash residues are: (a) not otherwise regulated as hazardous wastes under Chapter 70.105 RCW; and (b) are not regulated as a hazardous waste under the federal Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6901 et seq.

(28) "Woodwaste" means solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, and the handling and storage of raw materials, trees, and stumps. This includes but is not limited to sawdust, chips, shavings, bark, pulp, and log sort yard waste, but does not include wood pieces or particles containing preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

NOTE: All applicable terms not defined above shall have the same meaning as those defined in Chapter 173-304 WAC.

NEW SECTION

WAC 173-300-030 DUTIES OF THE BOARD OF ADVISORS. (1) As a standing subcommittee of the state's solid waste advisory committee created under Chapter 70.95D.050 RCW, the board of advisors shall report to the solid waste advisory committee four times a year or as directed in accordance with Chapter 70.95D.040 RCW.

(2) The board shall act as an advisory committee to the department and shall assist in the development and review of the rules adopted under this chapter.

(3) The board shall assist in the development and evaluation of the training and testing material required for certification.

(4) On matters of revocation of certification, the board shall hold a hearing and make recommendations to the director.

(5) The board shall encourage operating personnel other than those who are required to be certified in Chapter 70.95D RCW to become certified on a voluntary basis.

(6) Members shall receive no compensation for their services but shall be reimbursed for their travel expenses while engaged in business of the committee in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

NEW SECTION

WAC 173-300-040 BOARD OF ADVISORS — STAFF SERVICES AND FACILITIES. The department shall furnish necessary staff services and facilities required by the board of advisors.

NEW SECTION

WAC 173-300-050 OPERATOR CERTIFICATION REQUIRED AT INCINERATION FACILITIES. (1) After January 1, 1992, it shall be unlawful to operate a solid waste incineration facility without a certified operator in responsible charge on-site during all hours of operation.

(2) All other operational employees are to be encouraged to become certified on a voluntary basis.

NEW SECTION

WAC 173-300-060 OPERATOR CERTIFICATION REQUIRED AT LANDFILL FACILITIES. (1) After January 1, 1992, it shall be unlawful to operate the following types of landfills without an on-site certified landfill operator in responsible charge during all hours of operation.

(a) All municipal waste landfills.

(b) All problem waste landfills. NOTE: Problem waste landfills are presently reserved per Chapter 173-304-463 WAC.

(c) All special incinerator ash landfills or monofills. NOTE: In a case where a monofill is a separate cell at a municipal waste landfill, the responsible operator in charge of the complete facility may assume responsibility of the operation of the monofills.

(d) All inert waste and demolition waste landfills.

(e) All limited purpose solid waste landfills such as woodwaste landfills.

(2) These standards do not apply to:

(a) dangerous waste landfills;

(b) drop box facilities;

(c) interim solid waste handling sites;

(d) landspreading disposal facilities;

(e) piles;

(f) transfer stations;

(g) waste recycling facilities; and

(h) composting facilities.

(3) Owners of small landfills operating under a small landfill designation permit. Chapter 173-304-460 (3)(c)(v) WAC, may make application to the department to have their facility operated and maintained by a certified operator who is in responsible charge on an on-call basis at all times the landfill is operating, provided that a certified operator visit the site once each working day. The department shall consider all applications on a case-by-case basis. The department shall base its decision on the following requirements:

(a) A physical inspection of the facility by the department to ascertain that the facility is being operated in a manner that is protective of human health and the environment;

(b) That the facility conforms with an up-to-date approved comprehensive solid waste handling plan as mandated in Chapter 70.95-.110 RCW.

(c) That the facility has an up-to-date approved facility operating plan and is in compliance with all other sections of Chapter 173-304 WAC;

(d) That the status of all facility variances, compliance schedules, and related grants are current as required; and

(e) All other applicable laws and regulations are strictly adhered to.

(4) All landfills having on-call designations shall reapply for the designation every five years from the date of issuance. This designation may be revoked at any time the facility does not meet the minimum requirements.

(5) When a position required to be filled by an on-site certified landfill operator is vacated for a period of not longer than a maximum of thirty calendar days due to an emergency such as a short-term illness, the landfill owner may apply to the department for a variance that allows the facility be operated and maintained by a certified operator on an on-call basis as outlined in this section. These requirements may be waived temporarily at the director's discretion.

(6) All other operational employees are to be encouraged to become certified on a voluntary basis.

NEW SECTION

WAC 173-300-070 CERTIFICATION OF INSPECTORS. (1) Any person who is employed by a public agency to inspect the operation of a landfill or incinerator described under this chapter to determine the compliance of the facility with state or local laws or rules shall receive, in addition to the successful completion of the training and examination process as an operator under this chapter, training relevant to the inspection procedure.

(2) Inspectors shall be subject to the same certification fees as a facility operator.

NEW SECTION

WAC 173-300-080 APPLICATIONS AND CERTIFICATION REQUIREMENTS. (1) An application for incineration or landfill operation certification shall be filed with the department. An application fee shall accompany each application. The department shall make application forms available upon request.

(2) Upon receipt of the completed application and application fee, the department shall determine:

(a) if the applicant has successfully completed the required training and examinations;

(b) the status of a reciprocal certification; and

(c) that the facility at which the applicant is employed is in compliance with local and state laws or rules.

(3) Upon successful determination of all requirements and the payment of the certification fees provided for in WAC 173-300-110 and WAC 173-300-120, the appropriate operator certificate will be issued.

(4) An owner may apply for a variance for a temporary certificate without an examination to fill a vacated position required by WAC 173-300-050 and WAC 173-300-060 to have a certified operator. The temporary certificate shall be valid for a period of not more than twelve months from date of issue and shall be non-renewable. If a position is vacated by a holder of a temporary certificate issued under this subsection, no additional temporary certificate shall be issued.

NEW SECTION

WAC 173-300-090 TRAINING AND EXAMINATIONS. (1) The department shall prepare or cause to be prepared educational materials and opportunities to fulfill requirements of WAC 173-300-080(2) to help develop the skills necessary to operate a solid waste incinerator or solid waste landfill according to state and federal laws.

(2) The board of advisors shall assist in the development of written examinations to be used in determining the competency of operators. Incinerator operators shall also be required to successfully complete an examination to determine the competency needed to operate and maintain the facility for which the operator is responsible.

(3) Examinations shall be held immediately at the end of all required operator training courses. Additional examinations shall be held at places and times set by the board.

(4) All examinations shall be graded by the department or the department's designee and the applicant shall be notified by mail of the score attained. Examinations shall not be returned to the applicant.

(5) An applicant who fails to pass an examination must be reexamined at the next scheduled examination. An additional application form and examination fee shall be required. No individual will be allowed to retake the same examination.

(6) An applicant who fails to pass a second examination shall be required to repeat the certification training.

(7) The board shall forward the recommendations for certification of those examined to the director.

NEW SECTION

WAC 173-300-100 CERTIFICATE TERM. Except as provided for in WAC 173-300-080(4), the term for any certificate or renewal thereof shall be from the first of January of the year of issuance until the thirty-first of December three years thereafter.

NEW SECTION

WAC 173-300-110 RENEWAL OF CERTIFICATE. (1) Except as provided in WAC 173-300-080(4), all certificates held by incinerator operators and landfill operators shall be renewable upon presentation of evidence that the certificate holder successfully completed a refresher course administered by the department, and successfully attended other professional educational opportunities approved by the department.

(2) The department shall mail renewal notices and refresher course information to all certificate holders eligible for renewal four months prior to the date the certificate expires.

NEW SECTION

WAC 173-300-120 FEES. (1) A fee of \$50.00 for each examination administered by the department shall accompany the application for examination.

(2) After an applicant successfully completes the examination and is notified by the department of the results, the applicant shall pay a certification fee of \$200.00 to the department within thirty days of the date of the results notification.

(3) A fee of \$50.00 is required to apply for consideration of certification through reciprocity under WAC 173-300-140. After determining that the reciprocal criteria has been met, the department will notify the applicant:

(a) that the applicant is deficient in a required area(s), and the process to correct the deficiency; or

(b) that the applicant has successfully completed all requirements for certification and that the applicant must pay a certification fee of \$200.00 to the department within thirty days of the date of notification.

(4) A \$200.00 renewal fee must accompany an application for certificate renewal.

NEW SECTION

WAC 173-300-130 REVOCATION. (1) When a certificate is not renewed, such certificate, upon notice by the director, shall be suspended for sixty days.

(a) If renewal of the certificate is not completed during the suspension period, the director shall mail a written notice of revocation by certified mail to the certificate holder's employer as last known by the department and to the certificate holder at the address last known by the department.

(b) If, during the revocation notice period, the certificate is not renewed, the certificate shall be revoked ten days after such notice is mailed.

(2) Certificates may also be revoked when a majority of the board so recommends to the director, upon finding:

(a) Fraud or deceit in obtaining the certificate;

(b) Gross negligence in the operation or inspection of an incineration or landfill facility;

(c) Violation of the requirements of Chapter 70.95D RCW, this chapter or of any lawful rule, regulation or order of the department; or if,

(d) The facility operated by the certified employee is operated in violation of local, state, or federal environmental laws.

(3) No revocation shall be made under subsection (2) of this section unless the operator has been notified that revocation is proposed, has been advised of the grounds therefore, and has been given an opportunity to appear before the board and be heard on the matter.

(4) A person whose certificate is revoked under this section shall not be eligible to apply for a certificate for one year from the effective date of the final order of revocation.

(5) Whenever an individual's certificate is revoked, the individual shall not be certified again until:

(a) he or she has repeated all required training for certification or has completed other requirements recommended by the board and approved by the department;

(b) has applied for certification pursuant to WAC 173-300-090;

(c) paid the application fees; and

(d) upon notification, paid the certification fee within thirty days of notification.

NEW SECTION

WAC 173-300-140 RECIPROCITY. The director may, with the approval of the board of advisors, waive examinations for applicants holding valid incinerator or landfill operators certificates issued by other states, the federal government, or a professional association having equivalent standards as determined by the board.

(1) Applications for reciprocity will be considered when:

(a) The training received by the applicant is equal to training offered by the state of Washington. A detailed syllabus outlining all relevant training must be released by the appropriate training facility for review and approval by the board. Those applicants with deficiencies shall have the deficiencies resolved before certification is granted, applicants must contact the department within one year of application;

(b) The department receives written confirmation from the certifying authority of the state or province in which the applicant is certified, that the certificate is currently valid and was earned by passing a written examination. A copy of the exam passed by the applicant must also be released for review by the board; and

(c) The application fee is received.

(2) The board shall review and compare out-of-state examinations with Washington's examinations to determine at which level the examination is most equivalent.

(3) Training in state of Washington solid waste law shall be required for certification.

(4) Incinerator operators shall be required to successfully complete an examination to determine the competency needed to operate and maintain the facility for which the operator is currently responsible.

(5) Certificates shall be issued to each reciprocity applicant who meets the minimum training and examination requirements set forth in WAC 173-300-080. Upon notification by the department that the applicant meets all the criteria, the certification fee is due within thirty days from the date of notification.

NEW SECTION

WAC 173-300-150 UNLAWFUL ACTS — VARIANCE FROM REQUIREMENTS. After January 1, 1992, it is unlawful for any person, firm, corporation, municipal corporation, or other governmental subdivision or agency to operate a solid waste incineration or landfill facility unless an operator in responsible charge is duly certified by the director under this chapter or any lawful rule or order of the department. The department shall allow the owner or operator of a landfill or solid waste incineration facility to request a variance from this requirement under emergency conditions. Emergency conditions may include but are not limited to unexpected health related problems that incapacitate the operator or an unexpected termination of employment of the operator. The department may impose such conditions as may be necessary to protect human health and the environment during the term of the variance.

NEW SECTION

WAC 173-300-160 PENALTIES. Any person, including any firm, corporation, municipal corporation, or other governmental subdivision or agency, with the exception of incinerator operators, violating any provision of this chapter, is guilty of a misdemeanor. Incinerator operators who violate any provision of this chapter shall be guilty of a gross misdemeanor. Each day of operation in violation of this chapter shall constitute a separate offense. The prosecuting attorney or the attorney general, as appropriate, shall secure injunctions of continuing violations of any provisions of this chapter.

NEW SECTION

WAC 173-300-170 APPEALS. Decisions of the director under this chapter may be appealed within thirty days from the date of notice thereof to the pollution control hearings board pursuant to Chapter 43.21B RCW and Chapter 370-08 WAC.

NEW SECTION

WAC 173-300-180 INCINERATION OF BIOMEDICAL OR MEDICAL WASTE. Incineration of biomedical, treated or untreated medical waste shall be conducted under sufficient burning conditions to reduce all combustible material to a form such that no portion of the combustible material is visible in its uncombusted state.

WSR 90-17-126

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 90-06—Filed August 22, 1990, 10:17 a.m.]

Supplemental Notice to WSR 90-05-052.

Title of Rule: Amending chapter 173-400 WAC, General regulations for air pollution sources, chapter 173-405 WAC, Kraft pulping mills, chapter 173-410 WAC, Sulfite pulping mills, chapter 173-415 WAC, Primary aluminum plants and chapter 173-490 WAC, Emission standards and controls for sources emitting volatile compounds (VOC); and repealing chapter 173-403 WAC, Implementation of regulations for air contaminant sources.

Purpose: To establish technically feasible and reasonably attainable standards and to establish rules generally applicable to the control and/or prevention of the emission of air contaminants.

Statutory Authority for Adoption: RCW 70.94.331.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: This supplemental notice incorporates additional amendments into the air quality rules listed above. These rules were originally filed on February 20, 1990. These amendments (and the repeal of chapter 173-403 WAC, which is incorporated into chapter 173-400 WAC) improve the clarity, consistency, completeness, and enforceability of the rules.

Reasons Supporting Proposal: The supplemental notice involves additional amendments to the rules listed above, consistent with the intent to improve the clarity, consistency, and enforceability of the rules.

Name of Agency Personnel Responsible for Drafting: Stuart Glasoe, Mailstop PV-11, Rowesix, #4, (206) 459-6996; Implementation: Michael J. Landon, Mailstop PV-11, Rowesix, #4, (206) 459-6247; and Enforcement: Joseph R. Williams, Mailstop PV-11, Rowesix, #4, (206) 459-6256.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules are enacted under the provisions of the Washington Clean Air Act as amended (RCW 70.94.395). The purpose of each of these rules is to establish technically feasible and reasonably attainable standards as new information and better technology become available. The purpose of chapters 173-405, 173-410, 173-415 and 173-490 WAC, is to assume state jurisdiction over emissions from those sources to provide for the systematic control of air pollution in those industries and for the proper development of the state's natural resources. Consistent with the intent of the original filing, the purpose of this supplemental notice is to improve the consistency, clarity, completeness, and enforceability of chapters 173-400, 173-405, 173-410, 173-415 and 173-490 WAC.

Proposal Changes the Following Existing Rules: Housekeeping changes; clarify rules; remove obsolete sections; improve consistency; consolidate definitions in

chapter 173-400 WAC; require the reporting of monitoring results within 15 days instead of 30 days in chapters 173-405 and 173-410 WAC; remove old compliance date schedules; and remove "grandfather" clauses.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Washington Regulatory Fairness Act, chapter 19.85 RCW, requires that proposed rules which have an economic impact on more than 20 percent of all industries or more than ten percent of any one industry shall be reviewed to determine if the cost of coming into compliance with the proposed agency rules will create a disproportionately higher economic burden on small business in comparison with the cost of compliance for large business. The act defines a small business as an employer with fifty or fewer employees.

The purpose of amending the air quality rules is to improve clarity, internal consistency, completeness, and enforceability, and to comply with federal requirements. Most of the proposed changes are editorial. Large businesses bear most of the burden of the air quality rules, however small businesses do bear some of the costs. The air quality rules proposed for change have been reviewed. While most of the changes proposed have a negligible impact, some changes are proposed as mitigation. The overall impact of the rules changes is negligible.

This determination of negligible impact is on file with the Department of Ecology, Air Quality Program, Mailstop PV-11, Olympia, Washington 98504-8711. Persons interested in a copy of the document may contact the air quality program.

Hearing Location: EFSEC Hearing Room, Rowesix, Building #4, 4224 Sixth Avenue, Lacey, WA, on Friday, October 5, 1990, at 7:00 p.m.

Submit Written Comments to: Stuart Glasoe, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, by October 12, 1990.

Date of Intended Adoption: December 4, 1990.

August 22, 1990

Fred Olson

Deputy Director

Chapter 173-400 WAC

GENERAL REGULATIONS FOR AIR POLLUTION SOURCES

WAC

173-400-010	Policy and purpose.
173-400-020	Applicability.
173-400-030	Definitions.
173-400-040	General standards for maximum emissions.
173-400-050	((Minimum)) Emission standards for combustion and incineration units.
173-400-060	((Minimum)) Emission standards for general process ((emissions)) units.
173-400-070	((Minimum)) Emission standards for certain source categories.
173-400-075	Emission standards for sources emitting hazardous air pollutants.
173-400-100	Registration.
173-400-105	Records, monitoring, and reporting.
173-400-110	New source review (NSR).
173-400-115	Standards of performance for new sources.
173-400-120	((Monitoring and special report)) Bubble rules.
173-400-131	Issuance of emission reduction credits.
173-400-136	Use of emission reduction credits.
173-400-141	Prevention of significant deterioration (PSD).
173-400-151	Retrofit requirements for visibility protection.

173-400-161	Compliance schedules.
173-400-171	Public involvement.
173-400-180	Variance.
173-400-190	Requirements for nonattainment areas.
173-400-200	Creditable stack height and dispersion techniques.
173-400-205	Adjustment for atmospheric conditions.
173-400-210	Emission requirements of prior jurisdictions.
173-400-220	Requirements for board members.
173-400-230	Regulatory actions.
173-400-240	Criminal penalties.
173-400-250	Appeals.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-400-010 **POLICY AND PURPOSE.** (1) It is the policy of the department of ecology (ecology) under the authority vested in it by chapter 43.21A RCW to provide for the systematic control of air pollution from air contaminant sources and (~~progressive reduction where needed~~) for the proper development of the state's natural resources.

(2) It is the purpose of this chapter to establish (~~standards deemed to be~~) technically feasible and reasonably attainable standards and (~~revise such standards as new information and better technology are developed and become available~~) to establish rules generally applicable to the control and/or prevention of the emission of air contaminants.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-400-020 **APPLICABILITY.** (1) The provisions of this chapter shall apply state-wide.

(2) An (~~activated air pollution control~~) authority may enforce this chapter and may (~~in addition~~) also adopt standards or requirements (~~which are equivalent to or more stringent than~~). These standards or requirements (~~on the same subject matter established by this chapter. This regulation is applicable to all sources of air contaminants except~~) may not be less stringent than the current state air quality rules and may be more stringent than the current regulations. Unless properly delegated by ecology, authorities do not have jurisdiction over the following sources:

((~~1~~)) (a) Specific source categories over which the state, by separate regulation, has assumed or hereafter does assume jurisdiction.

((~~2~~)) (b) Automobiles, trucks, aircraft.

((~~3~~)) (c) Those sources under the jurisdiction of the energy facility site evaluation council.

((~~The requirements of chapter 173-403 WAC shall apply to all sources that are subject to the requirements of chapter 173-400 WAC.~~))

AMENDATORY SECTION (Amending Order 84-48, filed 3/6/85)

WAC 173-400-030 **DEFINITIONS.** The following definitions will apply unless a different meaning is clearly required by context (~~words and phrases used in this chapter shall have the following meanings; general terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to this chapter only as defined below~~):

(1) "Actual emissions" relating to a particular date means the average rate, in weight per unit time of emitted pollutant during the immediately preceding two-year period of normal operation. Ecology or the authority may allow or require the use of an alternative time period if it is more representative of normal operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or burned during the selected time period.

Ecology or the authority may presume that unit-specific allowable emissions, which incorporate limits on hours of operation or production rate, are equivalent to the actual emissions of the unit.

(2) "Administrator" shall refer to ecology or the authority unless specifically defined otherwise.

(3) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with (a) times

of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

(4) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(5) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

(6) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is limited in production rate or hours of operation, or both, by an applicable federally enforceable regulatory order) and the most stringent of (a), (b), or (c) of this subsection. Physical and process limitations must be considered in determining maximum rated capacity.

(a) Standards as set forth in 40 CFR Part 60 and Part 61, if applicable to the source; or

(b) The applicable state implementation plan emission limitation; or

(c) The emission rate specified by an applicable federally enforceable regulatory order.

(7) "Ambient air" means the surrounding outside air.

(8) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

(9) "Authority" means an air pollution control authority activated pursuant to chapter 70.94 RCW that has jurisdiction over the subject source. (This may be delegated by ecology.)

(10) "Best available control technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to this regulation which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such sources or modification through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available technology result in emissions of any air pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the reviewing authority determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to meet the requirement of BACT. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The requirement of RCW 70.94.152 that a new source will provide "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

(11) "Best available retrofit technology (BART)" means any emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by source. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required. Such standards shall, to the degree possible, set forth the emission reductions achieved and provide for compliance by prescribing appropriate conditions in a regulatory order.

(12) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit(s) in exchange for a decrease in emissions from another emissions unit(s), pursuant to RCW 70.94.155 and WAC 173-400-120.

(13) "Capacity factor" means the ratio of the average load on (~~a machine or~~) equipment or a machine for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

~~((2))~~ (14) "Class I area" means any federal, state, or Indian land which is classified Class I.

(15) "Combustion and incineration sources" means sources using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

~~((3))~~ (16) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(17) "Concealment" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

~~((4))~~ "Excess emissions" means emissions of an air pollutant in excess of an emission standard.

~~((5))~~ (18) "Director" means director of the Washington state department of ecology or duly authorized representative.

(19) "Dispersion technique" means a method which attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

(20) "Ecology" means the Washington state department of ecology.

(21) "Emission" means a release of air contaminants into the ambient air.

(22) "Emission reduction credit (ERC)" means a credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

(23) "Emission standard" means an allowable rate of emissions, level of opacity, or prescribing equipment or operating conditions as set forth in a regulation or regulatory order to assure continuous emission control.

(24) "Emissions unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation.

(25) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-400-200(2).

(26) "Fossil fuel-fired steam generator" means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

~~((6))~~ (27) "Fugitive dust" means a (~~type of~~) particulate emission made airborne by forces of wind, man's activity, or both (~~, such as~~). Unpaved roads, construction sites, (~~or~~) and tilled land are examples of areas that originate fugitive dust. (~~Two major categories are anthropogenic sources (those which result directly from and during human activities) and wind erosion sources (those resulting from erosion of soil by wind).~~) Fugitive dust is a type of fugitive emission.

~~((7))~~ (28) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(29) "General process unit" means an emissions unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

~~((8))~~ (30) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-400-200(2)(a)(ii).

(31) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

~~((9))~~ (32) "In operation" means engaged in activity related to the primary design function of the source.

(33) "Integral vista" means a view perceived from within the Class I area of a specific landmark or panorama located outside the boundary of the Class I area.

(34) "Land manager" means the secretary of the federal department or head of the state department or Indian governing body with authority over the Class I area.

(35) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source,

unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(36) "Major modification" means any physical change or change in the method of operation as defined in WAC 173-400-141.

(37) "Major source" means:

(a) Any source which emits or has the potential to emit one hundred tons per year or more of any pollutant regulated by state or federal law; or

(b) Any addition to, enlargement, or modification not covered by (a) of this subsection which emits or has the potential to emit one hundred tons per year or more of any pollutant regulated by state or federal law.

(38) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor (~~, usually to a less offensive odor~~).

~~((10))~~ (39) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration (~~of the chemical or physical properties of the material~~).

~~((11))~~ (40) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61.

(41) "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

(42) "Net emissions increase" means any emissions increase as defined in WAC 173-400-141.

(43) "New source" means a source which commences construction after the effective date of this chapter. Any addition to, enlargement, modification, replacement, restart after a period of five years of non-operation, or any alteration, of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emission standards have been established, shall be construed as construction or installation or establishment of a new source.

(44) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.

(45) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

(46) "Notice of construction" means a written application to permit construction of a new source or modification of an existing source.

(47) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(48) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwam burners is not considered open burning.

~~((12))~~ (49) "Particulate matter" or "particulates" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

(50) "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in 40 CFR Part 60 or by a test method specified in the Washington state implementation plan.

(51) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

(52) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(53) "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

(54) "PM-10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40

CFR Part 60 or by a test method specified in the Washington state implementation plan.

(55) "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(56) "Prevention of significant deterioration (PSD)" means the program set forth in WAC 173-400-141.

(57) "Projected width" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

(58) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.

(59) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls.

RACT requirements for any source or source category may be adopted as an order or regulation after public involvement per WAC 173-400-171.

(60) "Regulatory order" means an order issued by ecology or an authority to an air contaminant source which approves a notice of construction and/or limits emissions and/or establishes other air pollution control requirements.

(61) "Significant emission" means a rate of emission equal to or greater than any one of the following rates:

Pollutant	Tons/Year	Pounds/Day	Pounds/Hour
Carbon monoxide	100		
Nitrogen oxides	40		
Sulfur dioxide	40	800	80
Volatile organic compounds	40		
Particulate matter	25	500	50
PM-10	15		
Lead	.6		
Total reduced sulfur (as H ₂ S)	10		
Total fluoride	3		

(62) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

(63) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, which are located on one or more contiguous or adjacent properties under the control of the same person(s) and those activities that are secondary to the production of a single product or functionally related group of products.

(64) "Source category" means all sources of the same type or classification.

(65) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

(66) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

(67) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760mm (29.92 inches) of mercury.

(68) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

(69) "Total reduced sulfur, (TRS)" means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA method 16 or an approved equivalent method and expressed as hydrogen sulfide.

(70) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on July 1, 1988.

(71) "United States Environmental Protection Agency, (USEPA)" shall be referred to as EPA.

(72) "Visibility impairment" means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.

(73) "Visibility impairment of Class I areas" means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

(74) "Volatile organic compound, (VOC)" means any organic compound which participates in atmospheric photochemical reactions; that is, any organic compound other than those which the USEPA administrator designates as having negligible photochemical reactivity. VOC may be measured by a reference method, an equivalent method, an alternative method or by procedures specified under 40 CFR Part 60. A reference method, an equivalent method, or an alternative method, however, may also measure nonreactive organic compounds. In such cases, an owner or operator may exclude the nonreactive organic compounds when determining compliance with a standard. This reactivity policy exempts the following compounds per the Federal Register: Methane, ethane, trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane, chloropentafluoroethane, methylene chloride, and 1,1,1-trichloroethane (methyl chloroform).

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-400-040 GENERAL STANDARDS FOR MAXIMUM EMISSIONS. All sources and emissions units are required to meet the emission standards of this chapter. Where an emission standard listed in another chapter is applicable to a specific emissions unit, such standard will take precedence over a general emission standard listed in this chapter. When two or more emissions units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual emissions units, and the relative contributions of the individual emissions units to the common discharge are not readily distinguishable, then the emissions of the common stack must meet the most restrictive standard of any of the connected emissions units. Further, all emissions units are required to use reasonably available control technology (RACT) which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of ~~((this))~~ any chapter of Title 173 WAC. ~~((In cases))~~ Where current controls are determined to be less than ~~((reasonably available control technology -))~~ RACT~~((,))~~, ecology or the ~~((department or cognizant local))~~ authority shall, on a case-by-case basis, define RACT for each source or source category and issue a regulatory order to the source or sources for installation of RACT.

(1) Visible emissions. No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity except:

(a) When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. ~~((As such,))~~ This practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and ecology or the ~~((department or cognizant local))~~ authority be advised of the schedule.

(b) When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent.

(c) When two or more sources are connected to a common stack, ~~((an adjusted time limit may be allowed at the discretion of the department or cognizant local authority))~~ ecology or the authority may allow or require the use of an alternate time period if it is more representative of normal operations.

(d) When an alternate opacity limit has been established per RCW 70.94.331 (2)(c).

(2) ~~((Preventing particulate matter from being deposited))~~ Fallout. No person shall cause or permit the emission of particulate matter

from any source to be deposited beyond the property under direct control of the owner(s) or operator(s) of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(3) Fugitive emissions. The owner or operator of any emissions unit (~~(involving)~~) engaging in materials handling, construction, demolition or any other operation which is a source of fugitive emission:

(a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.

(b) If the emissions unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, shall be required to use (~~(reasonably)~~) best available control technology (BACT) to control emissions of the contaminants for which nonattainment has been designated. Significance will be determined by EPA interpretive ruling for PSD and offsets on file with (~~(the department)~~) ecology.

(4) Odors. Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with any other property owner's use and enjoyment of his property must use recognized good practice and procedures to reduce these odors to a reasonable minimum.

(5) Emissions (~~(of air contaminants)~~) detrimental to persons or property. No person shall cause or permit the emission of any air contaminant from any source (~~(including any air contaminant whose emission is not otherwise prohibited by this chapter, if the air contaminant causes detriment)~~) if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.

(6) Sulfur dioxide.

No person shall cause or permit the emission of a gas containing sulfur dioxide from any emissions unit in excess of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen for combustion sources, and based on the average of any period of sixty consecutive minutes, except (~~(as follows)~~):

(~~(a)~~) When the owner or operator of an emissions unit supplies emission data and can demonstrate to ecology or the (~~(department or cognizant local)~~) authority that there is no feasible method of reducing the concentration to less than one thousand ppm (on a dry basis, corrected to seven percent oxygen for combustion sources) and that the state and federal ambient air quality and PSD incremental standards for sulfur dioxide will not be exceeded. In such cases, ecology or the (~~(department or)~~) authority may require specific ambient air monitoring stations be established, operated, and maintained by the owner or operator (to equip, operate, and maintain continuous ambient air monitoring stations) at mutually approved locations (approved by the department or authority and using equipment approved by the department or authority). All sampling results will be made available upon request and a monthly summary will be submitted to ecology or the (~~(department or)~~) authority.

(~~(b) When a source limits such emission by a combination of constant emission controls and dispersion techniques approved by the department or cognizant local authority, as permitted by WAC 173-403-140.)~~)

(7) Concealment and masking. No person shall cause or permit the installation or use of any means which conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(8) Fugitive dust sources.

(a) The owner or operator of a source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions.

(b) The owner(s) or operator(s) of any existing source(s) of fugitive dust that has been identified as a significant contributor to (~~(the nonattainment status of a designated nonattainment)~~) a Category I PM-10 area shall be required to use (~~(reasonably available control technology)~~) BACT to control emissions. Significance will be determined by an EPA interpretive ruling for PSD and offsets (~~(as)~~) on file with (~~(the department)~~) ecology.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-400-050 (~~(MINIMUM)~~) EMISSION STANDARDS FOR COMBUSTION AND INCINERATION UNITS. (1) Combustion and incineration emissions units must meet all requirements of WAC 173-400-040 and, in addition, no person shall cause or permit emissions of particulate matter in excess of 0.23 gram per dry cubic meter at standard conditions (0.1 grain/dscf), except, for an emissions

unit (~~(utilizing the combustion of wood)~~) combusting wood derived fuels for the production of steam(;;). No person shall allow or permit the emission of particulate matter in excess of 0.46 gram per dry cubic meter at standard conditions (0.2 grain/dscf), as measured by EPA method 5 or approved procedures contained in "Source Test Manual - Procedures For Compliance Testing," state of Washington, department of ecology, as of July 12, 1990, on file at ((the department)) ecology.

(2) For any incinerator, no person shall cause or permit emissions in excess of one hundred ppm of total carbonyls as measured by applicable EPA methods or acceptable procedures contained in "Source Test Manual - Procedures For Compliance Testing," state of Washington, department of ecology, on file at ((the department)) ecology. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from ecology or the (~~(department or cognizant local)~~) authority.

(3) Measured concentrations for combustion and incineration sources shall be adjusted for volumes corrected to seven percent oxygen, except when ecology or the (~~(department or cognizant local)~~) authority (~~(may)~~) determines that an alternate oxygen correction factor is (~~(appropriate)~~) more representative of normal operations.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-400-060 (~~(MINIMUM)~~) EMISSION STANDARDS FOR GENERAL PROCESS (~~(EMISSIONS)~~) UNITS. General process units (~~(shall be)~~) are required to meet all applicable provisions of WAC 173-400-040 (~~(above)~~) and (~~(in addition)~~), no person shall cause or permit the emission of particulate material from any general process operation in excess of 0.23 grams per dry cubic meter at standard conditions (0.1 grain/dscf) of exhaust gas. EPA test methods from 40 CFR Appendix A which are adopted by reference and any other approved test procedures which are contained in ecology's "Source Test Manual - Procedures For Compliance Testing" as of July 12, 1990, will be used to determine compliance.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-400-070 (~~(MINIMUM)~~) EMISSION STANDARDS FOR CERTAIN SOURCE CATEGORIES. (~~(The department)~~) Ecology finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the (~~(minimum)~~) maximum allowable standards for emissions units within the categories listed. Except as specifically provided in this section, such emissions units shall not be required to meet the provisions of WAC 173-400-040, 173-400-050 and 173-400-060.

(1) Wigwam burners.

(a) All wigwam burners shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7).

(b) All wigwam burners shall use (~~(reasonably available control technology)~~) RACT. All emissions units shall be operated and maintained to minimize emissions. These requirements may include a controlled tangential vent overfire air system, an adequate underfire system, elimination of all unnecessary openings, a controlled feed and other modifications determined necessary by ecology or the (~~(department or cognizant local)~~) authority.

(c) It shall be unlawful to install or increase the existing use of any burner that does not meet all requirements for new sources including those requirements specified in WAC 173-400-040 and 173-400-050, except operating hours.

(d) (~~(The department)~~) Ecology may establish additional requirements for wigwam burners located (~~(or proposed for location)~~) in sensitive areas as defined by chapter (~~(18-06)~~) 173-440 WAC. These requirements may include but shall not be limited to:

(i) A requirement to meet all provisions of WAC 173-400-040 and 173-400-050. Wigwam burners will be considered to be in compliance (~~(with WAC 173-400-040(1))~~) if they meet the requirements contained (~~(therein except during)~~) in WAC 173-400-040(1). An exception is made for a startup period not to exceed thirty minutes in any eight consecutive hours.

(ii) A requirement to apply (~~(best available control technology)~~) BACT(??).

(iii) A requirement to reduce or eliminate emissions if (~~(the department)~~) ecology establishes that such emissions unreasonably interfere with the use and enjoyment of the property of others or are a cause of violation of ambient air standards.

(2) Hog fuel boilers.

(a) Hog fuel boilers shall meet all provisions of WAC 173-400-040 and 173-400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of these units. ~~((As such,))~~ This practice is to be scheduled for the same specific times each day and ecology or the ((department or cognizant local)) authority shall be notified ((as to) of the schedule or any changes.

(b) All hog fuel boilers shall utilize ~~((reasonably available control technology. All emissions units))~~ RACT and shall be operated and maintained to minimize emissions.

(3) Orchard heating.

(a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.

(b) It ~~((shall be))~~ is unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.

(4) Grain elevators.

Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of WAC 173-400-040 (2), (3), (4), and (5).

(5) Catalytic cracking units.

(a) All existing catalytic cracking units shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7) and ~~((in addition))~~:

(i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds forty percent opacity.

(ii) No person shall cause or permit the emission of particulate material in excess of 0.46 grams per dry cubic meter at standard conditions (0.20 grains/dscf) of exhaust gas.

(b) All new catalytic cracking units shall meet all provisions of WAC 173-400-115.

(6) Other wood waste burners.

(a) Wood waste burners not specifically provided for in this section shall meet all provisions of WAC 173-400-040.

(b) Such wood waste burners shall utilize ~~((reasonably available control technology. All emissions units))~~ RACT and shall be operated and maintained to minimize emissions.

(7) Sulfuric acid plants.

No person shall cause to be discharged into the atmosphere from a sulfuric acid plant, any gases which contain acid mist, expressed as H₂SO₄, in excess of 0.15 pounds per ton of acid produced ~~((the))~~. Sulfuric acid production ~~((being))~~ shall be expressed as one hundred percent H₂SO₄.

AMENDATORY SECTION (Amending Order 84-48, filed 3/6/85)

WAC 173-400-075 EMISSION STANDARDS FOR SOURCES EMITTING HAZARDOUS AIR POLLUTANTS. (1) The emission standards for ~~((asbestos, benzene from fugitive emission sources, beryllium, beryllium rocket motor firing, mercury and vinyl chloride))~~ hazardous air pollutants promulgated by the United States Environmental Protection Agency (EPA) prior to ~~((October 1, 1984))~~ July 1, 1989, as contained in Title 40, Code of Federal Regulations, Part 61, are ~~((by this reference adopted and incorporated herein. For the purpose of state administration of the federal regulations))~~ adopted by reference ~~((hereby, the term "administrator" as used therein shall refer to the department or cognizant local authority))~~.

(2) ~~((The department or cognizant local authority, at any time after the effective date of this section,))~~ Ecology or the authority may conduct source tests and require access to records, books, files and other information specific to the control, recovery or release of ~~((asbestos, benzene from fugitive emission sources, beryllium, mercury, or vinyl chloride))~~ those pollutants registered under 40 CFR Part 61 in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

(3) Source testing, monitoring and analytical methods for sources of hazardous air pollutants such as: Asbestos, benzene from fugitive emission sources, beryllium, mercury, or vinyl chloride shall conform with the requirements of Title 40, Code of Federal Regulations, Part 61, as promulgated prior to ~~((October 1, 1984))~~ July 1, 1989.

(4) This section shall not apply to any source operating pursuant to a waiver granted by ~~((the United States Environmental Protection Agency))~~ EPA or an exemption granted by the president of the United States during the effective life of such waiver or exemption.

~~((5))~~ Arsenic standards:

~~((a))~~ The owner or operator of any source which emits five tons or more of arsenic per year shall:

~~((i))~~ Use best available technology (BAT) to control fugitive emissions of arsenic, so that community exposure standards are not exceeded outside of the property controlled by the owner or operator of the source:

As used herein BAT means the best controls and work practices available considering economic, energy and environmental impacts. The level of control that represents BAT may be different for new and existing sources within a source category because of higher costs associated with retrofitting controls on existing sources, or differences in control technology for new vs. existing sources.

~~((ii))~~ Establish and operate monitoring facilities for arsenic at sites approved by the department or cognizant local authority. Such sites shall be representative of areas of potential maximum concentrations to which the public may be exposed.

~~((iii))~~ Report as soon as possible but within thirty days, or in accordance with an approved work plan, to the department or cognizant local authority any exceedance of the following interim community exposure standards at any arsenic monitoring site:

Maximum 24-hour concentration = 2.0 micrograms arsenic (expressed as As) per cubic meter.

Maximum annual arithmetic mean = 0.3 micrograms arsenic (expressed as As) per cubic meter.

~~((iv))~~ Maintain daily logs and records of the time and nature of activities that may release fugitive emissions of arsenic.

~~((v))~~ Complete an evaluation of the cause of such exceedance within thirty days of the report of such exceedance.

~~((vi))~~ Submit a work plan to the department for the identification and evaluation of fugitive arsenic emissions that is satisfactory to the department or cognizant local authority. The plan is required within thirty days after the effective date of this regulation. The work plan shall include but not be limited to an identification and evaluation of fugitive emission sources, including operating and maintenance procedures, siting of arsenic monitoring stations, a description of sampling equipment, analytical techniques, quality assurance, schedules of sampling, a program to record meteorological conditions at time of sampling, techniques used to evaluate and determine causes of exceedances, and quarterly reports of progress toward implementing the plan. For the arsenic manufacturing process as a whole, this shall include an evaluation of the feasibility of producing As₂O₃ through a chemical leaching process rather than roasting. The work plan shall be implemented within one year. Subparagraphs (ii), (iii), (iv), and (v) shall not impose additional requirements on the source to the extent that such requirements are included in the work plan.

(b) The standards set forth in (a)(iii) of this subsection are intended as interim community exposure standards. As more information becomes available it is anticipated that these standards will be reviewed.

~~((c))~~ During this interim period the department shall periodically review all monitoring records and plant logs to determine the need for and practicability of additional emission controls, monitoring stations or adjustment to the above standards. Whenever the cause of any exceedance can be attributed to a specific source, process, operation or work practice, the owner or operator thereof shall install or adopt corrective measures which constitute best available technology as soon as possible, to prevent a recurrence. The department or cognizant local authority shall determine if additional measures can be taken to control fugitive emissions of arsenic, and if so shall establish additional BAT requirements and a compliance program. Thereafter the department shall establish such final standards as appropriate to require, monitor and regulate the application of BAT for fugitive emissions of arsenic.

~~((d))~~ Failure of a source to comply with any provision of subsection (5) of this section or any order issued by the department or cognizant local authority pursuant to WAC 173-400-075, shall constitute cause for enforcement action per WAC 173-403-170 or 173-403-180.

~~((e))~~ Nothing in these regulations shall relieve the owner or operator of any source to which any part of these regulations may apply from complying with any other rule, regulation, order, statute, or ordinance to which said source may be subject.)

AMENDATORY SECTION (Amending Order 84-48, filed 3/6/85)

WAC 173-400-100 REGISTRATION. The owner or operator of each source within the following source categories shall register the source with ~~((the department unless such registration is required by the cognizant local))~~ ecology or an authority:

- (1) Agricultural drying and dehydrating operations;
 - (2) Asphalt plants;
 - (3) Beverage can surface coating operations;
 - (4) Bulk gasoline terminals;
 - (5) Cattle feedlots with facilities for one thousand or more cattle;
 - (6) Chemical plants;
 - (7) Ferrous foundries;
 - (8) Fertilizer plants;
 - (9) Flexible vinyl and urethane coating and printing operations;
 - (10) Grain handling, seed processing, pea and lentil processing facilities;
 - (11) Metallic mineral processing plants;
 - (12) Mineralogical processing plants;
 - (13) Nonferrous foundries;
 - (14) Other metallurgical processing plants;
 - (15) Petroleum refineries;
 - (16) Power boilers using coal, hog fuel, oil, or other solid or liquid fuel;
 - (17) Pressure sensitive tape and label surface coating operations;
 - (18) Rendering plants;
 - (19) Scrap metal operations;
 - (20) Synthetic organic chemical manufacturing industries;
 - (21) Sulfuric acid plants;
 - (22) Synthetic fiber production facilities;
 - (23) Veneer dryers;
 - (24) Wood waste incinerators including wigwam burners;
 - (25) Other incinerators designed for a capacity of one hundred pounds per hour or more;
 - (26) Stationary internal combustion engines rated at five hundred horse power or more;
 - (27) Sawmills, including processing for lumber, plywood, shake, shingle, pulpwood insulating board, or any combination thereof;
 - (28) Any category of stationary sources to which a federal standard of performance (NSPS) applies;
 - (29) Any source which emits a contaminant subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS);
 - (30) Any major source ~~((or major emissions unit))~~.
- Registration shall be on forms to be supplied by ~~((the department or local))~~ ecology or the authority within the time specified ~~((thereon))~~ on the form.
- A report of closure shall be filed ~~((with the department whenever))~~ within ninety days with ecology or an authority if under their jurisdiction when operations producing emissions ((are)) permanently ((ceased)) cease at any source within the above categories.

AMENDATORY SECTION (Amending Order 87-12, filed 9/30/87)

WAC 173-400-105 RECORDS, MONITORING, AND REPORTING. ~~((+))~~ The owner or operator of a ~~((stationary))~~ source ~~((listed in a source category of WAC 173-400-100))~~ shall upon notification by the director of ecology, maintain records on the type and quantity of emissions from the source and other information deemed necessary ~~((by the director))~~ to determine whether the source is in compliance with applicable emission limitations and control measures.

~~((2))~~ The information recorded pursuant to subsection (1) of this section shall be reported to the department as directed.

~~((3))~~ When the director determines that recordkeeping and reporting of emission data from any stationary source not listed in WAC 173-400-100 is needed for the investigation or control of air pollution or otherwise necessary to effectuate the purposes of the Washington Clean Air Act (chapter 70.94 RCW), the director shall notify the owner or operator of the source. This notification shall constitute an order to maintain records and submit reports on emissions as set forth in subsections (1) and (2) of this section.)

(1) Emission inventory. The owner(s) or operator(s) of any air contaminant source shall submit an inventory of emissions from the source each year. The inventory may include stack and fugitive emissions of particulate matter, PM-10, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and other contaminants, and shall be submitted (when required) no later than one hundred five days after the end of the calendar year. The owner(s) or operator(s) shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards.

(2) Monitoring. Ecology shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.

As a part of this program, the director of ecology or an authorized representative may require any source under the jurisdiction of ecology to conduct stack and/or ambient air monitoring and to report the results to ecology.

(3) Investigation of conditions. Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, personnel from ecology or an authority shall have the power to enter at reasonable times upon any private or public property, excepting non-multiple unit private dwellings housing one or two families.

(4) Source testing. To demonstrate compliance, ecology may conduct or require that a test be conducted of the source using approved EPA methods from 40 C.F.R. 60 Appendix A which are adopted by reference, or approved procedures contained in "Source Test Manual - Procedures for Compliance Testing," state of Washington, department of ecology, as of July 12, 1990, on file at ecology. The operator of a source may be required to provide the necessary platform and sampling ports for ecology personnel or others to perform a test of an emissions unit. Ecology shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(5) Report of startup, shutdown, breakdown or upset condition(s). If a startup, shutdown, breakdown or upset condition occurs which could result in an emissions violation or a violation of an ambient air quality standard, the owner(s) or operator(s) of the source(s) shall take the following actions as applicable:

(a) For a planned condition, such as a startup or shutdown, the condition shall be reported to ecology or the authority in advance of its occurrence.

(b) For an unplanned condition, such as a breakdown or upset, the condition shall be reported to ecology or the authority as soon as possible.

Upon request by ecology or the authority, the owner(s) or operator(s) of the source(s) shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

Compliance with the requirements of WAC 173-400-105(5) does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of this chapter or an applicable chapter nor from the resulting liabilities for failure to comply.

(6) Continuous monitoring and recording. Owners and operators of the following categories of sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.

(a) Fossil fuel-fired steam generators.

(i) Opacity, except where:

(A) Steam generator capacity is less than two hundred fifty million BTU per hour heat input; or

(B) Only gaseous fuel is burned.

(ii) Sulfur dioxide, except where steam generator capacity is less than two hundred fifty million BTU per hour heat input or if sulfur dioxide control equipment is not required.

(iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

(iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to ecology or the authority by the owner(s) or operator(s).

(b) Sulfuric acid plants.

Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.

Opacity where fresh feed capacity is more than twenty thousand barrels per day.

(d) Wood residue fuel-fired steam generators.

(i) Opacity, except where steam generator capacity is less than one hundred million BTU per hour heat input.

(ii) Continuous monitoring equipment. The requirements of WAC 173-400-105 (6)(e) do not apply to wood residue fuel-fired steam

generators, but continuous monitoring equipment required by WAC 173-400-105 (6)(d) shall be subject to approval by ecology.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this chapter shall demonstrate to ecology or the authority, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 CFR Part 51, Appendix P, Sections 3, 4 and 5, promulgated October 6, 1975, and amended November 7, 1986, which is adopted by reference.

(f) Special considerations. If for reason of physical plant limitations or extreme economic situations, ecology determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These will generally take the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

(g) Exemptions. This subsection (6) does not apply to any source which is:

(i) Subject to a new source performance standard. These sources will be governed by WAC 173-400-115.

(ii) Not subject to an applicable emission standard.

(h) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this chapter during periods of monitoring system malfunctions provided that the source owner(s) or operator(s) shows to the satisfaction of ecology or the authority that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

(7) Change in raw materials or fuels. Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of forty tons per year or more over that stated in the initial inventory required by WAC 173-400-105(1) shall require the submittal of sufficient information to ecology or the authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. Ecology or the authority may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average annual sulfur content over the initial inventory shall not require such notice.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-400-110 NEW SOURCE REVIEW (NSR). ((Construction shall not commence, on any new source that is required to register per WAC 173-400-100, until a notice of construction has been approved per WAC 173-400-050.))

(1) Applicability.

(a) A notice of construction must be approved by ecology or the authority prior to the construction, installation, or establishment of a source or emissions unit which is required to register per WAC 173-400-100.

(b) Ecology or the authority may require a notice of construction prior to the construction, installation, or establishment of any other new source, other than a single family or duplex dwelling.

(c) The notice of construction and new source review shall apply only to the emission unit(s) affected and the contaminants involved.

(d) The owner(s) or operator(s) of any source that is required to register per WAC 173-400-100 shall notify ((the department or cognizant local)) ecology or the authority prior to replacement of air pollution control equipment or process equipment other than equivalent replacement for routine maintenance and repair. ((The department or)) Ecology or the authority may determine that a notice of construction is required.

(2) Additional information. Within thirty days of receipt of a notice of construction, ecology or the authority may require the submission of additional plans, specifications, and other information necessary for the review of the proposed new or modified source.

(3) Requirements for new sources. Ecology or the authority shall review notice(s) of construction, plans, specifications, and other associated information to determine that:

(a) The new source will be in accord with applicable federal and state rules and regulations, including NSPS and NESHAPS and the new source will use BACT for emissions control; and

(b) Requirements for nonattainment areas;

(i) If the new source is a major source or the proposed change is a major modification, it will comply with LAER for emissions of the contaminants for which nonattainment has been designated; and

(ii) If the new source is a major source or the proposed change is a major modification and is located in an area that is not in attainment for carbon monoxide or ozone and the source will emit carbon monoxide or VOCs, it is required that there be an analysis of alternative sites, sizes, and production processes and environmental control techniques for the proposed new source which demonstrates that benefits of the proposed new source significantly outweigh the environmental and social costs imposed as a result of its location, construction, and modification. This analysis is the responsibility of the applicant, who may use an environmental impact statement prepared under the State Environmental Policy Act (SEPA) or the National Environmental Policy Act (NEPA) as a source of information; and

(iii) The proposed new source will not violate the requirements for reasonable further progress established by the state implementation plan. If the new source is a major source or the proposed change is a major modification, the total new allowable emissions from all sources existing at the time of application for notice of construction plus proposed allowable emissions for the new source, of the contaminants for which nonattainment has been designated, shall be no greater than the total allowable emissions from existing sources, except that: (A) Ecology or the authority may require that new total allowable emissions be reduced to less than existing total allowable emissions, as necessary to achieve air quality attainment goals stated in an approved plan of attainment, and (B) the emissions from the proposed new source may be approved without an offsetting reduction from existing sources if an adequate emissions growth allowance is included in an approved plan of attainment. The above requirements must be met by reducing emissions from existing source(s). Arrangements for such offsetting reduction(s) of actual emissions must be made by the owner(s) or operator(s) of the proposed new source. The proposed new source may be constructed only after the issuance of a regulatory order(s) to the proposed new source and to all the source(s) that provided the offset. The said orders shall include new allowable emissions limits for all the affected sources; and

(iv) If the new source is a major source or the proposed change is a major modification, the owner(s) or operator(s) shall demonstrate that all major sources owned or operated by such person (or persons under common control with such person) in the state which are subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the Federal Clean Air Act; and

(v) In a locality that does not meet national ambient air quality standards and has not been designated a nonattainment area, a proposed new major source or major modification must reduce the impact of its emissions upon air quality by obtaining sufficient emissions reductions to, at a minimum, compensate for its adverse ambient impact. An ecology approved air quality model shall be used to demonstrate a net air quality benefit where the source would otherwise cause or contribute to a violation of any national ambient air quality standard.

(c) Requirements for attainment areas. If the proposed new source is located in an area that is in attainment for contaminants that would be emitted by the source and the source is located in an ozone attainment area if the source would emit VOCs;

(i) The allowable emissions from the proposed new source will not delay the attainment date for an area not in attainment nor cause or contribute to a violation of any national ambient air quality standard. This requirement will be considered to be met if the impact at any location within a nonattainment area or a locality exceeding the applicable standard does not exceed the following levels:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	-	-	0.5 mg/m ³	-	2 mg/m ³
TSP	1.0 ug/m ³	5 ug/m ³	-	-	-
SO ₂	1.0 ug/m ³	5 ug/m ³	-	25 ug/m ³	30 ug/m ³
PM-10	1.0 ug/m ³	5 ug/m ³	-	-	-
NO ₂	1.0 ug/m ³	-	-	-	-

(ii) The proposed new source will not cause a violation of any ambient air quality standard.

(iii) An offsetting emissions reduction that satisfies the requirements of WAC 173-400-110 (3)(b) may be used to satisfy the requirements of WAC 173-400-110 (4)(c) and (d) if required.

(d) Visibility requirements. Any new major source or new major modification shall evaluate the visibility impairment per 40 CFR 52.21(e) for all Class I areas in Washington and neighboring states. The evaluation shall comply with the following:

(i) When the land manager has officially designated visibility to be an important attribute, the owner(s) or operator(s) of the new source shall demonstrate that the potential emissions in combination with emissions from all other sources permitted after January 1, 1982, shall not cause or contribute to a significant visibility impairment.

(ii) Ecology shall upon receipt of an application for a notice of construction notify the land managers of potentially affected areas. Notification shall be in writing and include a copy of all information relevant to the application including the information developed for this section. This information shall be transmitted to the land manager within thirty days of receipt of the application and at least sixty days prior to public hearing on the application for permit to construct.

(iii) All evaluations of visibility impairment required under this section shall use the models on file with ecology or equivalent models approved by ecology or EPA.

(iv) The results of the evaluation shall be sent to the land manager of the affected areas for review and recommendation. The review shall consider the degree of visibility impairment, duration, geographic extent, frequency, and time. The recommendation of the land managers concerning adverse impact on visibility shall be sent to ecology within thirty days of receipt of the evaluation results.

(v) Should ecology concur with the recommendation of the land manager, the notice of construction shall be approved or disapproved according to the recommendation. Ecology may find the review of a land manager inadequate and make its own determination. A finding of significant visibility impairment shall require a disapproval of the notice of construction, unless sufficient mitigating measures are developed.

(vi) Ecology or land managers may demonstrate that the new source would cause impairment of an integral vista officially designated at least six months before the new source submitted a complete application. The protection of an integral vista by controls on the source shall consider the time necessary for compliance, the energy and nonair quality environmental effects of compliance and the productive life of the source.

(vii) Ecology may require visibility monitoring at the site of the new source or potentially affected areas as a part of the applicable regulatory order. The monitoring period may be before or after construction or both.

(4) Preliminary determination. Within thirty days after receipt of all information required, ecology or the authority shall:

- (a) Make preliminary determinations on the matters set forth in subsection (3)(b), (c), and (d) of this section if applicable; and
- (b) Initiate compliance with the provisions of WAC 173-400-171 relating to public notice and public comment, as applicable.

(5) Final determination. If, after review of all information received including public comment, ecology or the authority finds that all the conditions in subsection (3) of this section are satisfied, whichever is applicable, the authority will issue a regulatory order to approve the notice of construction for the proposed new source or modification.

(6) Appeal of approval. A notice of construction approval can be appealed to the state pollution control hearings board per RCW 70.94.025.

(7) Portable sources. For portable sources which locate temporarily at particular sites, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a notice of construction, providing that the owner(s) or operator(s) notifies ecology or the authority of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable ecology or the authority to determine that the operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards and, if in a non-attainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time (one year or less) and ecology or the authority may set specific conditions for operation during that period. A temporary source shall be required to comply with all applicable emission standards.

(8) Commencement of construction. The owner(s) or operator(s) of the new source shall not commence construction until the applicable notice of construction has been approved.

AMENDATORY SECTION (Amending Order 84-48, filed 3/6/85)

WAC 173-400-115 STANDARDS OF PERFORMANCE FOR NEW SOURCES. Title 40, Code of Federal Regulations, Part 60 (standards of performance for new sources), as promulgated prior to ((October 1, 1984)) July 1, 1989, is adopted by ((this)) reference ((adopted and incorporated herein with the exception of)) except for

sections 60.5 (determination of construction or modification) and 60.6 (review of plans). ((For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department or cognizant local authority:))

(1) Sections 60.5 and 60.6 of Title 40, Code of Federal Regulations, are not incorporated herein because they provide for preconstruction review of new sources only on request. ((By virtue of WAC 173-403-050;)) Such review under the state program is mandatory and an order of approval is required ((before the)) prior to construction, installation or establishment of a new source ((may commence)).

(2) As of ((October 1, 1984)) July 1, 1989, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following described subparts of 40 CFR Part 60:

- Subpart D Fossil fuel fired steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
- Subpart Da Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
- Subpart Db Industrial-commercial-institutional steam generating units for which construction commenced after June 19, 1984, and prior to June 19, 1986, which have a heat input greater than 29 megawatts but less than 73 megawatts
- Subpart E Incinerators
- Subpart F Portland cement plants
- Subpart G Nitric acid plants
- Subpart H Sulfuric acid plants
- Subpart I Asphalt concrete plants
- Subpart J Petroleum refineries which produce less than 25,000 barrels per day of refined products
- Subpart K Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons
- Subpart Ka Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons
- Subpart Kb Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984
- Subpart L Secondary lead smelters
- Subpart M Brass and bronze ingot production plants
- Subpart N Iron and steel plants
- Subpart O Sewage treatment plants
- Subpart P Primary copper smelters
- Subpart Q Primary zinc smelters
- Subpart R Primary lead smelters
- Subpart S Primary aluminum reduction plants
- Subpart T Phosphate fertilizer industry: Wet process phosphoric acid plants
- Subpart U Phosphate fertilizer industry: Superphosphoric acid plants
- Subpart V Phosphate fertilizer industry: Diammonium phosphate plants
- Subpart W Phosphate fertilizer industry: Triple superphosphate plants
- Subpart X Phosphate fertilizer industry: Granular triple superphosphate storage facilities
- Subpart Y Coal preparation plants
- Subpart Z Ferroalloy production facilities
- Subpart AA Steel plants: Electric arc furnaces
- Subpart BB Kraft pulp mills
- Subpart CC Glass manufacturing plants
- Subpart DD Grain elevators
- Subpart EE Industrial surface coating: Metal furniture
- Subpart GG Stationary gas turbines
- Subpart HH Lime manufacturing plants
- Subpart KK Lead acid batteries
- Subpart LL Metallic mineral processing plants
- Subpart MM Automobile and light duty truck surface coating operations
- Subpart NN Phosphate rock plants
- Subpart PP Ammonium sulfate manufacture

Subpart QQ	Publication rotogravure printing
Subpart RR	Pressure sensitive tape and label surface coating operations
Subpart SS	Industrial surface coating: Large appliances
Subpart TT	Industrial surface coating: Metal coils
Subpart UU	Asphalt processing and asphalt roofing manufacture
Subpart VV	SOCMI equipment leaks (VOC)
Subpart WW	Beverage can surface coating operations
Subpart XX	Bulk gasoline terminals
Subpart AAA	New residential wood heaters
Subpart FFF	Flexible vinyl and urethane coating and printing
Subpart GGG	Petroleum refineries - compressors and fugitive emission sources
Subpart HHH	Synthetic fiber production facilities
Subpart JJJ	Petroleum dry cleaners
Subpart PPP	Wool fiberglass insulation manufacturing plants

Compliance with the standards for affected facilities within these source categories shall be determined by performance tests and visual observations of opacity as set forth in the regulations adopted by reference ((hereby)).

Note. For fossil fuel fired steam generators referenced by Subpart D and Da above, units greater than 250 megawatts are governed by the energy facility site evaluation council (EFSEC) in Title 463 WAC.

AMENDATORY SECTION (Amending Order 88-39, filed 1/3/89)

~~WAC 173-400-120 ((MONITORING AND SPECIAL REPORT)) BUBBLE RULES. ((1)) Monitoring. The department shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.~~

As a part of this program, the director or his authorized representative may require any source under the jurisdiction of the department to conduct stack and/or ambient air monitoring and to report the results to the department:

(2) Investigation of conditions. Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, the director or authorized personnel from a cognizant local authority shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families:

(3) Source testing. In order to demonstrate compliance with this chapter, the department may require that a test be made of the source using procedures contained in "Source Test Manual - Procedures for Compliance Testing," state of Washington, department of ecology, on file at the department. The operator of a source may be required to provide the necessary platform and sampling ports for the department personnel to perform a test of an emissions unit. The department shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(4) Report of startup, shutdown, breakdown or upset condition. If a startup, shutdown, breakdown or upset condition occurs which could result in an emissions violation or a violation of an ambient air quality standard, the owner or operator of the source shall take the following actions as applicable:

(a) For a planned condition, such as a startup or shutdown, the condition shall be reported to the department or cognizant local authority in advance of its occurrence.

(b) For an unplanned condition, such as a breakdown or upset, the condition shall be reported to the department or cognizant local authority as soon as possible.

Upon request of the department or cognizant local authority, the owner or operator of the source shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence:

Compliance with the requirements of WAC 173-400-120(4) does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of this chapter nor from the resulting liabilities for failure to comply.

(5) Continuous monitoring and recording. Owners and operators of the following categories of sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified:

(a) Fossil fuel-fired steam generators:

(i) Opacity, except where:

(A) Steam generator capacity is less than two hundred fifty million BTU per hour heat input; or

(B) Only gaseous fuel is burned; or

(C) Only oil or a mixture of oil and gas is burned and opacity and particulate regulations can be met without using particulate collection equipment; and, the source has never, through any administrative or judicial procedure, been found in violation of any visible emission standard.

(ii) Sulfur dioxide, except where:

(A) Steam generator capacity is less than two hundred fifty million BTU per hour heat input; or

(B) Sulfur dioxide control equipment has not been installed;

(iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data:

(iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the department or cognizant local authority by the owner or operator.

(b) Sulfuric acid plants:

Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds:

(c) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries:

Opacity where fresh feed capacity is more than twenty thousand barrels per day:

(d) Wood residue fuel-fired steam generators:

(i) Opacity, except where:

Steam generator capacity is less than one hundred million BTU per hour heat input:

(ii) Continuous monitoring equipment. The requirements of WAC 173-400-120 (5)(c) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by WAC 173-400-120 (5)(d) shall be subject to approval by the department.

(c) Owners and operators of those sources required to install continuous monitoring equipment under this chapter shall demonstrate to the department or cognizant local authority compliance with the equipment and performance specifications and observe the reporting requirements contained in Title 40, Code of Federal Regulations, Part 51, Appendix P, Sections 3, 4 and 5, promulgated on October 6, 1975, which is by this reference adopted and incorporated herein.

(f) All sources subject to this chapter shall procure and install equipment and commence monitoring and recording activities no later than eighteen months after adoption of this chapter by the department. Any extension to this time requirement shall be negotiated through the variance procedure of WAC 173-400-150.

(g) Special considerations. If for reason of physical plant limitations or extreme economic situations, the department determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These will generally take the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

(h) Exemptions. This subsection (5) does not apply to any source which is:

(i) Subject to a new source performance standard. These sources will be governed by WAC 173-400-115.

(ii) Not subject to an applicable emission standard.

(iii) Scheduled for retirement within five years after inclusion of monitoring equipment requirements in this chapter, provided that adequate evidence and guarantees are provided that clearly show that the source will cease operations prior to that date.

(i) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this chapter during periods of monitoring system malfunctions provided that the source owner or operator shows to the satisfaction of the department or cognizant local authority that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

(6) Emission inventory. The owner or operator of any air contaminant source shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology or cognizant local authority. The inventory may

include stack and fugitive emissions of particulate matter, PM-10; sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, volatile organic compounds, and other contaminants, and shall be submitted when required no later than one hundred five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the one hour and twenty-four hour emissions while operating at maximum capacity. The report shall include the average sulfur content of any fuel or raw material used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

(7) Change in raw materials or fuels. Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of forty tons per year or more over that stated in the initial inventory required by WAC 173-400-120(6) shall require the submittal of sufficient information to the department or authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. The department or cognizant local authority may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average annual sulfur content over the initial inventory shall not require such notice.)

(1) Applicability. The owner(s) or operator(s) of any source(s) may apply for a bubble for any contaminant regulated by state or federal law for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emissions units involved.

(2) Conditions. A bubble may be authorized provided the following conditions have been demonstrated to the satisfaction of ecology or the authority.

(a) The contaminants exchanged must be of the same type, that is, particulates for particulates, sulfur dioxide for sulfur dioxide, etc.

(b) The bubble will not interfere with the attainment and maintenance of air quality standards.

(c) The bubble will not result in a delay in compliance by any source, nor a delay in any existing enforcement action.

(d) The bubble will not supersede NSPS, NESHAPS, BACT, or LAER. The emissions of hazardous (NESHAPS) contaminants shall not be increased.

(e) The bubble will not result in an increase in the sum of actual emission rates of the contaminant involved from the emissions units involved.

(f) A bubble may not be authorized only for opacity limits. However, if the emission limit for particulates for a given emissions unit is increased as part of a bubble, the opacity limit for the given emissions unit may be increased subject to the following limitations:

(i) The new opacity limit shall be specific for the given emissions unit;

(ii) The new opacity limit shall be consistent with the new particulates limit;

(iii) An opacity greater than sixty percent shall never be authorized;

(iv) If the given emissions unit emits or has the potential to emit 100 tons per year or more of particulate matter, the opacity shall be monitored continuously.

(g) The emission limits of the bubble are equivalent to existing limits in enforceability.

(h) Concurrently with or prior to the authorization of a bubble, each affected source shall receive or have received a regulatory order that establishes total allowable emissions from the source of the contaminant being bubbled, expressed as weight of the contaminant per unit time. The new total allowable emissions shall be considered RACT.

(i) There will be no net adverse impact upon air quality from the establishment of new emission requirements for a specific source or emissions unit. Determination of net adverse impact shall include but not be limited to public perception of opacity and public perception of odorous contaminants.

(j) Specific situations may require additional demonstration as requested by ecology or the authority.

(3) Jurisdiction. Whenever a bubble application involves emissions units, some of which are under the jurisdiction of ecology and some of which are under the jurisdiction of an authority, approval will require concurrence by both authorities. The new emission limits for each emissions unit will be enforced by the authority of original jurisdiction.

(4) Additional information. Within thirty days, after the receipt of a bubble application and all supporting data and documentation, ecology

or the authority may require the submission of additional information needed to review the application.

(5) Approval. Within thirty days after all the required information has been received, ecology or the authority shall approve or deny the application, based on a finding that conditions in subsection (2)(a) through (j) of this section have been satisfied or not. If the application is approved, a regulatory order or equivalent document shall be issued which includes new allowable emissions expressed in weight of pollutant per unit time for each emissions unit involved in the application. The order or equivalent document must include all requirements necessary to assure that conditions in subsection (2)(a) through (j) of this section will be satisfied. If the bubble depends in whole or in part upon the shutdown of equipment, the regulatory order or equivalent document must prohibit the operation of the affected equipment.

NEW SECTION

WAC 173-400-131 ISSUANCE OF EMISSION REDUCTION CREDITS. (1) Applicability. The owner(s) or operator(s) of any source(s) may apply to ecology or the authority for an emission reduction credit (ERC) if the source proposes to reduce its actual emissions rate for any contaminant regulated by state or federal law for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emissions unit(s) involved.

(2) Time of application. The application for an ERC must be made prior to or within one hundred eighty days after the emission reduction has been accomplished.

(3) Conditions. An ERC may be authorized provided the following conditions have been demonstrated to the satisfaction of ecology or the authority.

(a) The quantity of emissions in the ERC shall be less than or equal to the old allowable emissions rate or the old actual emissions rate, whichever is the lesser, minus the new allowable emissions rate.

(b) The ERC application must include a description of all the changes that are required to accomplish the claimed emissions reduction, such as, new control equipment, process modifications, limitation of hours of operation, permanent shutdown of equipment, specified control practices, etc.

(c) The ERC must be large enough to be readily quantifiable relative to the source strength of the emissions unit(s) involved, but in no case shall the ERC be for less than one ton per year.

(d) No part of the emission reductions claimed for credit shall have been used as part of a determination of net emission increase, nor as part of an offsetting transaction under WAC 173-400-110 (3)(e), nor as part of a bubble transaction under WAC 173-400-120, nor to satisfy NSPS, BACT, or LAER.

(e) Concurrently with or prior to the authorization of an ERC, the applicant shall receive (have received) a regulatory order that establishes total allowable emissions from the source of the contaminant for which the ERC is requested, expressed as weight of contaminant per unit time. The new allowable emissions shall be considered RACT.

(f) The use of any ERC shall be consistent with all other federal, state, and local requirements of the program in which it is used.

(4) Additional information. Within thirty days after the receipt of an ERC application and all supporting data and documentation, ecology or the authority may require the submission of additional information needed to review the application.

(5) Approval. Within thirty days after all the required information has been received, ecology or the authority shall approve or deny the application, based on a finding that conditions in subsection (3)(a) through (e) of this section have been satisfied or not. If the ERC application has not been approved or denied within thirty days, the ERC will be automatically approved. If the application is approved, ecology or the authority shall:

(a) Issue a regulatory order or equivalent document to assure that the emissions from the source will not exceed the proposed new allowable emission rate(s) claimed in the ERC application, expressed as weight of pollutant per unit time. The regulatory order or equivalent document must include all requirements that are necessary to provide such assurance. If the ERC depends in whole or in part upon the shutdown of equipment, the regulatory order or equivalent document must prohibit the startup of the affected equipment; and,

(b) Issue a certificate of emission reduction credit. The certificate shall specify the issue date, the contaminant(s) involved, the nonattainment area involved, if applicable, and the person to whom the certificate is issued.

NEW SECTION

WAC 173-400-136 USE OF EMISSION REDUCTION CREDITS. (1) Permissible use. An ERC may be used to satisfy the requirements for authorization of a bubble under WAC 173-400-120, as a part of a determination of "net emissions increase," as an offsetting reduction to satisfy the requirements for new source review per WAC 173-400-110 (3)(e), to satisfy requirements for PSD review per WAC 173-400-110 (4)(c), or to satisfy requirements for visibility review per WAC 173-400-110 (4)(e).

(2) Surrender of ERC certificate. When an ERC is used under subsection (1) of this section, the certificate for the ERC must be surrendered to the issuing authority. If only a portion of the ERC is used, the amended certificate will be returned to the owner.

(3) Conditions of use. An ERC may be used only for the contaminant(s) for which it was issued. Ecology or the authority may impose additional conditions of use to account for temporal and spatial differences between the emissions unit(s) that generated the ERC and the emissions unit(s) that use the ERC.

(4) Sale of an ERC. An ERC may be sold or otherwise transferred to a person other than the person to whom it was originally issued. Within thirty days after the transfer of ownership, the certificate must be surrendered to the issuing authority. After receiving the certificate, the issuing authority shall reissue the certificate to the new owner.

(5) Time of use. An unused ERC and any unused portion thereof shall expire ten years after date of original issue.

(6) Discount due to change in SIP. If reductions in emissions beyond those identified in the state implementation plan are required to meet an ambient air quality standard, if the standard cannot be met through controls on operating sources, and if the plan must be revised, an ERC may be discounted by ecology or the authority after public involvement per WAC 173-400-171. Any such discount shall not exceed the percentage of additional emission reduction needed to reach attainment.

NEW SECTION

WAC 173-400-141 PREVENTION OF SIGNIFICANT DETERIORATION (PSD). Section 40 CFR 52.21, Subparts (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (r), (t), (v), and (w), Prevention of Significant Deterioration of Air Quality, as in effect on July 1, 1989, are incorporated by reference with the following additions and modifications:

(1) Construction of "administrator." In 40 CFR 52.21 (b)(17), federally enforceable, (f)(1)(v), (f)(3), and (f)(4)(i), exclusions from increment consumption, (g), redesignation, (l) and (2), air quality models, (p)(2), federal land manager, and (t), disputed permits or redesignations, the word "administrator" shall be construed in its original meaning. In 40 CFR 52.21 (b)(3)(iii) administrator shall mean both the administrator of EPA and the director of ecology.

(2) Contemporaneous. Subpart 40 CFR 52.21 (b)(3)(ii) is changed to read: "An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs at the same time or within ten years prior to the change. If a decrease occurred more than one year prior to the change it can only be credited if the decrease has been documented by an emission reduction credit."

(3) Public participation. Subpart 40 CFR 51.166(q) public participation, as in effect July 1, 1989, is hereby incorporated by reference, with the following modifications:

(a) In 40 CFR 51.166 (q)(2)(iv), the word "administrator" shall be construed in its original meaning.

(b) In 40 CFR 51.166 (q)(2)(iv), the phrase "specified time period" shall mean thirty days.

(4) Section 40 CFR 51.166 Subpart (p)(1) Sources Impacting Federal Class I areas - additional requirements - Notice to EPA, as in effect on July 1, 1989, is herein incorporated by reference.

(5) Secondary emissions. Subpart 40 CFR 52.21 (b)(18) is changed to read:

Emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this section, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships or trains coming to or from the new or modified stationary source; and

(b) Emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the

construction or operation of the major stationary source or major modification.

(6) List of Class I areas. The following areas are the Class I areas in Washington state as of January 1, 1989:

Mount Rainier National Park
North Cascade National Park
Olympic National Park
Alpine Lakes Wilderness Area
Glacier Peak Wilderness Area
Goat Rocks Wilderness Area
Mount Adams Wilderness Area
Pasayten Wilderness Area.

NEW SECTION

WAC 173-400-151 RETROFIT REQUIREMENTS FOR VISIBILITY PROTECTION. (1) Determination of best available retrofit technology (BART). Ecology shall identify and analyze each source which may reasonably be anticipated to cause or contribute to impairment of visibility in any mandatory Class I area in Washington and any adjacent state and to determine BART for the contaminant of concern and those additional air pollution control technologies that are to be required to reduce impairment from the source.

(2) Initially defined BART. The owner(s) or operator(s) of any source(s) to which significant visibility impairment of a mandatory Class I area is reasonably attributable shall apply BART for each contaminant contributing to visibility impairment that is emitted at more than 250 tons per year. Each source for which BART is required must install and operate BART as expeditiously as possible, but in no case later than five years after the conditions are included in a regulatory order.

(3) Future definitions of BART. The owner(s) or operator(s) of any source(s) to which significant visibility impairment of a mandatory Class I area is reasonably attributable shall apply BART as new technology becomes available for a contaminant if:

(a) The source emits more than 250 tons per year of the contaminant; and,

(b) The controls representing BART have not previously been required in this section.

(4) Appeal. Any source owner or operator required by this section to install, operate, and maintain BART, may apply to the EPA administrator for an exception from that requirement pursuant to 40 CFR 51.303.

NEW SECTION

WAC 173-400-161 COMPLIANCE SCHEDULES. (1) Issuance. Whenever a source is found to be in violation of an emission standard or other provision of this chapter, ecology or the authority may issue a regulatory order requiring that the source be brought into compliance within a specified time. The order shall contain a schedule for installation, with intermediate benchmark dates and a final completion date, and shall constitute a compliance schedule. Requirements for public involvement (WAC 173-400-171) must be met.

(2) Effect. A source shall be considered to be in compliance with this chapter if all the provisions of its individual compliance schedule included with a regulatory order are being met. A source is not considered to be in compliance with the state implementation plan (SIP) until the schedule is submitted to and approved by EPA as a SIP revision.

(3) Penalties for delayed compliance. Sources on a compliance schedule but not meeting emissions standards may be subject to penalties as provided in the Federal Clean Air Act.

NEW SECTION

WAC 173-400-171 PUBLIC INVOLVEMENT. (1) Applicability. Ecology or the authority shall provide public notice prior to the approval or denial of any of the following types of applications or other actions:

(a) Notice of construction for any new or modified source or emissions unit, if a net significant emissions increase for any pollutant regulated by state or federal law would result; or

(b) Any application or other proposed action for which a public hearing is required by PSD rules; or

(c) Any order to determine RACT; or

(d) An order to establish a compliance schedule or a variance; or

(e) The establishment or disestablishment of a nonattainment area, or the changing of the boundaries thereof; or

(f) An order to demonstrate the creditable height of a stack which exceeds the GEP formula height and sixty-five meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation; or

(g) An order to authorize a bubble; or

(h) Any application or other proposed action made pursuant to this chapter in which there is a substantial public interest according to the discretion of ecology or the authority.

(2) Public notice. Public notice shall be made only after all information required by ecology or the authority has been submitted and after applicable preliminary determinations, if any, have been made. The cost of providing public notice shall be borne by the applicant or other initiator of the action. Public notice shall include:

(a) Availability for public inspection in at least one location near the proposed project, of the nonproprietary information submitted by the applicant and any applicable preliminary determinations, including analyses of the effect(s) on air quality.

(b) Publication in a newspaper of general circulation in the area of the proposed project of notice:

(i) Giving a brief description of the proposal;

(ii) Advising of the location of the documents made available for public inspection;

(iii) Advising of a thirty-day period for submitting written comment to ecology or the authority;

(iv) Advising that a public hearing may be held if ecology or the authority determines within a thirty-day period that significant public interest exists.

(c) A copy of the notice will be sent to the EPA regional administrator.

(3) Public comment. No final decision on any application or action of any of the types described in subsection (1) of this section, shall be made until the public comment period has ended and any comments received have been considered. Unless a public hearing is held, the public comment period shall be the thirty-day period for written comment published as provided above. If a public hearing is held the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.

(4) Public hearings. The applicant, any interested governmental entity, any group or any person may request a public hearing within the thirty-day period published as above. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. Ecology or the authority may, in its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held upon such notice and at a time(s) and place(s) as ecology or the authority deems reasonable.

(5) Other requirements of law. Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, such procedures may be used in lieu of the provisions of this section.

(6) Public information. Copies of notices of construction, orders, and modifications thereof which are issued hereunder shall be available for public inspection on request at ecology or the authority.

NEW SECTION

WAC 173-400-180 VARIANCE. Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to ecology for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW 70.94.181.

(1) Jurisdiction. Sources in any area over which a local air pollution control authority has jurisdiction shall make application to that authority rather than ecology. Ecology or the authority may grant such variance, but only after public involvement per WAC 173-400-171.

(2) Full faith and credit. Variances granted in compliance with state and federal laws by an authority for sources under their jurisdiction will be accepted as variances to this regulation.

(3) EPA concurrence. No variance or renewal shall be construed to set aside or delay any requirements of the Federal Clean Air Act except with the approval and written concurrence of the USEPA.

NEW SECTION

WAC 173-400-190 REQUIREMENTS FOR NONATTAINMENT AREAS. The development of specific requirements for nonattainment areas shall include consultation with local government in the area and shall include public involvement per WAC 173-400-171.

NEW SECTION

WAC 173-400-200 CREDITABLE STACK HEIGHT AND DISPERSION TECHNIQUES. (1) Applicability. These provisions shall apply to all sources except:

(a) Stacks for which construction had commenced on or before December 31, 1970, except where pollutants are being emitted from such stacks used by sources which were constructed, or reconstructed, or for which major modifications were carried out after December 31, 1970;

(b) Coal-fired steam electric generating units subject to the provisions of Section 118 of the Federal Clean Air Act, which commenced operation before July 1, 1957, and for whose stacks construction commenced before February 8, 1974;

(c) Flares;

(d) Open burning for agricultural or silvicultural purposes as covered under the smoke management plan;

(e) Residential wood combustion and open burning for which episodic restrictions apply.

These provisions shall not be construed to limit the actual stack height.

(2) Prohibitions. No source may use dispersion techniques or excess stack height to meet ambient air quality standards or PSD increment limitations.

(a) Excess stack height. Excess stack height is that portion of a stack which exceeds the greater of:

(i) Sixty-five meters, measured from the ground level elevation at the base of the stack; or

(ii) $H_g = H + 1.5L$

where: H_g = "good engineering practice" (GEP) stack height, measured from the ground level elevation at the base of the stack,

H = height of nearby structure(s) measured from the ground level elevation at the base of the stack,

L = lesser dimension, height or projected width, of nearby structure(s), subject to the proviso below.

"Nearby," as used in this subsection for purposes of applying the GEP formula means that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than 0.8 kilometer (1/2 mile).

(b) Dispersion techniques. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This does not include:

(i) The reheating of a gas stream, following the use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

(ii) The merging of gas streams where:

(A) The source was originally designed and constructed with such merged gas streams, as demonstrated by the source owner(s) or operator(s).

(B) Such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion shall apply only to the emission limitation for the pollutant affected by such change in operation.

(C) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons, and not primarily motivated by an intent to gain emissions credit for greater dispersion.

(3) Exception. EPA, ecology, or an authority may require the use of a field study or fluid model to verify the creditable stack height for the source. This also applies to a source seeking credit after the effective date of this rule for an increase in existing stack height up to that established by the GEP formula. A fluid model or field study shall be performed according to the procedures described in the EPA Guideline for Determination of Good Engineering Practice Height (Technical Support Document of the Stack Height Regulations). The creditable height demonstrated by a fluid model or field study shall ensure that

the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

(a) "Nearby," as used in this subsection for conducting a field study or fluid model, means not greater than 0.8 km, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten times the maximum height of the feature, not to exceed two miles if such feature achieves a height 0.8 km from the stack that is at least forty percent of the GEP stack height or twenty-six meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

(b) "Excessive concentration" is defined for the purpose of determining creditable stack height under this subsection and means a maximum ground-level concentration owing to a significant downwash effect which contributes to excursion over an ambient air quality standard. For sources subject to PSD review (WAC 173-400-141 and 40 CFR 52.21) an excessive concentration alternatively means a maximum ground-level concentration owing to a significant downwash effect which contributes to excursion over a PSD increment. The emission rate used in this demonstration shall be the emission rate specified in the state implementation plan, or in the absence of such, the actual emission rate of the source. "Significant downwash effect" means a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

NEW SECTION

WAC 173-400-205 ADJUSTMENT FOR ATMOSPHERIC CONDITIONS. Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant is prohibited, except as directed according to air pollution episode regulations.

NEW SECTION

WAC 173-400-210 EMISSION REQUIREMENTS OF PRIOR JURISDICTIONS. Any emissions unit that was under the jurisdiction of an authority and now is under the jurisdiction of ecology, shall meet all emission requirements that were applicable prior to transfer of jurisdiction if those standards are more stringent than the standards of this chapter or the specific chapter relating to that source.

NEW SECTION

WAC 173-400-220 REQUIREMENTS FOR BOARD MEMBERS. (1) Public interest. A majority of the members of any ecology or authority board shall represent the public interest. A majority of the members of such boards, shall not derive any significant portion of their income from persons subject to enforcement orders pursuant to the state and federal clean air acts. An elected public official and the board shall be presumed to represent the public interest. In the event that a member derives a significant portion of his/her income from persons subject to enforcement orders, he/she shall delegate sole responsibility for administration of any part of the program which involves these persons to an assistant.

(2) Disclosure. Each member of any ecology or authority board shall adequately disclose any potential conflict of interest in any matter prior to any action or consideration thereon, and the member shall remove themselves from participation as a board member in any action or voting on such matter.

(3) Define significant income. For the purposes of this section, "significant portion of income" shall mean twenty percent of gross personal income for a calendar year. In the case of a retired person, "significant portion of income" shall mean fifty percent of income in the form of pension or retirement benefits from a single source other than Social Security. Income derived from employment with local or state government shall not be considered in the determination of "significant portion of income."

NEW SECTION

WAC 173-400-230 REGULATORY ACTIONS. Ecology may take any of the following regulatory actions to enforce this chapter to

meet the provisions of RCW 43.21B.300 which is incorporated by reference.

(1) Notice of violation. Whenever ecology has reason to believe that any provision of this chapter has been violated, it may cause written notice (either by certified mail with return receipt requested or by personal service) to be served on the alleged violator or violators. The notice shall specify the provision of this chapter alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time.

(2) Civil penalty. Any person who violates any of the provisions of this chapter or a regulatory order issued by ecology, shall be subject to a penalty in the form of a fine in an amount not to exceed one thousand dollars per day for each violation. Each such violation shall be separate and distinct and, for a continuing violation, each day's continuance shall be a separate and distinct violation. The penalty shall be imposed by a notice in writing from personnel of ecology or an authority, describing the violation with reasonable detail. Further, the person is subject to a fine of up to five thousand dollars to be levied by the director if requested by the board of a local authority or if the director determines that the penalty is needed for effective enforcement of this chapter. The maximum daily fine imposed for violation of standards by a specific emissions unit is five thousand dollars. Upon written application submitted to ecology within fifteen days after notice has been received the director may remit or mitigate the penalty upon such terms as the director deems proper and when deemed in the best interest to carry out the purpose of this chapter. The mitigation shall not affect or reduce the penalty imposed by the local board. The maximum daily fine that may be imposed upon any emissions unit for violation of any opacity standard is four hundred dollars.

(3) Assurance of discontinuance. Personnel of ecology or an authority may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter. Any such assurance shall specify a time limit during which discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the superior court.

(4) Restraining orders, injunctions. Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this chapter, the director, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) Emergency episodes. Ecology may issue such orders as authorized by chapter 173-435 WAC via chapter 70.94 RCW, whenever an air pollution episode forecast is declared.

(6) Compliance orders. Ecology may issue a compliance order in conjunction with a notice of violation. The order shall require the recipient of the notice of violation either to take necessary corrective action or to submit a plan for corrective action and a date when such action will be initiated.

NEW SECTION

WAC 173-400-240 CRIMINAL PENALTIES. Persons in violation of Title 173 WAC may be subject to the provisions of RCW 70.94.430.

NEW SECTION

WAC 173-400-250 APPEALS. Decisions and orders of ecology or an authority may be appealed to the pollution control hearings board pursuant to chapter 43.21B RCW and chapter 371-08 WAC. PSD permits issued by ecology are appealable only to ecology pursuant to 40 CFR Part 124.

NEW SECTION

WAC 173-400-260 CONFLICT OF INTEREST. All board members and officials acting or voting on decisions affecting air pollution sources, must comply with the Federal Clean Air Act, as it pertains to conflict of interest, and 40 CFR 103(d) which is incorporated by reference.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 173-403-010	POLICY AND PURPOSE.
WAC 173-403-020	APPLICABILITY.
WAC 173-403-030	DEFINITIONS.
WAC 173-403-050	NEW SOURCE REVIEW (NSR).
WAC 173-403-060	BUBBLE RULES.
WAC 173-403-070	ISSUANCE OF EMISSION REDUCTION CREDITS.
WAC 173-403-075	USE OF EMISSION REDUCTION CREDITS.
WAC 173-403-080	PREVENTION OF SIGNIFICANT DETE- RIORATION (PSD).
WAC 173-403-090	RETROFIT REQUIREMENTS FOR VISI- BILITY PROTECTION.
WAC 173-403-100	COMPLIANCE SCHEDULES.
WAC 173-403-110	PUBLIC INVOLVEMENT.
WAC 173-403-120	VARIANCE.
WAC 173-403-130	REQUIREMENTS FOR NONATTAIN- MENT AREAS.
WAC 173-403-141	CREDITABLE STACK HEIGHT AND DISPERSION TECHNIQUES.
WAC 173-403-145	ADJUSTMENT FOR ATMOSPHERIC CONDITIONS.
WAC 173-403-150	MAINTENANCE OF PAY.
WAC 173-403-160	REQUIREMENTS FOR BOARDS AND DIRECTOR.
WAC 173-403-170	REGULATORY ACTIONS.
WAC 173-403-180	CRIMINAL PENALTIES.
WAC 173-403-190	APPEALS.

AMENDATORY SECTION (Amending Order DE 80-15, filed 8/20/80)

WAC 173-405-012 STATEMENT OF PURPOSE. These rules are enacted under the provisions of the Washington Clean Air Act as amended (RCW 70.94.395) to:

(1) Assume state jurisdiction over emissions from kraft pulping mills ~~((in order))~~ to provide for the systematic ~~((reduction and))~~ control of air pollution in ~~((the kraft pulping))~~ this industry and for the proper development of the state's natural resources; and

(2) Establish ~~((standards deemed to be))~~ technically feasible and reasonably attainable standards and revise such standards as new information and better technology are developed and become available.

AMENDATORY SECTION (Amending Order 84-50, filed 3/6/85)

WAC 173-405-021 DEFINITIONS. The definitions of terms contained in chapter 173-400 WAC are incorporated into this chapter by reference. Unless a different meaning is clearly required by context, the following words and phrases as used in this chapter shall have the following meanings ~~((; general terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to kraft pulping mills as defined below:))~~:

(1) "Kraft mill" means any manufacturing facility which uses an alkaline solution containing sodium hydroxide and/or sodium sulfide, and any other chemical pulping facility, except those covered by chapter 173-410 WAC, to produce pulp and/or paper products from wood fibers. For the purposes of this regulation "kraft mill" is equivalent to "source."

(2) ~~((("New source" means a source which commences construction after September 24, 1976. Addition to, enlargement, modification, replacement, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emissions standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification (as defined in WAC 173-403-030) shall be construed as construction or installation or establishment of a new source.~~

~~((3))~~ "Noncondensibles" means gases and vapors from the digestion and evaporation processes of a mill that are not condensed with the equipment used in those processes.

~~((4))~~ (3) "Recovery furnace stack" means the stack from which the products of combustion from the recovery furnace are emitted to the ambient air.

~~((5)) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present, expressed as hydrogen sulfide.))~~

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83).

WAC 173-405-033 STANDARDS OF PERFORMANCE. ~~((For kraft mills which commenced construction after September 24, 1976, Title 40, Code of Federal Regulations Part 60, subparts A, and BB and appendix A, B, C and D as promulgated prior to December 1, 1982, is by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department of ecology.)) The provisions of WAC 173-400-115 "Standards of performance for new sources" shall apply to all sources to which this chapter is applicable.~~

AMENDATORY SECTION (Amending Order DE 83-22, filed 8/26/83)

WAC 173-405-035 EMISSION STANDARDS FOR SOURCES EMITTING HAZARDOUS AIR POLLUTANTS. ~~((The national emissions standards for hazardous air pollutants (NESHAPS) are by this reference adopted and incorporated herein.~~

(2) The department, at any time after the effective date of this section, may conduct source tests and require access to records, books, files, and other information specific to the control, recovery, or release of asbestos, beryllium, mercury, or vinyl chloride in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities. Source testing, monitoring, and analytical methods for sources of the above-named contaminants shall conform with the requirements of NESHAPS.

(3) This section shall not apply to any source operating pursuant to a waiver granted by the United States Environmental Protection Agency or an exemption granted by the president of the United States during the effective life of such waiver or exemption.)) The provisions of WAC 173-400-075 "Emission standards for sources emitting hazardous air pollutants" shall apply to all sources to which this chapter is applicable.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-405-040 EMISSION STANDARDS. In addition to the general applicability of chapters 173-400 and 173-490 WAC to all emission sources; no kraft pulp mill shall cause or permit air contaminant emissions in excess of the limits ~~((described in this section, as modified by chapter 173-403 WAC if applicable. Further, all kraft pulp mills are required to use reasonably available control technology which may be determined for some mills to be more stringent than the emission limitations of this chapter. In cases where current controls are determined to be less than reasonably available control technology (RACT), the department shall, on a case-by-case basis, define RACT for each source and issue a regulatory order to the mill for installation of RACT. The order will contain a schedule for installation, with intermediate benchmark dates and a final completion date and shall constitute a compliance schedule)) listed below. Specific emission standards listed in this chapter will take precedence over the general emission standards of chapter 173-400 WAC.~~

(1) Recovery furnaces.

(a) The particulate emissions from each recovery furnace stack shall not exceed 0.23 grams of particulate per dry cubic meter at standard conditions (0.10 grains/dscf) corrected to eight percent oxygen averaged over three one hour tests.

(b) The TRS emissions from each recovery furnace stack constructed before January 1, 1970, and for recovery furnaces that have direct contact evaporators, shall not exceed 17.5 ppm corrected to eight percent oxygen for a daily average.

(c) The TRS emissions from each recovery furnace constructed after January 1, 1970, which does not have a contact evaporator, shall not exceed 5.0 ppm corrected to eight percent oxygen for a daily average.

(2) Smelt dissolver tank vent. The particulate emissions from smelt dissolver tank vents shall not exceed 0.15 grams per kilogram (0.30 pounds per ton) of solids fired at the associated recovery furnace.

(3) Lime kilns.

(a) The particulate emission from each lime kiln stack shall not exceed 0.30 grams of particulate per dry cubic meter (0.13 grains/dscf) at standard conditions corrected to ten percent oxygen.

(b) The TRS emissions from any lime kiln stack shall not exceed eighty ppm expressed as hydrogen sulfide for more than two consecutive hours in any one day.

(c) The average daily emission of TRS from any lime kiln stack shall not exceed fifty ppm. After January 1, 1985, TRS emissions from each lime kiln stack shall not exceed twenty ppm corrected to ten percent oxygen for a daily average.

(4) Other TRS emissions units. Noncondensibles from digesters, multiple-effect evaporators and condensate stripper system shall at all times be treated to reduce the emissions of TRS equal to the reduction achieved by thermal oxidation in a lime kiln. ~~((After January 1, 1982,))~~ A backup treatment system or equivalent approved by ~~((the department))~~ ecology must be installed to assure continual treatment.

(5) Other particulate emissions units. The emission of particulates from emissions units other than kraft recovery furnaces, lime kilns, or smelt dissolving tank vents, shall not exceed the following maximums:

(a) 0.46 grams per dry cubic meter at standard conditions (0.2 grains/dscf) corrected to seven percent oxygen, for units which combust wood and wood residue to produce steam and which commenced construction prior to January 1, 1983.

(b) 0.12 grams per dry cubic meter at standard conditions (0.05 grains/dscf) corrected to seven percent oxygen, for units which combust fuel other than wood and wood residue to produce steam, and which commenced construction after January 1, 1983.

(c) 0.23 grams per dry cubic meter at standard conditions (0.1 grains/dscf) corrected to seven percent oxygen in the case of combustion units, for units not classified under (a) or (b) of this subsection.

(6) ~~((Fugitive emissions. Each kraft mill shall take reasonable precautions to prevent fugitive emissions:))~~

~~((7) Masking. No kraft mill shall cause or permit the installation or use of any device, or the use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of an air contaminant which would otherwise violate any provisions of this chapter.~~

~~((8) Fallout. No kraft mill shall cause or permit the emission of particulate matter from any emissions unit which becomes deposited beyond the property under direct control of the owner or operator of the kraft mill in such quantities or of such character or duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or will interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.~~

~~((9) Other contaminants. No kraft mill shall cause or permit the emission of an air contaminant or water droplets including an air contaminant whose emission is not otherwise prohibited by this chapter, in such quantities or of such characteristics or duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with use or enjoyment of property.~~

~~((10)) Opacity. No person shall cause or allow the emission of a plume from any kraft recovery furnace, smelt dissolver tank, or lime kiln, which has an average opacity greater than thirty-five percent for more than six consecutive minutes in any sixty minute period, except as described in WAC 173-405-040 ~~((+++))~~ (7).~~

No person shall cause or allow the emission of a plume, from any emissions unit other than a kraft recovery furnace, smelt dissolver tank, or lime kiln, which has an average opacity greater than twenty percent for more than six consecutive minutes in any sixty minute period, except that these provisions do not apply when the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit soot blowing and grate cleaning necessary to the operation of the boiler facility. ~~((As such,))~~ This practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and ~~((the department))~~ ecology shall be advised of the schedule.

There shall be no more than one violation notice issued in any sixty minute period.

These provisions ~~(of WAC 173-405-040(6))~~ shall not apply when the presence of uncombined water is the only reason for the opacity of the plume to exceed the applicable maximum.

~~((+++))~~ (7) Each mill may petition for, and ~~((the department))~~ ecology may establish by regulatory order, ~~((other))~~ alternate opacity limits for a specific kraft recovery furnace or lime kiln, providing:

(a) ~~The mill can demonstrate compliance;~~ with all other applicable emission limits ~~((can be demonstrated));~~ and

(b) Best practicable operation and maintenance procedures, as approved by ~~((the department))~~ ecology, are continuously employed.

~~((++))~~ (8) Any person electing to apply for exceptions per the provisions of WAC 173-405-040 ~~((+++))~~ (7) shall submit a program acceptable to ~~((the department of))~~ ecology. The program shall include the following information: The amount and concentration of suspended particulate material emitted during best practicable operating procedures, opacity recorded at such emission level, the type of equipment and procedures which will be used to demonstrate compliance and the time required for installation of the equipment.

~~((+3))~~ ~~The opacity provisions of this chapter shall apply until)~~ (9) If an application is received by ~~((the department))~~ ecology, petitioning for a revised limit as allowed by WAC 173-405-040~~((++))~~ ~~(After a petition is received, enforcement of the)~~ (7), existing opacity provisions of this chapter will be ~~((stayed))~~ enforced until ~~((the application is rejected or))~~ a new limit is established.

~~((+4))~~ ~~Odors. No kraft pulping mill shall cause or permit the emission of odors in such quantities or of such duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with the use or enjoyment of property.~~

~~((+5))~~ (10) Operation and maintenance. At all times, including periods of abnormal operation and upset conditions, owners and operators shall, to the extent practicable, maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to ~~((the department))~~ ecology which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

~~((+6))~~ (11) SO₂.

(a) The emission of sulfur dioxide from any recovery furnace or lime kiln shall not exceed five hundred ppm for an hourly average, corrected to eight percent oxygen for a recovery furnace or to ten percent oxygen for a lime kiln.

(b) The emission of sulfur dioxide from any emissions unit other than a recovery furnace or lime kiln shall not exceed one thousand ppm for an hourly average, corrected to seven percent oxygen for combustion units.

~~((+7))~~ (12) Source testing. ~~((In order))~~ To demonstrate compliance with this chapter, ~~((the department may require that a test be made of any emissions unit using procedures contained in Source Test Manual - Procedures for Compliance Testing, state of Washington, department of ecology, on file at the department. The operator of a source may be required to provide the necessary platform and sampling ports for the department personnel to perform a test of an emissions unit. The department shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time))~~ the provisions of WAC 173-400-105 shall apply to all sources to which this chapter is applicable.

AMENDATORY SECTION (Amending Order 87-50, filed 12/16/87)

WAC 173-405-045 CREDITABLE STACK HEIGHT AND DISPERSION TECHNIQUES. The ~~((conditions))~~ provisions of WAC ~~((+73-403-141 and 173-403-145))~~ 173-400-200 shall apply to all sources ~~((covered by))~~ to which this chapter is applicable.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-405-061 MORE RESTRICTIVE EMISSION STANDARDS. ~~((The department))~~ Ecology may establish more restrictive emission standards for new mills or for mills expanding existing facilities pursuant to WAC ~~((+73-403-050))~~ 173-400-110.

AMENDATORY SECTION (Amending Order DE 80-15, filed 8/20/80)

WAC 173-405-072 MONITORING REQUIREMENTS. Each ~~((kraft))~~ mill shall conduct routine monitoring of emissions in accordance with a program that has been approved by ~~((the department))~~ ecology. Results of the monitoring shall be reported within ~~((thirty))~~

fifteen days of the end of each calendar month and shall include data as follows:

(1) Particulate(:): The results of particulate measurements made on each source during the month.

(2) TRS(:):

(a) The average TRS concentration expressed in units of the standard for each recovery furnace and lime kiln stack.

(b) The date, time and concentration of TRS for each TRS emissions violation and the total numbers of hours that exceed the standard.

(3) Opacity or other continuous monitor(:):

(a) The date and time of opacity in excess of the standard.

(b) If equipment for continuous monitoring of opacity is not available, continuous monitoring of operating parameters may be required by a regulatory order as an alternate. If an alternate is approved, the date and time of each occurrence in excess of the regulatory order must be reported.

(4) Production(:): The average daily production of air-dried unbleached pulp.

(5) Other data(:): Each kraft mill shall furnish, upon request of ~~((the department))~~ ecology, such other pertinent data ~~((as the department may require))~~ required to evaluate the mill's emissions or emission control program.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-405-077 REPORT OF STARTUP, SHUTDOWN, BREAKDOWN OR UPSET CONDITIONS. ~~((If a startup, shutdown, breakdown or upset condition occurs which could result in an emission violation or a violation of an ambient air quality standard, the owner or operator of the source shall take the following actions as applicable:~~

~~((1) For a planned condition, such as a startup or shutdown, the condition shall be reported to the department, or its delegated authority, in advance of its occurrence.~~

~~((2) For an unplanned condition, such as a breakdown or upset, the condition shall be reported to the department, or its delegated authority as soon as possible.~~

~~Upon request of the department or its delegated authority, the owner or operator of the source shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the change of recurrence.~~

~~Compliance with the requirements of WAC 173-405-077, does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of chapter 173-405 WAC nor from the resulting liabilities for failure to comply.) The provisions of WAC 173-400-105(5) shall apply to all sources to which this chapter is applicable.~~

AMENDATORY SECTION (Amending Order 88-39, filed 1/3/89)

WAC 173-405-078 EMISSION INVENTORY. ~~((The owner or operator of any kraft pulp mill shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology. The inventory may include stack and fugitive emissions of particulate matter, PM-10, sulfur dioxide, carbon monoxide, volatile organic compounds, TRS, and other contaminants, and shall be submitted when required no later than one hundred five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the one hour and twenty-four hour emissions while operating at capacity. The report shall include the average sulfur content of any fossil fuel used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.)) The provisions of WAC 173-400-105(1) shall apply to all sources to which this chapter is applicable.~~

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-405-086 NEW SOURCE REVIEW (NSR). ~~((Construction shall not commence on any new source until a notice of construction has been approved by the department pursuant to WAC 173-403-050. The owner or operator of any source shall notify the department prior to replacement of air pollution control equipment or process~~

~~equipment other than replacement for routine maintenance and repair. The department may determine that a notice of construction is required.)) The provisions of WAC 173-400-110 shall apply to all new sources and emissions units to which this chapter is applicable.~~

AMENDATORY SECTION (Amending Order 87-50, filed 12/16/87)

WAC 173-405-087 PREVENTION OF SIGNIFICANT DETE-RIORATION (PSD). The ~~((conditions))~~ provisions of WAC ~~((173-403-080))~~ 173-400-141 shall apply to all new ~~((and modified))~~ major sources ~~((covered by this chapter))~~ and major modifications to which this chapter is applicable.

AMENDATORY SECTION (Amending Order DE 76-35, filed 12/28/76)

WAC 173-405-091 SPECIAL STUDIES. ~~((The department))~~ Ecology may require such additional special studies relevant to process emissions and establish completion dates as it determines necessary.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-405-041 EMISSION REQUIREMENTS OF PRIOR JURISDICTIONS.

AMENDATORY SECTION (Amending Order DE 80-16, filed 8/20/80)

WAC 173-410-012 STATEMENT OF PURPOSE. These rules are enacted under the provisions of the Washington Clean Air Act as amended (RCW 70.94.395) to:

(1) Assume state jurisdiction over emissions from sulfite pulping mills ~~((in order))~~ to provide for the systematic ~~((reduction and))~~ control of air pollution in ~~((the sulfite pulping))~~ this industry and for the proper development of the state's natural resources; and

(2) Establish ~~((standards deemed to be))~~ technically feasible and reasonably attainable standards and revise such standards as new information and better technology are developed and become available.

AMENDATORY SECTION (Amending Order 84-50, filed 3/6/85)

WAC 173-410-021 DEFINITIONS. The definitions of terms contained in chapter 173-400 WAC are incorporated into this chapter by reference. Unless a different meaning is clearly required by context, the following words and phrases as used in this chapter, shall have the following meanings ~~((; general terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to sulfite pulping mills as defined below.))~~:

(1) "Acid plant" means the facility in which the cooking liquor is either manufactured or fortified when not associated with a recovery system.

(2) "Average daily emission" means total weight of an air contaminant emitted in each month, divided by the number of days of production that month.

(3) "Average daily production" means air dried tons of unbleached pulp produced in a month, divided by the number of days of production in that month.

(4) "Blow system" includes the storage chest, tank or pit to which the digester pulp is discharged following the cook.

(5) ~~((New source))~~ means a source which commences construction after January 1972. Addition to, enlargement, modification, replacement, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emissions standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification ~~((as defined in WAC 173-403-030))~~ shall be construed as construction or installation or establishment of a new source.

(6)) "Recovery system" means the process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, storage facilities, and emission control equipment associated with the recovery cycle.

~~((7))~~ (6) "Sulfite pulping mill" means any manufacturing facility which uses a cooking liquor consisting of sulfurous acid, a sulfite or bisulfite salt alone or in any combination, with or without additional mechanical refining or delignification to produce pulp, pulp products or cellulose from wood fibers. For the purposes of this regulation "sulfite pulping mill" is equivalent to "source."

~~((8))~~ "Total reduced sulfur (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and other organic sulfides present, expressed as hydrogen sulfide.)

AMENDATORY SECTION (Amending Order DE 83-22, filed 8/26/83)

WAC 173-410-035 EMISSION STANDARDS FOR SOURCES EMITTING HAZARDOUS AIR POLLUTANTS. ~~((1))~~ The national emissions standards for hazardous air pollutants (NESHAPS) are by this reference adopted and incorporated herein:

~~(2)~~ The department, at any time after the effective date of this section, may conduct source tests and require access to records, books, files, and other information specific to the control, recovery, or release of asbestos, beryllium, mercury, or vinyl chloride in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities. Source testing, monitoring, and analytical methods for sources of the above-named contaminants shall conform with the requirements of NESHAPS:

~~(3)~~ This section shall not apply to any source operating pursuant to a waiver granted by the United States Environmental Protection Agency or an exemption granted by the president of the United States during the effective life of such waiver or exemption.) The provisions of WAC 173-400-075 "Emission standards for sources emitting hazardous air pollutants" shall apply to all sources to which this chapter is applicable.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-410-040 EMISSION STANDARDS. In addition to the general applicability of chapters 173-400 and 173-490 WAC to all emission sources; no sulfite pulping mill shall cause or permit air contaminant emissions in excess of the limits listed below. ~~((All sulfite pulping mills are required to meet the emission standards of this chapter, as modified by chapter 173-403 WAC if applicable. Further, all point sources are required to use reasonably available control technology which may be determined for some sources or source categories to be more stringent than the emission limits of this chapter. In cases where current controls are determined to be less than reasonably available control technology (RACT), the department shall, on a case-by-case basis, define RACT for each source or source category and issue a regulatory order to the operator of the source defining RACT. The order will contain a schedule for installation, with intermediate benchmark dates, and a final completion date and shall constitute a compliance schedule.))~~ Specific emission standards listed in this chapter will take precedence over the general emission standards of chapter 173-400 WAC.

(1) Sulfur dioxide.

(a) The total average daily emissions from a sulfite pulping mill, or a portion of a sulfite pulping mill which practices incineration of the spent sulfite liquor, shall not exceed ten grams of sulfur dioxide per kilogram (twenty pounds per ton) of air dried, unbleached pulp produced.

(b) The total average daily emissions from a sulfite pulping mill, or a portion of a sulfite pulping mill that does not incinerate the spent sulfite liquor, shall not exceed two grams of sulfur dioxide per kilogram (four pounds per ton) of air dried, unbleached pulp produced.

(c) The blow system emissions shall not exceed 0.1 grams of sulfur dioxide per minute, on a fifteen minute average, per kilogram (0.2 pounds per ton) of air dried, unbleached pulp discharged from the digester.

(d) Emissions from the recovery system and acid plant shall not exceed 800 ppm of sulfur dioxide for any hourly average.

(e) Emissions from recovery systems constructed after January 24, 1972, shall not exceed 300 ppm of sulfur dioxide for any hourly average.

(f) Emissions from any emissions unit, other than a recovery system, a blow system or an acid plant, shall not exceed 1000 ppm of sulfur dioxide, corrected to seven percent oxygen in the case of combustion unit, for any hourly average.

(2) Particulate.

(a) Emissions of particulate from recovery systems constructed before January 24, 1972, shall not exceed 0.23 grams per dry cubic meter of exhaust at standard conditions (0.10 grains/dscf) corrected to eight percent oxygen.

(b) Emissions of particulate matter from recovery systems constructed after January 24, 1972, shall not exceed 0.14 grams per dry cubic meter of exhaust at standard conditions (0.06 grains/dscf) corrected to eight percent oxygen.

(c) The emission of particulates from emissions units other than acid plants or recovery systems shall not exceed the following maximums:

(i) 0.46 grams per dry cubic meter at standard conditions (0.2 grains/dscf) corrected to seven percent oxygen, for units which combust wood and wood residue to produce steam and which commenced construction prior to January 1, 1983.

(ii) 0.12 grams per dry cubic meter at standard conditions (0.05 grains/dscf) corrected to seven percent oxygen, for units which combust fuel other than wood and wood residue to produce steam, and which commenced construction after January 1, 1983.

(iii) 0.23 grams per dry cubic meter at standard conditions (0.1 grains/dscf) corrected to seven percent oxygen in the case of combustion units, for units not classified under ~~((subsections))~~ (c) (i) or (ii) of this ~~((section))~~ subsection.

~~(3)~~ ~~((Each sulfite mill shall take reasonable precautions to prevent fugitive emissions from becoming airborne and if located in a nonattainment area shall be required to use reasonably available control technology (RACT) to control fugitive emissions of nonattainment contaminants:~~

~~(4) Masking. No sulfite mill shall cause or permit the installation or use of any device, or the use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of an air contaminant which would otherwise violate any provisions of this chapter.~~

~~(5) Fallout. No sulfite mill shall cause or permit the emission of particulate matter to be deposited beyond the property under direct control of the owner or operator of the sulfite mill in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material was deposited.~~

~~(6) Other contaminants. No sulfite mill shall cause or permit the emission of an air contaminant or water droplets, including an air contaminant whose emission is not otherwise prohibited by this chapter, in such quantities or of such characteristics or duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life or property.~~

~~(7))~~ Opacity. No person shall cause or allow the emission of a plume from a recovery system or acid plant which has an average opacity greater than thirty-five percent, for more than six consecutive minutes in any sixty minute period, except as ~~((described in WAC 173-410-040(9))~~ allowed per RCW 70.94.331 (2)(c).

~~((No person shall cause or allow the emissions of a plume, from any emissions unit other than a recovery system or an acid plant, which has an average opacity greater than twenty percent for more than six consecutive minutes in any sixty-minute period, except that these provisions do not apply when the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit soot blowing and grate cleaning necessary to the operation of the boiler facility. As such, this practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and the department be advised of the schedule. There shall be no more than one violation for any sixty-minute period.~~

~~(8) The provisions of WAC 173-410-040(7) shall not apply when the presence of uncombined water is the only reason for the opacity of the plume to exceed the applicable maximum.~~

~~(9) Each mill may petition for, and the department may establish by regulatory order, other opacity limits for a specific recovery system or acid plant providing:~~

~~(a) Compliance with all other applicable emission limits can be demonstrated; and~~

~~(b) Best practicable operation and maintenance procedures, as approved by the department, are continuously employed.~~

~~(10) Any person electing to apply for exceptions per the provisions of WAC 173-410-040(9) shall submit a program acceptable to the department. The program shall include the following information: The amount and concentration of suspended particulate material emitted during best practicable operating procedures, opacity recorded at such emission level, the type of equipment and procedures which will be~~

~~used to demonstrate compliance and the time required for installation of the equipment.~~

~~((11)) The opacity provisions of this chapter shall apply until an application is received by the department petitioning for a revised limit as allowed by WAC 173-410-040(9).~~

~~After a petition is received, enforcement of the opacity provisions will be stayed until the application is rejected or a new limit is established.~~

~~((12)) Odors. No sulfite pulping mill shall cause or permit the emission of odors in such quantities or such characteristics or duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property.~~

~~((13)) (4) Operation and maintenance. At all times, including periods of abnormal operations and upset conditions, owners and operators shall, to the extent practicable, maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to ((the department)) ecology which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.~~

~~((14)) (5) No recovery system shall emit total reduced sulfur (TRS) gases in excess of 17.5 ppm for a daily average.~~

~~((15)) (6) More restrictive limits. ((Notwithstanding the specific emission limits set forth in this chapter, the department may, after notice and hearing, establish more restrictive emission limits if the department has)) Ecology may set more restrictive emissions limits than the specific limits set in this chapter (after public involvement and hearing), if there is reason to believe that the emission(s) from ((the)) a source is a cause of public nuisance or a cause of violation of ambient air quality standards. The source shall, within ninety days from notification of ((such occurrence)) the more restrictive limits, achieve operation that will prevent further recurrence of the nuisance or violation.~~

~~((16)) (7) Source testing. ((In order)) To demonstrate compliance with this chapter, ((the department may require that a test be made of the source using procedures contained in Source Test Manual - Procedures for Compliance Testing, state of Washington, department of ecology, on file at the department. The operator of a source may be required to provide the necessary platform and sampling ports for the department personnel to perform a test of the source. The department shall be allowed to obtain a sample from any source. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time)) the provisions of WAC 173-400-105 shall apply to all sources to which this chapter is applicable.~~

AMENDATORY SECTION (Amending Order 87-50, filed 12/16/87)

WAC 173-410-045 CREDITABLE STACK HEIGHT AND DISPERSION TECHNIQUES. The ((conditions)) provisions of WAC ((173-403-141 and 173-403-145)) 173-400-200 shall apply to all sources ((covered by)) to which this chapter is applicable.

AMENDATORY SECTION (Amending Order DE 80-16, filed 8/20/80)

WAC 173-410-062 MONITORING REQUIREMENTS. ((1)) Each mill shall conduct routine monitoring of emissions in accordance with a program that has been approved by ((the department)) ecology. Results of monitoring shall be reported within ((thirty)) fifteen days of the end of each calendar month and shall include data as follows:

((a)) (1) For the recovery system and acid plant:
((b)) (a) The average daily emissions of sulfur dioxide expressed as grams SO₂ per kilogram of air dried, unbleached pulp produced and the kilograms of SO₂ per day.

((b)) (b) Daily average concentration of sulfur dioxide.
((c)) (c) The date, time and concentration for each sulfur dioxide emission violation and the total number of hours that exceed the standard.

((d)) (d) The results of particulate tests conducted during the month.

((b)) (2) For the blow system((-));

(a) The grams of sulfur dioxide per minute, on a fifteen minute average, per kilogram of air dried, unbleached pulp discharged from the digester.

((c)) (b) The average daily production of air dried, unbleached pulp.

((2)) (3) Each mill shall furnish, upon request of ((the department)) ecology, such other pertinent data ((as the department may require)) required to evaluate the mill's emission control program.

((3)) (4) All measurements shall be made in accordance with ((techniques approved by the department)) WAC 173-400-105.

((4)) (5) Each mill shall be required to establish a program approved by ((the department)) ecology for continuous opacity monitoring to demonstrate compliance with WAC 173-410-040 ((7)) (3) and to report the results to ((the department)) ecology in a format and on a schedule set by regulatory order. If equipment for continuous monitoring of opacity is not available, continuous monitoring of operating parameters may be required as an alternate until continuous opacity monitoring equipment is available.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-410-067 REPORT OF STARTUP, SHUTDOWN, BREAKDOWN OR UPSET CONDITIONS. ((If a startup, shutdown, breakdown or upset condition occurs which could result in an emission violation or a violation of an ambient air quality standard, the owner or operator of the source shall take the following actions as applicable:

(1) For a planned condition, such as a startup or shutdown, the condition shall be reported to the department, or its delegated authority, in advance of its occurrence.

(2) For an unplanned condition, such as a breakdown or upset, the condition shall be reported to the department, or its delegated authority as soon as possible.

Upon request of the department or its delegated authority, the owner or operator of the source shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

Compliance with the requirements of WAC 173-410-067, does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of chapter 173-410 WAC nor from the resulting liabilities for failure to comply.) The provisions of WAC 173-400-105(5) shall apply to all sources to which this chapter is applicable.

AMENDATORY SECTION (Amending Order 88-39, filed 1/3/89)

WAC 173-410-071 EMISSION INVENTORY. ((The owner or operator of any sulfite pulping mill shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology. The inventory may include stack and fugitive emissions of particulate matter, PM-10, sulfur dioxide, carbon monoxide, volatile organic compounds, TRS, and other contaminants, and shall be submitted when required no later than one hundred five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the one hour and twenty-four hour emissions while operating at capacity. The report shall include the average sulfur content of any fossil fuel which will result in emissions of more than twenty-five tons per year of sulfur dioxide.) The provisions of WAC 173-400-105(1) shall apply to all sources to which this chapter is applicable.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-410-086 NEW SOURCE REVIEW (NSR). ((Construction shall not commence on any new source until a notice of construction has been approved by the department pursuant to WAC 173-403-050. The owner or operator of any source shall notify the department prior to replacement of air pollution control equipment or process equipment other than replacement for routine maintenance and repair. The department may determine that a notice of construction is required.) The provisions of WAC 173-400-110 shall apply to all new sources and emissions units to which this chapter is applicable.

AMENDATORY SECTION (Amending Order 87-50, filed 12/16/87)

WAC 173-410-087 PREVENTION OF SIGNIFICANT DETERIORATION (PSD). The ~~((conditions))~~ provisions of WAC ~~((73-403-080))~~ 173-400-141 shall apply to all new ~~((and modified))~~ major sources ~~((covered by))~~ and major modifications to which this chapter is applicable.

NEW SECTION

WAC 173-410-100 SPECIAL STUDIES. Ecology may require such additional special studies relevant to process emissions and establish completion dates as it finds necessary.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-410-042 EMISSION REQUIREMENTS OF PRIOR JURISDICTIONS.

Chapter 173-415 WAC
PRIMARY ALUMINUM PLANTS

WAC

173-415-010	Statement of purpose.
173-415-020	Definitions.
173-415-030	Emission standards.
173-415-040	Standards of performance.
173-415-045	Creditable stack height and dispersion techniques.
173-415-050	New source review (NSR).
173-415-051	Prevention of significant deterioration (PSD).
173-415-060	Monitoring and reporting.
173-415-070	Report of startup, shutdown, breakdown or upset conditions.
173-415-080	Emission inventory.

AMENDATORY SECTION (Amending Order DE 80-17, filed 8/14/80)

WAC 173-415-010 STATEMENT OF PURPOSE. These rules are enacted under the provisions of ~~((the 1969 amendments to))~~ the Washington Clean Air Act as amended (RCW 70.94.395) to:

(1) Assume state jurisdiction over emissions from primary aluminum reduction plants ~~((in order))~~ to provide for the systematic ~~((reduction and))~~ control of air pollution in ~~((the primary aluminum reduction))~~ this industry and for the proper development of the state's natural resources; and

(2) Establish ~~((standards deemed to be))~~ technically feasible and reasonably attainable standards and revise such standards as new information and better technology are developed and become available.

AMENDATORY SECTION (Amending Order 84-50, filed 3/6/85)

WAC 173-415-020 DEFINITIONS. The definitions of terms contained in chapter 173-400 WAC are incorporated into this chapter by reference. Unless a different meaning is clearly required by context, the following words and phrases as used in this chapter, shall have the following meanings ~~((general terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to primary aluminum mills as defined below))~~:

(1) "Fluorides" means compounds of the element fluorine.

(2) "Forage" means grasses, pasture and other vegetation that is normally consumed or is intended to be consumed by livestock.

(3) ~~((New source))~~ means a source which commences construction after June 17, 1970. Addition to, enlargement, modification, replacement, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emissions standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification (as defined in WAC 173-403-030) shall be construed as construction or installation or establishment of a new source.

~~((4))~~ "Primary aluminum plant" or "primary aluminum reduction plant" or "primary aluminum mill" means a plant which produces aluminum metal from aluminum oxide (alumina). For the purposes of this regulation "primary aluminum plant" is equivalent to "source."

~~((5))~~ (4) "Potline primary emission control system" means the equipment and procedures designed to collect and remove contaminants from the exhaust gases which are captured at the pot.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-415-030 EMISSION STANDARDS. ~~((+))~~ In addition to the general applicability of chapters 173-400 and 173-490 WAC to all emission sources; all primary aluminum plants are required to meet the emission standards of this chapter ~~((as modified by chapter 173-403 WAC if applicable. Further, all primary aluminum plants are required to use reasonably available control technology which may be determined for some primary aluminum plants to be more stringent than the emission limitations of this chapter. In cases where current controls are determined to be less than reasonably available control technology (RACT), the department shall, on a case-by-case basis, define RACT for each plant and issue a regulatory order to the primary aluminum plant for installation of RACT. The order will contain a schedule for installation, with intermediate benchmark dates and a final completion date and shall constitute a compliance schedule)).~~ Specific emissions standards listed in this chapter will take precedence over the general emission standards of chapter 173-400 WAC.

~~((2))~~ (1) Fluoride.

(a) The emission of gaseous ~~((fluorides))~~ and particulate fluorides for all emissions units within a primary aluminum plant shall be restricted so that the plant's emissions will not cause ambient air and forage standards for fluorides established by chapter ~~((+8-48))~~ 173-481 WAC ~~((are not))~~ to be exceeded outside the property controlled by the aluminum plant owner(s) or operator(s).

(b) ~~((By January 1, 1984, the))~~ Each potline primary emission control system ~~((for each potline))~~ shall be designed so that the control of fluoride emissions will be equivalent to a total fluoride collection efficiency of: (i) Eighty percent for vertical stud soderberg and side worked prebake pots, (ii) eighty-five percent for horizontal stud soderberg pots, and (iii) ninety-five percent for center worked prebake pots ~~((and))~~. A primary emission control system with a design removal efficiency of at least ninety-five percent of the fluoride collected is required. ~~((A potline near the end of its useful life and scheduled for replacement or shutdown in a reasonable time period may not be required to retrofit provided ambient fluoride standards are being met.~~

~~((3))~~ (2) Particulate. The total emission of particulate matter to the atmosphere from the reduction process (potlines) shall be reduced to the lowest level consistent with reasonably available control technology (RACT) for primary aluminum plants ~~((but in no case shall))~~. The emission of solid particulate shall not exceed 7.5 grams per kilogram (fifteen pounds per ton) of aluminum produced on a daily basis. ~~((Compliance shall be determined by measurement methods contained in the Source Test Manual - Procedures for Compliance Testing on file with the department of ecology.~~

~~((4))~~ (3) Visible emissions. Visible emissions from any emissions unit in a primary aluminum plant shall not exceed an average twenty percent opacity for more than six consecutive minutes in any sixty minute period. This provision shall not apply:

(a) When the presence of uncombined water is the only reason for the opacity of the plume to exceed twenty percent; or

(b) When an alternate opacity limit has been established under RCW 70.94.331 (2)(c).

~~((5))~~ Fallout. No primary aluminum plant shall cause or permit the emission of particulate matter to be deposited beyond the property under direct control of the owner or operator of the plant in such quantity or of such character or duration as is or is likely to be injurious to human health, plant or animal life, or property or will interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(6) Other contaminants. No primary aluminum plant shall cause or permit the emission of any air contaminant or water droplets, including any air contaminant whose emission is not otherwise regulated by this chapter, as is or is likely to be injurious to human health, plant or animal life, or property or which unreasonably interferes with enjoyment of life or property.

~~((7))~~ (4) Fugitive emissions. Each primary aluminum plant shall use ~~((reasonably available control technology))~~ RACT to prevent fugitive emissions.

~~((8))~~ (5) Sulfur dioxide.

(a) Total emissions of sulfur dioxide from all emissions units shall not exceed thirty grams of sulfur dioxide per kilogram of aluminum

produced on a monthly average (sixty pounds per ton). Those primary aluminum plants which were in excess of the above sulfur dioxide limit on January 1, 1978, will be allowed to emit at the January 1, 1978, level of emissions provided that the owners or operators did demonstrate to ~~((the department))~~ ecology by July 1, 1981, by use of modeling and ambient measurements, that the emissions will not cause the ambient standard to be exceeded, and that the limits are placed in a regulatory order(s).

(b) In no case shall any plant cause or permit the emission of a gas containing sulfur dioxide in excess of one thousand parts per million corrected to dry standard conditions for an hourly average. ~~((A lower limit may be established by an order defining RACT for a specific emissions unit or process.~~

~~((9))~~ ~~Odors. Any owner or operator of a primary aluminum plant who shall cause or allow the generation of any odor from any emissions unit which may unreasonably interfere with any person's use and enjoyment of his property must use recognized good practice and procedure to reduce these odors to a reasonable minimum.~~

~~((10))~~ ~~(6) Operation and maintenance. At all times, including periods of abnormal operation and upset, owners and operators shall, to the extent practicable, maintain an affected facility, and operate and maintain air pollution control equipment associated with such facility in a manner consistent with good air pollution control practice. A plant may elect to establish a program, subject to the approval of ((the department)) ecology, for monitoring each potroom in order to demonstrate good operation and maintenance.~~

~~((11))~~ ~~(7) Source testing. ((In order)) To demonstrate compliance with this chapter, ((the department may require that a test be made of the plant using procedures contained in Source Test Manual - Procedures for Compliance Testing, state of Washington, department of ecology, on file at the department. The operator of the plant may be required to provide the necessary platform and sampling ports for the department personnel to perform a test of the emissions unit. The department shall be allowed to obtain a sample from any emissions unit. The operator of the plant shall be given an opportunity to observe the sampling and to obtain a sample at the same time)) the provisions of WAC 173-400-105 shall apply to all sources to which this chapter is applicable.~~

AMENDATORY SECTION (Amending Order DE 82-21, filed 7/27/82)

WAC 173-415-040 STANDARDS OF PERFORMANCE. ~~((For primary aluminum plants which commenced construction after September 24, 1976, Title 40, the Code of Federal Regulations, Part 60, subparts A and S and appendix A, B, C and D (standards of performance for new stationary sources) as promulgated prior to July 1, 1982, is by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department of ecology.)) The provisions of WAC 173-400-115 "Standards of performance for new sources" shall apply to all sources to which this chapter is applicable.~~

AMENDATORY SECTION (Amending Order 87-50, filed 12/16/87)

WAC 173-415-045 CREDITABLE STACK HEIGHT AND DISPERSION TECHNIQUES. ~~The ((conditions)) provisions of WAC ((173-403-141 and 173-403-145)) 173-400-200 shall apply to all sources ((covered by)) to which this chapter is applicable.~~

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-415-050 NEW SOURCE REVIEW (NSR). ~~((Construction shall not commence on any new source until a notice of construction has been approved by the department pursuant to WAC 173-403-050. This owner or operator of any source shall notify the department prior to replacement of air pollution control equipment or process equipment other than replacement for routine maintenance and repair. The department may determine that a notice of construction is required.)) The provisions of WAC 173-400-110 shall apply to all new sources and emissions units to which this chapter is applicable.~~

AMENDATORY SECTION (Amending Order 87-50, filed 12/16/87)

WAC 173-415-051 PREVENTION OF SIGNIFICANT DETE-RIORATION (PSD). ~~The ((conditions)) provisions of WAC ((173-403-080)) 173-400-141 shall apply to all new ((and modified sources covered by)) major sources and major modifications to which this chapter is applicable.~~

AMENDATORY SECTION (Amending Order DE 80-17, filed 8/14/80)

WAC 173-415-060 MONITORING AND REPORTING. ~~(1) Each primary aluminum plant shall conduct routine monitoring of emissions, ambient air, and forage in accordance with a program that has been approved by ((the department)) ecology. Results of monitoring shall be reported within thirty days of the end of each calendar month and shall include data as follows:~~

(a) Ambient air: Twenty-four hour concentrations of gaseous fluoride in the ambient air expressed in micrograms of hydrogen fluoride per cubic meter of ambient air.

(b) Forage: Concentrations of fluoride in forage expressed in parts per million of fluoride on a dried weight basis.

(c) Particulate emissions: Results of all emission sampling conducted during the month for particulates, expressed in grains per standard dry cubic foot, in pounds per day, and in pounds per ton of aluminum produced. The method of calculating pounds per ton shall be as specified in the approved monitoring programs. Particulate data shall be reported as total particulates and percentage of fluoride ion contained therein.

Compliance with WAC 173-415-030 ~~((1))~~ ~~(2)~~ shall be determined by measurements of emissions from the poline primary control system plus measurements of emissions from the roof monitor.

(d) Fluoride emissions: Results of all sampling conducted during the month for fluoride emissions. All results shall be expressed as hydrogen fluoride in parts per million on a volume basis and pounds per day of hydrogen fluoride.

(e) Other emission and ambient air data as specified in the approved monitoring program.

(2) Other data: For ecology to evaluate a plant's emissions or emission control program, each primary aluminum plant shall furnish ~~((; upon request of the department, such))~~ other data ~~((as the department may require to evaluate the plant's emissions or emission control program)) requested by ecology.~~

(3) Change in raw materials or fuel: Any change or series of changes in raw material or fuel which results in a cumulative increase in emissions of sulfur dioxide of five hundred tons per year or more over that stated in the 1979 inventory required by WAC 173-415-080 shall require the submittal of sufficient information to ~~((the department to determine))~~ ecology so that the effect ~~((of the increase))~~ upon ambient concentrations of sulfur dioxide can be determined. ~~((The department))~~ Ecology may issue regulatory orders requiring controls to reduce the effect of such increases.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-415-070 REPORT OF STARTUP, SHUTDOWN, BREAKDOWN OR UPSET CONDITIONS. ~~((If a startup, shutdown, breakdown or upset condition occurs which could result in an emission violation or a violation of an ambient air quality standard, the owner or operator of the source shall take the following actions as applicable:~~

(1) For a planned condition, such as a startup or shutdown, the condition shall be reported to the department, or its delegated authority, in advance of its occurrence.

(2) For an unplanned condition, such as a breakdown or upset, the condition shall be reported to the department, or its delegated authority as soon as possible.

Upon request of the department or its delegated authority, the owner or operator of the source shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

Compliance with the requirements of WAC 173-415-070, does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of chapter

~~173-415 WAC nor from the resulting liabilities for failure to comply.)~~ The provisions of WAC 173-400-105(5) shall apply to all sources to which this chapter is applicable.

AMENDATORY SECTION (Amending Order 88-39, filed 1/3/89)

WAC 173-415-080 EMISSION INVENTORY. ~~((The owner or operator of any primary aluminum plant shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology. The inventory may include stack and fugitive emissions of particulate matter, PM-10, sulfur dioxide, carbon monoxide, fluorides, volatile organic compounds, and other contaminants, and shall be submitted when required no later than one hundred five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the one hour and twenty-four hour emissions while operating at capacity. The report shall include the average sulfur content of any fossil fuel or raw material used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.))~~ The provisions of WAC 173-400-105(1) shall apply to all sources to which this chapter is applicable.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-415-041 EMISSION REQUIREMENTS OF PRIOR JURISDICTIONS.

AMENDATORY SECTION (Amending Order DE 80-18, filed 8/20/80)

WAC 173-490-010 POLICY AND PURPOSE. ~~((The purpose of this chapter is to establish control requirements for sources emitting volatile organic compounds.))~~ (1) It is the policy of the department of ecology (ecology) under the authority vested in it by chapter 43.21A RCW to provide for the systematic control of air pollution from air contaminant sources and for the proper development of the state's natural resources.

(2) It is the purpose of this chapter to establish technically feasible and reasonably attainable standards for sources emitting volatile organic compounds (VOCs) and revise such standards as new information and better technology are developed and become available.

AMENDATORY SECTION (Amending Order DE 82-22, filed 7/27/82)

WAC 173-490-020 DEFINITIONS. The ~~((specific))~~ definitions of terms contained in chapter 173-400 WAC are by this reference incorporated into this chapter ~~((, and all words and phrases there defined shall, when used in this chapter, carry the meanings set forth in chapter 173-400 WAC)).~~ Unless a different meaning is ~~((indicated))~~ clearly required by context, the following words and phrases, as used in this chapter, shall have the following meanings:

(1) "Bottom loading" means the filling of a tank through a ~~((submerged fill))~~ line entering the bottom of the tank.

(2) "Bulk gasoline plant" means a gasoline storage and transfer facility that receives more than ninety percent of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.

(3) "Class II hardboard paneling finish" means finishes which meet the specifications of Voluntary Product Standard PS-59-73 as approved by the American National Standards Institute.

(4) "Closed refinery system" means a system that will process or dispose of those VOCs collected from another system. The mass quantity of collected VOCs emitted to the ambient air from the closed refinery system shall ~~((by comparison))~~ not exceed that required for a disposal system.

(5) "Condensate" means hydrocarbon liquid separated from ~~((natural))~~ a gas stream which condenses due to changes in the temperature or pressure and remains liquid at standard conditions.

(6) "Condenser" means a device for cooling a gas stream to a temperature where specific ~~((volatile organic compounds))~~ VOCs become liquid and are removed.

(7) "Control system" means one or more control devices, including condensers, that are designed and operated to reduce the quantity of VOCs emitted to the atmosphere.

(8) "Crude oil" means a naturally occurring mixture which consists of hydrocarbons and sulfur, nitrogen or oxygen derivatives of hydrocarbons which is a liquid at standard conditions.

(9) "Cutback asphalt" means an asphalt that has been blended with petroleum distillates to reduce the viscosity for ease of handling and lower application temperature. An inverted emulsified asphalt shall be considered a cutback asphalt when the continuous phase of the emulsion is a cutback asphalt.

~~((10))~~ ~~((Demonstrate))~~ means a presentation of the necessary data and calculations to support the required conclusion. The material is recorded for each event and made a part of air quality records or reports required by the state.

~~((11))~~ "Disposal system" means a process or device that reduces the mass quantity of the VOC that would have been emitted to the ambient air by at least ninety percent prior to their actual emission.

~~((12))~~ (11) "Dry cleaning facility" means a facility engaged in the cleaning of fabrics in an essentially ~~((nonaqueous))~~ nonaqueous solvent by means of one or more washes in solvent, extraction of excess solvent by spinning, and drying by tumbling in an airstream. The facility includes, but is not limited to, any washer, dryer, filter and purification system(s), waste disposal system(s), holding tank(s), pump(s) and attendant piping and valve(s).

~~((13))~~ (12) "External floating roof" means a storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the ~~((petroleum))~~ liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

~~((14))~~ (13) "Flexographic printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

~~((15))~~ "Gas service" means equipment that processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the gaseous phase.

~~((16))~~ (14) "Gasoline" means a petroleum distillate ~~((having))~~ which is a liquid at standard conditions and has a true vapor pressure greater than 200 mm of Hg (4 psia) at 20°C, ~~((that is a liquid at standard conditions of 760 mm of Hg and 20°C)),~~ and is used as a fuel for internal combustion engines.

~~((17))~~ (15) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks.

~~((18))~~ (16) "Gasoline loading terminal" means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks.

~~((19))~~ (17) "Hardboard" means a panel manufactured primarily from interfelted lignocellulosic fibers which are consolidated under heat and pressure in a hot press.

~~((20))~~ "Hardboard" (18) "Hardwood plywood" means plywood whose surface layer is a veneer of hardwood.

~~((21))~~ (19) "Lease custody transfer" means the transfer of produced crude oil or condensate, after processing or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

~~((22))~~ (20) "Liquid-mounted seal" means a primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof ~~((around the circumference of the tank)).~~

~~((23))~~ (21) "Liquid service" means equipment that processes, transfers or contains a ~~((volatile organic compound or mixture of volatile organic compounds))~~ VOC or VOCs in the liquid phase.

~~((24))~~ (22) "Low organic solvent coating" refers to coatings which contain less organic solvent than the conventional coatings used by the industry. Low organic solvent coatings include water-borne, higher solids, electrodeposition and powder coatings.

(23) "Natural finish hardwood plywood panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

~~((25))~~ (24) "Packaging rotogravure printing" means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into packaging products and labels for articles to be sold.

~~((26))~~ (25) "Petroleum liquids" means crude oil, condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery ~~((, excluding No. 2 through 6 fuel oils (ASTM~~

~~D396-69~~, No. 2GT through 4 GT gas turbine fuel oils (ASTM D2880-71) or No. 2D and 4D diesel fuel oils (ASTM D975-68)).

~~((27))~~ (26) "Petroleum refinery" means a facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products by distilling crude oils or redistilling, cracking, extracting or reforming unfinished petroleum derivatives. Not included are facilities re-refining used motor oils or waste chemicals, processing finished petroleum products, separating blended products, or air blowing asphalt.

(27) "Prime coat" means the first of two or more films of coating applied in an operation.

(28) "Printed interior panels" means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.

(29) "Proper attachment fittings" means hardware for the attachment of gasoline transfer or vapor collection lines that meet or exceed industrial standards or specifications and the standards of other agencies or institutions responsible for safety and health.

(30) "Publication rotogravure printing" means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

~~(31) ("Reactor" means a vessel that may be jacketed for temperature control in which to conduct chemical reactions.~~

~~((32))~~ (31) "Refinery unit" means a set of components that are a part of a basic process operation, such as distillation, hydrotreating, cracking or reforming of hydrocarbons.

~~((33))~~ (32) "Roll printing" means the application of words, designs, and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

~~((34))~~ (33) "Rotogravure printing" means the application of words, designs, and pictures to a substrate by means of a roll printing technique which involves ~~((an intaglio))~~ intaglio or recessed image areas in the form of cells.

~~((35) "Separation operation" means a process that separates a mixture of compounds and solvents into two or more components. Specific mechanisms include extraction, centrifugation, filtration, and crystallization.~~

~~((36))~~ (34) "Single coat" means only one film of coating is applied to the metal substrate.

(35) "Submerged fill line" means a pipe, tube, fitting or other hardware for loading liquids into a tank with either a discharge opening flush with the tank bottom; or with a discharge opening ~~((entirely))~~ below the lowest normal operating drawoff level or that level determined by a liquid depth two and one half times the fill line diameter when measured in the main portion of the tank, but not in sumps or similar protrusions.

~~((37))~~ (36) "Submerged loading" means the filling of a tank with a submerged fill line descending nearly to the bottom.

~~((38))~~ (37) "Suitable closure or cover" means a door, hatch, cover, lid, pipe cap, pipe blind, valve or similar device that prevents the accidental spilling or emitting of VOC. Pressure relief valves, aspirator vents or other devices specifically required for safety and fire protection are not included.

~~((39))~~ (38) "Thin particleboard" means a manufactured board one-quarter inch or less in thickness made of individual wood particles which have been coated with a binder and ~~((former))~~ formed into flat sheets by pressure.

~~((40))~~ (39) "Tileboard" means ~~((paneling))~~ paneling that has a colored waterproof surface coating.

(40) "Topcoat" means the final film or series of films of coating applied in a two-coat (or more) operation.

(41) "Transport tank" means a container ~~((having a usable liquid volume greater than one thousand liters (260 gallons)))~~ used for shipping gasoline on land ~~((including but not limited to, tank trucks, tank trailers, railroad tank cars, and metallic or nonmetallic tanks or cells conveyed on any vehicle)).~~

(42) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined with methods described in American Petroleum Institute Bulletin 2517, 1980.

(43) "Unit turnaround" means the procedure of shutting down, repairing, inspecting, and restarting a unit.

(44) "Valves not externally regulated" means valves that have no external controls, such as in-line check valves.

~~((44))~~ (45) "Vapor collection system" means a closed system to conduct vapors displaced from a tank being filled into the tank being emptied, a vapor holding tank, or a vapor control system.

~~((45))~~ (46) "Vapor control system" means a system designed and operated to reduce or limit the emission of VOCs, or to recover the VOCs to prevent their emission into the ambient air.

~~((46))~~ (47) "Vapor-mounted seal" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

~~((47))~~ (48) "Volatile organic compound (VOC)" means ~~((a hydrocarbon or derivative of hydrocarbon that has a vapor pressure greater than 0.1 mm of Hg (millimeters of mercury) at a temperature of 20°C. Excluded compounds are methane, ethane, trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (FC-23), trichlorotrifluoroethane (CFC-113), dichlorotetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), methylene chloride and 1, 1, 1-trichloroethane (methyl chloroform)))~~ any organic compound which participates in atmospheric photochemical reactions; that is, any organic compound other than those which the administrator designates as having negligible photochemical reactivity. VOC may be measured by a reference method, an equivalent method, an alternative method or by procedures specified under 40 CFR Part 60. A reference method, an equivalent method, or an alternative method, however, may also measure nonreactive organic compounds. In such cases, an owner or operator may exclude the nonreactive organic compounds when determining compliance with a standard.

~~((48))~~ (49) "Waxy, heavy pour crude oil" means a crude oil with a pour point of 50°F or higher as determined by the American Society for Testing and Materials Standard D97-66, "Test for Pour Point of Petroleum Oils."

AMENDATORY SECTION (Amending Order DE 82-22, filed 7/27/82)

WAC 173-490-025 GENERAL APPLICABILITY. In addition to the general applicability of chapter 173-400 WAC to all emission sources, specific emission standards listed in this chapter will take precedence over the general emission standards of chapter 173-400 WAC.

(1) This chapter shall apply to the specified emission sources of ~~((volatile organic compounds))~~ VOCs located in or operating within designated ozone nonattainment areas of the state of Washington.

(2) ~~((Sources of volatile organic compound emissions may be exempted, by the director, from any or all requirements to control or reduce the emission of volatile organic compounds if the source will be permanently shutdown by January 1, 1983 and the owner or operator of the source complies with a phase-out schedule approved by the director. The phase-out schedule shall contain specific actions and dates necessary to the orderly termination of the source's activities. The operation of the emission source after January 1, 1983 shall be permitted only when done in full compliance with all other applicable requirements of this chapter.~~

~~((3))~~ This chapter does not apply to those sources under the jurisdiction of the energy facility site evaluation council (EFSEC).

~~((4))~~ (3) A source of ~~((volatile organic compound))~~ VOC emissions not belonging to any of the categories listed in WAC 173-490-030 nor specifically identified in any section, but which is located on the same or adjacent property and owned or operated by the same person as a regulated emission source, shall not be required to comply with the regulations of this chapter.

~~((5))~~ (4) Sources of ~~((volatile organic compound))~~ VOC emissions may be exempted, by the director, from any or all requirements to control or reduce the emissions of ~~((volatile organic compounds))~~ VOCs when:

(a) The source is a development operation and the equipment is used exclusively for research, laboratory analysis or determination of product quality and commercial acceptance, provided emissions of ~~((volatile organic compounds))~~ VOCs from such operations do not exceed 300 kg (660 lbs) per month; or

(b) The source has emissions of VOCs which do not exceed 18 kg (40 lbs) per month and registration is not required under WAC 173-490-030; or

(c) The source is a spray booth which is used solely for maintenance and utility activities and whose emissions do not exceed 18 kg (40 lbs) per month.

(5) Sources of VOCs may be granted exemptions from emissions standards for a period not to exceed thirty days if the source is a newly permitted source which is to replace a similar permitted source and the new source is intended to utilize the existing emission control system.

This provision is intended to apply to a break-in period prior to the shutdown and removal of the existing source.

AMENDATORY SECTION (Amending Order DE 80-18, filed 8/20/80)

WAC 173-490-030 REGISTRATION AND REPORTING. (1) The owner or operator of a stationary emission source of ~~((volatile or organic compounds))~~ VOCs in the following source categories and located in a designated ozone nonattainment area shall register the source with ~~((the department))~~ ecology unless registration is required by an ~~((air pollution control))~~ authority ~~((with jurisdiction over the source or the source is under the jurisdiction of))~~ or the energy facility site evaluation council (EFSEC).

- (a) Petroleum refineries.
- (b) Petroleum liquid storage tanks.
- (c) Gasoline loading terminals.
- (d) Bulk gasoline plants.
- (e) Gasoline dispensing facilities.
- (f) Surface coaters.
- (g) Open top vapor degreasers.
- (h) Conveyorized degreasers.
- (i) Gasoline transport tanks.
- (j) Vapor collection systems.
- (k) Perchloroethylene dry cleaning systems.
- (l) Graphic arts systems.
- (m) Surface coaters of miscellaneous metal parts and products.
- (n) Synthesized pharmaceutical manufacturing facilities.
- (o) Flatwood panel manufacturers and surface finishing facilities.

(2) ~~((The owner or operator of a registered stationary emission source of volatile organic compounds shall furnish, upon request of the director, such data as the director may require to calculate the emissions of the source and evaluate the emission control program. The data shall be supplied in a form and according to instructions received from the director or local air pollution control authority. When required, the data shall be submitted not later than sixty days following the request.~~

~~((A new emission source of ((volatile organic compounds)) VOCs that must comply with any requirements in WAC 173-490-040, 173-490-200, 173-490-201, 173-490-202, 173-490-203, 173-490-204, 173-490-205, 173-490-206 and 173-490-207, shall comply with the requirements of WAC 173-400-100 and shall register with ((the department or)) ecology or an authority prior to operation of the new source, and shall submit sufficient information to demonstrate that the new source is capable of complying with the requirements in this chapter. An opportunity shall be provided for an inspection of the new source by ecology or local authority inspectors prior to its operation.~~

AMENDATORY SECTION (Amending Order DE 82-22, filed 7/27/82)

WAC 173-490-040 REQUIREMENTS. ~~((Sources shall))~~ To demonstrate compliance with this chapter ~~((using the sampling procedures on file with and approved by the director)),~~ refer to WAC 173-400-105.

- (1) Petroleum refineries.

~~((This chapter shall apply to all petroleum refineries with a crude oil or feed stock capacity greater than one million ((five)) four hundred thirty thousand liters (9,000 bbl) per day.~~

~~((A petroleum refinery with a crude oil or feed stock capacity of eight million three hundred twenty-eight thousand liters (50,000 bbl) per day or less and which is owned or controlled by a refiner with a total combined crude oil or feed stock capacity of twenty-three million liters (137,500 bbl) per day or less shall be classified as a small refinery.~~

- ~~((a))~~ (a) Vacuum producing system.

(i) Noncondensable VOC from vacuum producing systems shall be piped to an appropriate firebox, incinerator or to a closed refinery system.

(ii) Hot wells associated with contact condensers shall be tightly covered and the collected VOC introduced into a closed refinery system.

- ~~((b))~~ (b) Wastewater separator.

(i) ~~((Wastewater separators with demonstrated VOC emissions less than twenty-five tons annually shall be exempt from the requirements of WAC 173-490-040 (1)(d) (ii) and (iii).~~

(ii) Wastewater separator forebays shall incorporate a floating pontoon or fixed solid cover with all openings sealed, totally enclosing

the compartmented liquid contents, or a floating pontoon or a double deck-type cover equipped with closure seals between the cover edge and compartment wall.

~~((iii))~~ (ii) Accesses for gauging and sampling shall be designed to minimize VOC emissions during actual use. All access points shall be closed with suitable covers when not in use.

- ~~((c))~~ (c) Process unit turnaround.

(i) The VOC contained in a process unit to be depressurized for turnaround shall be introduced to a closed refinery system, combusted by a flare, or vented to a disposal system.

(ii) The pressure in a process unit following depressurization for turnaround shall be less than five psig before venting to the ambient air.

(iii) Venting or depressurization to the ambient air of a process unit for turnaround at a pressure greater than five psig shall be allowed if the owner demonstrates the actual emission of VOC to the ambient air is less than permitted by WAC 173-490-040 (1)~~((c))~~ (c)(ii).

~~((d))~~ (d) Maintenance and operation of emission control equipment. Equipment for the reduction, collection or disposal of VOC shall be maintained and operated in a manner ~~((commensurate))~~ consistent with the level of maintenance and housekeeping of the overall plant.

- (2) Petroleum liquid storage tanks.

(a) All fixed-roof tanks ~~((except as noted in subparagraph (d) of this subsection) storing volatile organic petroleum liquids with a true vapor pressure as stored greater than 78 mm of Hg (1.5 psi) ((but less than 570 mm of Hg (11.1 psi)))~~ at actual monthly average storage temperatures and having a capacity greater than one hundred fifty thousand liters (40,000 gallons) shall comply with one of the following:

(i) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources – Storage Vessels for Petroleum Liquids (40 CFR 60, subpart K)~~((:));~~ or

(ii) Be retrofitted with a floating roof or internal floating cover using a metallic seal or a nonmetallic resilient seal at least meeting the equipment specifications of the federal standards referred to in WAC 173-490-040 (2)(a)(i) or its equivalent~~((:));~~ or

(iii) Be fitted with a floating roof or internal floating cover meeting the manufacturer's ~~((equipment))~~ specifications in effect when ~~((it was))~~ installed.

(b) All seals used in WAC 173-490-040 (2)(a)(ii) and (iii) are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears or other openings.

(c) All openings not related to safety are to be sealed with suitable closures.

(d) Tanks used for the storage of gasoline in bulk gasoline plants and equipped with vapor balance systems as required in WAC 173-490-040 (4)(b) shall be exempt from the requirements of WAC 173-490-040(2).

- (3) Gasoline loading terminals.

(a) This chapter shall apply to all gasoline loading terminals with an average annual daily gasoline throughput greater than seventy-five thousand liters (20,000 gallons).

(b) Loading facilities. Facilities for the purpose of loading gasoline into any transport tank shall be equipped with a vapor recovery system (VRS) as described in WAC 173-490-040 (3)(c) and comply with the following conditions:

(i) The loading facility shall employ submerged ~~((loading))~~ or bottom loading for all transport tanks.

(ii) The VRS shall be connected to the transport tank being loaded and ~~((operating))~~ shall operate during the entire loading of every transport tank loaded at the facility.

(iii) The loading of all transport tanks shall be performed such that ninety percent by weight of the gasoline vapors displaced during filling are prevented from being released to the ambient air. Emissions from pressure relief valves shall not be included in the controlled emissions when the back pressure in the VRS collection lines is lower than the relief pressure setting of the transport tank's relief valves.

(iv) All loading lines and vapor lines shall be equipped to close automatically upon disconnect. The point of closure shall be on the tank side of any hose or intermediate connecting line.

(c) Vapor recovery system (VRS). The VRS shall be designed and built according to accepted industrial practices and meet the following conditions:

(i) The VRS shall prevent at least ninety percent by weight of the gasoline vapors displaced during loading of each transport tank from entering the ambient air and in no case shall the gasoline vapors emitted to the ambient air exceed eighty milligrams per liter of gasoline loaded.

(ii) The VRS shall be equipped with a signal device to alert personnel when the system is not operating or unintentionally shuts down.

(iii) The back pressure in the VRS collection lines shall not exceed the transport tank's pressure relief settings.

(d) Alternative loading facility. The loading of transport tanks by other means and using other vapor control systems shall require the facility owner to demonstrate that the emission of gasoline vapors to the ambient air is less than eighty milligrams per liter of gasoline loaded.

(4) Bulk gasoline plants.

(a) This chapter shall apply to all bulk gasoline plants with an annual average daily gasoline throughput greater than fifteen thousand liters (4,000 gallons).

(b) Storage tanks. All storage tanks with a capacity greater than two thousand one hundred liters (550 gallons) and used for the storage of gasoline shall comply with the following conditions:

(i) Each storage tank shall be equipped with a submerged fill line.

(ii) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.

(iii) The vapor line fittings on the storage tank side of break points with the transport tank vapor connection pipe or hose shall be equipped to close automatically upon planned or unintentional disconnect.

(iv) The pressure relief valves on storage tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(c) Transport tanks. All transport tanks, except those meeting the conditions in WAC 173-490-040 (4)(d), transferring gasoline with storage tanks in a bulk gasoline plant shall comply with the following conditions:

(i) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.

(ii) The vapor line fittings on the transport tank side of break points with the storage tank connection pipe or hose shall be equipped to close automatically upon planned or unintentional disconnect.

(iii) The pressure relief valves on transport tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(d) Transport tanks used for gasoline and meeting all of the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines:

(i) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of WAC 173-490-040(5); and

(ii) The transport tank has a total capacity less than fifteen thousand liters (4,000 gallons) and is of a compartmented design and construction requiring the installation of four or more separate vapor balance fittings.

(e) Gasoline transfer operations. No owner or operator of a bulk gasoline plant or transport tank shall allow the transfer of gasoline between a transport tank and a storage tank except under the following conditions:

(i) All tanks shall be submerged filled or bottom loaded.

(ii) The loading of all tanks, except those exempted under WAC 173-490-040 (4)(d) shall be performed such that ninety percent by weight of the gasoline vapors displaced during filling are prevented from being released into the ambient air. Emissions from pressure relief valves shall not be included in the controlled emissions.

(f) Equipment or system failures. Failures or leaks in the vapor balance system shall be limited by the following conditions:

(i) During the months of April, May, June, July, August, ~~and~~, September and October, failures of the vapor balance system to comply with this chapter shall require ~~((the discontinuation of))~~ that gasoline transfer operations stop for the failed part of the system. Other transfer points that can ~~((continue to))~~ operate in compliance may be used.

(ii) ~~((The))~~ Loading or unloading of the transport tank connected to the failed part of the vapor balance system may be completed.

(iii) Breakdowns and upset conditions during all months of the year shall also comply with the ~~((additional))~~ provisions of WAC ~~((173-400-120(4)))~~ 173-400-105(5).

(g) The owner or operator of a bulk gasoline plant or transport tank shall take all reasonable necessary measures to prevent the spilling, discarding in sewers, storing in open containers or handling of gasoline in a manner on the plant site that will result in evaporation to the ambient air.

(5) Gasoline dispensing facilities (Stage I).

(a) This chapter shall apply to all gasoline dispensing facilities with a total annual gasoline output greater than seven hundred fifty-seven thousand liters (200,000 gallons) or sixty-three thousand one hundred liters (16,670 gallons) per month and total gasoline storage capacity greater than thirty-eight thousand liters (10,000 gallons).

(b) All gasoline storage tanks of the facilities defined in WAC 173-490-040 (5)(a) shall be equipped with submerged or bottom fill lines and fittings for vapor balancing gasoline vapors with the delivery transport tank. ~~((Storage tanks required to comply are:~~

~~(i) All tanks with a capacity greater than seven thousand five hundred liters (2,000 gallons) installed before January 1, 1979, except as provided for in WAC 173-490-040 (5)(c);~~

~~(ii) All tanks with a capacity greater than one thousand liters (260 gallons) installed on or after January 1, 1979;))~~

(c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of WAC 173-490-040 (5)(b) if installed prior to January 1, 1979.

(d) The vapor balance system (for the purpose of measuring compliance with the emission control efficiency) shall consist of the transport tank, gasoline vapor transfer lines, storage tank and all tank vents. The vapor balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering the ambient air. A vapor balance system that is designed, built and operated according to accepted industrial practices will satisfy this requirement.

(e) The owner or operator of a gasoline dispensing facility shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily.

(6) Surface coaters.

The operation of a coater and dryer, that may serve one or more process lines, shall comply with the following emission limits if the potential uncontrolled emissions of VOC from the coater, flashoff areas, and dryer would be greater than 18 kg (40 pounds) in any given twenty-four hour period. The emission limits and uncontrolled emission quantity shall include the additional quantity of emissions from the dryer during the twelve hour period after application of the coating.

Process	Limitation Grams/Liter of Coating (Excluding Water)	lb/Gal. of Coating (Excluding Water)
Can Coating		
Sheet basecoat and overvarnish; two-piece can exterior	340	2.8
Two and three piece can interior body spray, two piece can exterior end	510	4.2
Side-seam spray	660	5.5
End sealing compound	440	3.7
Coil coating	310	2.6
Fabric coating	350	2.9
Vinyl coating	450	3.8
Paper coating	350	2.9
Auto and light duty truck coating		
Prime	230	1.9
Topcoat	340	2.8
Repair	580	4.8
Metal furniture coating	360	3.0
Magnet wire coating	200	1.7
Large appliance coating	340	2.8

(7) Open top vapor degreasers.

(a) All open top vapor degreasers shall ~~((comply with the following equipment specifications))~~:

(i) ~~((Be equipped with))~~ Have a cover that may be readily opened and closed. When a degreaser is equipped with a lip exhaust, the cover shall be located below the lip exhaust. When a degreaser has a free-board ratio equal to or greater than 0.75 and the opening is greater than one square meter (10 square feet) the cover shall be power operated.

(ii) Have one of the following:

- (A) A freeboard ratio equal to or greater than 0.75~~(:);~~ or
 (B) A freeboard chiller~~(:);~~ or
 (C) A closed design such that the cover opens only when the part enters or exits the degreaser.
- (iii) Be equipped with at least the following three safety switches:
 (A) Condenser-flow switch and thermostat (shuts off sump heat if coolant is either not circulating or too warm)~~(:);~~ and
 (B) Spray safety switch (shuts off spray pump if the vapor level drops excessively)~~(:);~~ and
 (C) Vapor level control thermostat (shuts off sump heat when vapor level rises too high).
- (iv) Post a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:
 (A) Do not degrease porous or absorbent materials such as cloth, leather, wood or rope.
 (B) The cover of the degreaser should be closed at all times except when processing workloads.
 (C) When the cover is open the lip of the degreaser should not be exposed to steady drafts greater than 15.3 meters per minute (50 feet per minute).
 (D) Rack parts so as to facilitate solvent drainage from the parts.
 (E) Workloads should not occupy more than one-half of the vapor-air interface area.
 (F) When using a powered hoist, the vertical speed of parts in and out of the vapor zone should be less than 3.35 meters per minute (11 feet per minute).
 (G) Degrease the workload in the vapor zone until condensation ceases.
 (H) Spraying operations should be done within the vapor layer.
 (I) Hold parts in the degreaser until visually dry.
 (J) When equipped with a lip exhaust, the fan should be turned off when the cover is closed.
 (K) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.
 (L) Water shall not be visible in the solvent stream from the water separator.
- (b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses~~(: as)~~. For example, leaks from ((dripping)) drain taps, cracked gaskets, and malfunctioning equipment~~((Leaks))~~ must be repaired immediately.
- (c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leakproof couplings.
- (d) Still and sump bottoms shall be kept in closed containers.
- (e) Waste solvent shall be stored in covered containers and returned to the supplier or ((a disposal firm handling)) to a firm which processes solvents for ((final)) disposal.
- (8) Conveyorized degreasers.
- (a) The owner or operator of conveyorized cold cleaners and conveyorized vapor degreasers shall comply with the following operating requirements:
 (i) Exhaust ventilation shall not exceed twenty cubic meters per minute ~~((of))~~ per square meter (65 cfm per ft.²) of degreaser opening, unless necessary to meet OSHA requirements.
 (ii) Post in the immediate work area a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:
 (A) Rack parts for best drainage.
 (B) Maintain vertical speed of ((conveyored)) conveyed parts to less than 3.35 meters per minute (11 feet per minute).
 (C) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.
 (D) Water shall not be visible in the solvent stream from the water separator.
 (iii) Vapor degreasers shall be equipped with at least the following three safety switches:
 (A) Condenser flow switch and thermostat (shuts off sump heat if coolant is either not circulating or too warm)~~(:);~~ and
 (B) Spray safety switch (shuts off spray pump if the vapor level drops excessively)~~(:);~~ and
 (C) Vapor level control thermostat (shuts off sump heat when vapor level rises too high).

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses~~(: as)~~. For example, leaks from ((dripping)) drain taps, cracked gaskets, and malfunctioning equipment~~((Leaks))~~ must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leakproof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or ((a disposal firm handling)) to a firm which processes solvents for ((final)) disposal.

(f) All conveyorized cold cleaners and conveyorized vapor degreasers with air/vapor interfaces of 2.0 m² or greater shall have ~~((one of the following major control devices installed and operating after April 1, 1982:~~

((i)) a carbon adsorption system, exhausting less than 25 ppm of solvent averaged over a complete adsorption cycle (based on exhaust ventilation of 15 ~~((m²))~~) m³ per min per m² of air/vapor area, when downtime covers are open), or

~~((ii)) Refrigerated chiller with control effectiveness equal to or better than WAC 173-490-040 (8)(f)(i), or~~

((iii)) a system with control effectiveness equal to or better than ~~((WAC 173-490-040 (8)(f)(i))~~ a carbon adsorption system.

(9) Cutback asphalt paving.

~~((After June 1, 1981))~~ All paving applications of cutback asphalts are prohibited during the months of April, May, June, July, August ~~((and))~~, September and October, except as provided for in WAC 173-490-040 (9)(b).

(b) The following paving uses and applications of cutback asphalts are permitted during all months of the year.

(i) As a penetrating prime coat on aggregate bases prior to paving.

(ii) The manufacture of patching mixes used exclusively for pavement maintenance and needed to be stockpiled for times longer than one month.

(iii) All paving uses when the temperature during application is below 10°C (50°F). Any person using cutback asphalt for paving shall demonstrate that the ambient air temperature at 8 a.m. (PST) is below 50°F. The paving application of cutback asphalt when the ambient air temperature is 50°F or higher is in violation of this chapter.

(10) Cold cleaners.

(a) The owners or operators of all cold cleaners shall comply with the following equipment specifications:

(i) Be equipped with a cover that is readily opened and closed.

(ii) Be equipped with a ((drain rack)) drain rack that returns the drained solvent to the solvent bath.

(iii) Have a freeboard ratio of at least 0.5.

(iv) Have a visible fill line.

(b) An owner or operator of a cold cleaner shall be responsible for following the required operating parameters and work practices. The owner shall post and maintain in the work area of each cold cleaner a pictograph or instructions clearly explaining the following work practices:

(i) The solvent level shall not be above the fill line.

(ii) The spraying of parts to be cleaned shall be performed only within the confines of the cold cleaner.

(iii) The cover of the cold cleaner shall be closed when not in use or when parts are being soaked or cleaned by solvent agitation.

(iv) Solvent-cleaned parts shall be rotated to drain cavities or blind holes and then set to drain until dripping has stopped.

((v)) Waste solvent shall be stored in covered containers and returned to the supplier or ((a disposal firm handling)) to a firm which processes solvents for ((final)) disposal.

(c) The owner or operator shall maintain cold cleaners in good working condition and free of solvent leaks.

(d) If the solvent has a vapor pressure greater than 2.0 kPa (0.3 psi) measured at 38°C (100°F), or if the solvent is agitated or heated, then the cover must be designed so that it can be easily operated with one hand.

(e) If the solvent has a vapor pressure greater than 4.3 kPa (0.6 psi) measured at 38°C (100°F), then the drainage facility must be internal, so that parts are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

(f) If the solvent has a vapor pressure greater than 4.3 kPa (0.6 psi) measured at 38°C (100°F), or if the solvent is heated above 50°C (120°F), ((then)) one of the following solvent vapor control systems must be used:

- (i) The freeboard ratio must be equal to or greater than 0.70; or
- (ii) Water must be kept over the solvent (~~(, which)~~). The solvent must be more dense and insoluble in (~~(and heavier than)~~) water (~~(or~~ ~~(iii) Other systems of equivalent control, such as a refrigerated chiller).~~);

AMENDATORY SECTION (Amending Order DE 82-22, filed 7/27/82)

WAC 173-490-080 EXCEPTIONS AND ALTERNATIVE METHODS. (~~(Exceptions to volatile organic compound emission standards and requirements.)~~)

(1) Other emission reduction methods may be (~~(employed)~~) used if the source operator demonstrates to (~~(the department)~~) ecology that they are at least as effective as the required methods(~~(:)~~); and

(2) The operation of a natural gas-fired incinerator and associated capture system installed for the purpose of complying with this chapter shall be required only during the months of April, May, June, July, August (~~(and)~~), September and October, unless the operation of such devices is required for purposes of occupational health or safety, or for the control of toxic substances, malodors, or other regulated pollutants.

AMENDATORY SECTION (Amending Order DE 78-23, filed 5/8/79)

WAC 173-490-090 NEW SOURCE REVIEW. (~~(Any new source of VOC emissions with a potential emission rate of one hundred tons per year is required to meet the new source review provisions of WAC 173-400-110.)~~) The provisions of WAC 173-400-110 shall apply to all new sources and emissions units to which this chapter is applicable.

AMENDATORY SECTION (Amending Order DE 80-18, filed 8/20/80)

WAC 173-490-200 PETROLEUM REFINERY EQUIPMENT LEAKS. (1) Specific applicability. This section shall apply to all petroleum refineries as qualified in WAC 173-490-025.

(2) Provisions for specific processes.

(a) The owner(s) or operator(s) of a petroleum refinery shall:

(i) Develop and conduct a monitoring program consistent with the provisions in WAC 173-490-200(3), 173-490-200(4), 173-490-200(5), and 173-400-105;

(ii) (~~(Conduct a monitoring program consistent with the provisions in WAC 173-490-200(5);~~

(iii)) Record all leaking components which have a VOC concentration greater than 10,000 ppm when tested according to the provisions in WAC 173-490-200(~~(4)~~) (3) and place an identification tag on each component consistent with the provisions of WAC 173-490-200 (~~(5)~~) (4)(c);

(~~(iv)~~) (iii) Correct and retest the leaking component, as defined in WAC 173-490-200 (2)(a)(~~(iii)~~) (ii), as soon as practicable, but not later than fifteen days after the leak is recorded. If a leak continues after all reasonable corrective actions have been taken, then the component shall be repaired or replaced on the next scheduled turnaround.

(~~(v)~~) (iv) Identify all leaking components, as defined in WAC 173-490-200 (2)(a)(~~(iii)~~) (ii), that cannot be corrected until the refinery unit is shut down for turnaround.

(b) The owner or operator of a petroleum refinery shall not install or operate a valve at the end of a pipe or line containing VOC unless the pipe or line is sealed with a second suitable closure. Exceptions to this requirement are the ends of a pipe or line connected to pressure relief valves, aspirator vents or other devices specifically required to be open for safety protection. The sealing device may be removed only when a sample is being taken or during maintenance operations.

(3) (~~(Schedule of control dates:~~

(a) The owner or operator of a petroleum refinery shall meet the increments of progress contained in the following schedules or an approved alternative schedule of control dates as stipulated in WAC 173-490-071.

(b) Submit to the director a monitoring program by July 1, 1981. This program shall contain, at a minimum, a list of the refinery units and the quarter in which they will be monitored, a copy of the log book format, and the make and model of the monitoring equipment to be used. In no case shall a monitoring contract relieve the owner or operator of a petroleum refinery of the responsibility for compliance with this chapter.

(c) The first quarter of monitoring shall be completed by December 15, 1981.

(~~(4)~~) Testing procedures. (~~(Testing and calibration procedures to determine)~~) To demonstrate compliance with this chapter (~~(shall be consistent with the procedures on file with and approved by the director)~~), refer to WAC 173-400-105(5).

(~~(5)~~) (4) Monitoring.

(a) The owner or operator of a petroleum refinery shall conduct a monitoring program consistent with the following provisions:

(i) Monitor yearly by the methods referenced in WAC 173-490-200(~~(4)~~) (3) all pump seals, pipeline valves in liquid service and process drains;

(ii) Monitor quarterly by the methods referenced in WAC 173-490-200(~~(4)~~) (3) all compressor seals, pipeline valves in gaseous service and pressure relief valves in gaseous service;

(iii) Monitor weekly by visual methods all pump seals;

(iv) Monitor immediately any pump seal from which liquids are observed (~~(dripping)~~) leaking;

(v) Monitor any relief valve within twenty-four hours after it has vented to the atmosphere; and

(vi) (~~(Monitor immediately after repair any component that was found leaking.)~~) After a leaking component is repaired, monitor for leaks prior to return to service.

(b) Pressure relief devices that are connected to an operating flare header, vapor recovery device, inaccessible valves, storage tank valves, and valves that are not externally regulated are exempt from the monitoring requirements in WAC 173-490-200 (~~(5)~~) (4)(a).

(c) The owner or operator of a petroleum refinery, upon the detection of a leaking component, as defined in WAC 173-490-200 (2)(a)(~~(iii)~~) (ii), shall affix a weatherproof and readily visible tag, bearing an identification number and the date the leak is located, to the leaking component. This tag shall remain in place until the leak is corrected.

(~~(6)~~) (5) Recordkeeping.

(a) The owner or operator of a petroleum refinery shall maintain a leaking component's monitoring log as specified in WAC 173-490-200 (2)(a)(~~(iii)~~) (ii) that shall contain, at a minimum, the following data:

(i) The name of the process unit where the component is located.

(ii) The type of component (e.g., valve, seal).

(iii) The tag number of the component.

(iv) The date on which a leaking component is discovered.

(v) The date on which a leaking component is repaired.

(vi) The date and instrument reading of the recheck procedure after a leaking component is repaired.

(vii) A record of the calibration of the monitoring instrument.

(viii) Those leaks that cannot be repaired until turnaround.

(ix) The total number of components checked and the total number of components found leaking.

(b) Copies of the monitoring log shall be retained by the owner or operator for a minimum of two years after the date on which the record was made or the report prepared.

(c) Copies of the monitoring log shall immediately be made available to (~~(the department)~~) ecology, upon verbal or written request, at any reasonable time.

(~~(7)~~) (6) Reporting. The owner or operator of a petroleum refinery shall notify (~~(the director)~~) ecology in writing within forty-five days following each quarterly or annual inspection for component leaks when:

(a) The number of discovered leaks has increased by more than ten percent above the number recorded during the last inspection of the same components;

(b) The number of leaking components has increased for two consecutive quarterly or annual inspections;

(c) The number of leaks not corrected within fifteen days exceeds five percent of the leaks detected;

(d) The next scheduled process unit turnaround needed to repair an uncorrectable leak is more than twelve months away.

(~~(8)~~) (7) Petition for alternative monitoring.

(a) After two complete liquid service inspections and five complete gaseous service inspections, the owner or operator of a petroleum refinery may petition the director for alternative monitoring procedures or a reduction in monitoring frequency.

(b) A petition for alternative monitoring procedures shall contain:

(i) The name and address of the company and the name and telephone number of the responsible person over whose signature the petition is submitted;

(ii) A detailed description of the problems encountered under WAC 173-490-200((~~(5)~~) (4); and

(iii) A detailed description of the alternative monitoring procedures and how this alternative procedure will solve or reduce the problems encountered under WAC 173-490-200((~~(5)~~) (4).

(c) A petition for a reduction in monitoring frequency shall contain:

(i) The information requested in WAC 173-490-200 ((~~(8)~~) (7)(b)(i);

(ii) A detailed description of the proposed component-monitoring schedule;

(iii) A demonstration by the owner or operator that the facility is currently operating with a low level of component leaks and is committed to a maintenance program that will assure a frequency and severity of component leaks as good as that attainable under WAC 173-490-200(2).

(d) An approved petition for a reduction in monitoring frequency shall begin with the next quarterly inspection and shall be valid for a period of twelve quarters (three years). At the time of the last inspection in the twelve quarters, a new submittal of the information required in WAC 173-490-200 ((~~(8)~~) (7)(c) shall be made if the reduced frequency of monitoring is to continue.

(e) ((~~The department~~)) Ecology may approve a part or all of a petition for alternative monitoring requested under WAC 173-490-200 ((~~(8)~~) (7)(b) or (c). Approval or disapproval will be in writing and within forty-five calendar days of receipt of the petition by ((~~the department~~)) ecology. A failure to approve or disapprove a new petition or petition for renewal within the stated time limit shall be taken as an approval.

AMENDATORY SECTION (Amending Order DE 80-18, filed 8/20/80)

WAC 173-490-201 PETROLEUM LIQUID STORAGE IN EXTERNAL FLOATING ROOF TANKS. (1) Specific applicability.

(a) This section shall apply to all petroleum liquid storage vessels equipped with external floating roofs, having capacities greater than 150,000 liters (40,000 gallons), and as qualified in WAC 173-490-025.

(b) This section does not apply to petroleum liquid storage vessels that:

(i) Are used to store waxy, heavy pour crude oil; or

(ii) Have capacities less than 1,600,000 liters (420,000 gallons) and are used to store produced crude oil and condensate prior to lease custody transfer; or

(iii) Contain a petroleum liquid with a true vapor pressure of less than 10.5 kPa (1.5 psia); or

(iv) Contain a petroleum liquid with a true vapor pressure less than 27.6 kPa (4.0 psia); are of welded construction; and presently possess a metallic-type shoe seal, a liquid-mounted foam seal, a liquid-mounted liquid filled type seal, or other closure device of demonstrated equivalence approved by ((~~the director~~)) ecology; or

(v) Are of welded construction, equipped with a metallic-type shoe primary seal and have secondary seal from the top of the shoe seal to the tank wall (shoe-mounted secondary seal).

(2) Provisions for specific processes.

(a) No owner(s) or operator(s) of a petroleum liquid storage vessel shall store a petroleum liquid in that vessel unless:

(i) The vessel has been fitted with:

(A) A continuous secondary seal extending from the floating roof to the tank wall (rim-mounted secondary seal); or

(B) A closure or other device which controls VOC emissions with an effectiveness equal to or greater than a seal required under WAC 173-490-201 (2)(a)(i)(A) and approved by ((~~the director~~)) ecology.

(ii) All seal closure devices meet the following requirements:

(A) There are no visible holes, tears, or other openings in the seal or seal fabric;

(B) The seal is intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall; and

(C) For vapor mounted primary seals, the accumulated area of gaps exceeding 0.32 cm (1/8 inch) in width between the secondary seal and the tank wall shall not exceed 21.2 cm² per meter of tank diameter (1.0 in.² per foot of tank diameter), as determined by the method in WAC 173-490-201((~~(4)~~) (3).

(iii) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves, are:

(A) Equipped with covers, seals, or lids in the closed position except when the openings are in actual use; and

(B) Equipped with projections into the tank which remain below the liquid surface at all times.

(iv) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports;

(v) Rim vents are set to open when the roof is being floated off the leg supports or at the manufacturer's recommended setting; and

(vi) Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers which cover at least ninety percent of the area of the opening.

(b) The owner(s) or operator(s) of a petroleum liquid storage vessel with an external floating roof subject to this chapter shall:

(i) Perform routine inspections annually in order to insure compliance with WAC 173-490-201 (2)(a) and the inspection shall include a visual inspection of the secondary seal gap;

(ii) Measure the secondary seal gap annually in accordance with WAC 173-490-201((~~(4)~~) (3) when the floating roof is equipped with a vapor-mounted primary seal; and

(iii) Maintain records of the types of volatile petroleum liquids stored, the maximum true vapor pressure of the liquid as stored, and the results of the inspections performed in WAC 173-490-201 (2)(b)(i) and (ii).

(c) The owner(s) or operator(s) of a petroleum liquid storage vessel with an external floating roof exempted from this chapter by WAC 173-490-201 (1)(b)(iii), but containing a petroleum liquid with a true vapor pressure greater than 7.0 kPa (1.0 psi), shall maintain records of the average monthly storage temperature, the type of liquid, and the maximum true vapor pressure for all petroleum liquids with a true vapor pressure greater than 7.0 kPa.

(d) Copies of all records under WAC 173-490-201 (2)(b) and (c) shall be retained by the owner(s) or operator(s) for a minimum of two years after the date on which the record was made.

(e) Copies of all records required under WAC 173-490-201 shall immediately be made available to the director, upon verbal or written request, at any reasonable time.

(3) ((~~Schedule of control dates:~~

(a) ~~The owner or operator of a petroleum liquid storage vessel shall meet the increments of progress contained in the following schedule or an approved alternative schedule of control dates as stipulated in WAC 173-490-071:~~

(i) ~~Submit final plans for the emission control system before March 1, 1981;~~

(ii) ~~Award contracts for the emission control system before May 1, 1981;~~

(iii) ~~Initiate on-site construction or installation of the emission control equipment before July 1, 1981;~~

(iv) ~~Complete on-site construction or installation of the emission control equipment before November 1, 1981; and~~

(v) ~~Achieve final compliance with subsection (2) of this section before January 1, 1982.~~

(b) ~~The owner or operator of a source of VOC emissions subject to a schedule of control dates shall certify to the director within ten calendar days after the deadline for each increment of progress, whether the required increment of progress has been met.~~

(~~(4)~~) Testing and monitoring.

(a) The owner or operator of a storage vessel covered under WAC 173-490-201 shall demonstrate compliance by the methods of this subsection or an alternative method approved by ((~~the director~~)) ecology.

(b) A person proposing to measure the seal fit of a storage vessel in order to comply with this section shall notify ((~~the director~~)) ecology of the intent to measure not less than five working days before the measurement so the director or a representative may ((~~at his option~~)) observe the measurement if desired.

(c) Compliance with WAC 173-490-201 (2)(a)(ii)(C) shall be determined by physically measuring the length and width of all gaps around the ((~~entire~~)) circumference of the secondary seal in each place where a 0.32 cm (1/8 in.) ((~~uniform~~)) diameter probe passes freely (without forcing or binding against the seal) between the seal and the tank wall and summing the area of the individual gaps.

AMENDATORY SECTION (Amending Order DE 80-18, filed 8/20/80)

WAC 173-490-202 LEAKS FROM GASOLINE TRANSPORT TANKS AND VAPOR COLLECTION SYSTEMS. (1) Specific applicability.

This section shall apply to all gasoline transport tanks equipped for gasoline vapor collection and all vapor collection systems at gasoline

loading terminals, bulk gasoline plants and gasoline dispensing facilities as qualified in WAC 173-490-025 and 173-490-040.

(2) Provisions for specific processes.

(a) The owner(s) or operator(s) of a gasoline loading or unloading facility shall only allow the transfer of gasoline between the facility and a transport tank when a current leak test certification for the transport tank is on file with the facility or a valid inspection sticker is displayed on the vehicle.

(b) The owner(s) or operator(s) of a transport tank shall not make any connection to the tank for the purpose of loading or unloading gasoline, except in the case of an emergency, unless the gasoline transport tank:

(i) Is tested annually according to the test procedure referenced in WAC 173-490-202 ((4)) (3)(c);

(ii) Sustains a pressure change of no more than 0.75 kilopascals (3 inches of water) in five minutes when pressurized to a gauge pressure of 4.5 kilopascals (18 inches of water) or evacuated to a gauge pressure of 1.5 kilopascals (6 inches of water) during the testing required in WAC 173-490-202 (2)(b)(i);

(iii) Is repaired by the owner(s) or operator(s) and retested within fifteen days of testing if it does not meet the criteria of WAC 173-490-202 (2)(b)(ii);

(c) The owner(s) or operator(s) of a transport tank shall:

(i) Have a current leak test certification for the transport tank on file with each gasoline loading or unloading facility ((at which)) where gasoline is transferred ((a current leak test certification for the transport tank)); or

(ii) Display a sticker near the department of transportation certification plate required by 49 CFR 178.340-10b which:

(A) Shows the date that the gasoline tank truck last passed the test required in WAC 173-490-202 (2)(b)(i) and (ii);

(B) Shows the identification number of the gasoline tank truck tank; and

(C) Expires not more than one year from the date of the leak tight test.

(d) The owner(s) or operator(s) of a vapor collection system shall:

(i) Operate the vapor collection system and the gasoline loading equipment during all loadings and unloadings of transport tanks equipped for emission control such that:

(A) A gauge reading of tank pressure will not exceed 4.5 kilopascals (18 inches of water) or vacuum 1.5 kilopascals (6 inches of water);

(B) The concentration of gasoline vapors is below the lower explosive limit (LEL, measured as propane) at all points a distance of 2.5 cm (1 inch) from potential leak sources when measured by the method in WAC 173-490-202((4)) (3); and

(C) There are no visible liquid leaks.

(ii) Repair and retest a vapor collection system that exceeds the limits of WAC 173-490-202 (2)(d)(i) within fifteen days.

(e) ((The department)) Ecology may, at any time, monitor a gasoline transport tank and vapor collection system during loading or unloading operations by the procedure in WAC 173-490-202 ((4)) (3)(d) to confirm continuing compliance with WAC 173-490-202 (2)(b) or (d).

(3) ((Schedule of control dates.

(a) The owner or operator of a gasoline transport tank shall meet the increments of progress contained in the following schedule or an approved alternative schedule of control dates as stipulated in WAC 173-490-071;

(i) Submit plans to the department for operating and maintenance procedures to implement WAC 173-490-202 (2) and (4) before March 1, 1981;

(ii) Issue purchase orders or contracts for all needed test equipment before May 1, 1981;

(iii) Commence certification of vapor collection systems before January 1, 1982; and

(iv) Complete initial certification of all vapor collection systems before July 1, 1982.

(b) The owner or operator of a vapor collection system subject to this schedule of control dates shall certify to the department within ten calendar days after the deadline for each increment of progress, whether the required increment of progress has been met.

((4)) Testing and monitoring.

(a) The owner(s) or operator(s) of a gasoline transport tank or vapor collection system shall, at his own expense, demonstrate compliance with WAC 173-490-202 (2)(a) and (b), respectively. All tests shall be made by, or under the direction of, a person qualified to perform the tests ((and approved by the department)).

(b) The owner(s) or operator(s) of a gasoline transport tank shall notify ((the department)) ecology in writing of the date and location of a certification test at least ten calendar days before the anticipated test date.

(c) ((Testing procedures to determine)) To demonstrate compliance with ((WAC 173-490-202 shall be consistent with the procedures on file with and approved by the department)) this chapter, refer to WAC 173-400-105.

(d) Monitoring to confirm the continuing existence of leak tight conditions shall be consistent with the procedures on file with and approved by ((the department)) ecology.

((5)) (4) Recordkeeping.

(a) The owner(s) or operator(s) of a gasoline transport tank or vapor collection system shall maintain records of all certification tests and repairs for at least two years after the test or repair is completed.

(b) The records of certification tests required by WAC 173-490-202 ((5)) (4)(a) shall, as a minimum, contain:

(i) The transport tank identification number;

(ii) The initial test pressure and the time of the reading;

(iii) The final test pressure and the time of the reading;

(iv) The initial test vacuum and the time of the reading;

(v) The final test vacuum and the time of the reading;

(vi) At the top of each report page, the company name, date and location of the tests on that page; and

(vii) Name and title of the person conducting the test.

(c) The owner(s) or operator(s) of a gasoline transport tank shall annually certify that the transport tank passed the required tests.

(d) Copies of all records required under WAC 173-490-202 shall immediately be made available to ((the department)) ecology, upon written request, at any reasonable time.

AMENDATORY SECTION (Amending Order DE 82-22, filed 7/27/82)

WAC 173-490-203 PERCHLOROETHYLENE DRY CLEANING SYSTEMS. (1) Specific applicability. This section shall apply to all dry cleaning systems using perchloroethylene cleaning solvent and as qualified in WAC 173-490-203 (1)(a) and (b) and 173-490-025.

(a) The following dry cleaning systems are exempt from the requirements of WAC 173-490-203 (2)(a)(i) and (ii):

(i) Coin-operated systems;

(ii) Systems located in a facility with inadequate space to accommodate an adsorber;

(iii) ((Systems with an average monthly loss less than twenty-five gallons (2 tons per year); and

(iv)) Systems with insufficient steam capacity to desorb adsorbers.

(b) An exemption for the conditions stated in WAC 173-490-203 (2)(a)(i) and (ii) may be granted by ((the director)) ecology when sufficient evidence is submitted by the owner(s) or operator(s) of the dry cleaning system to justify the exemption.

(c) A material balance will be used to determine VOC losses.

(2) Provisions for specific processes.

(a) The owner(s) or operator(s) of a perchloroethylene dry cleaning facility subject to this chapter shall:

(i) Vent the entire dryer exhaust through a properly functioning carbon ((absorption)) adsorption system or equally effective control device;

(ii) Emit no more than 100 ppmv when ((determined)) demonstrated in accordance with WAC 173-490-203 ((4)) (3)(c)(i), of ((volatile organic compounds)) VOCs from the dryer control device before dilution;

(iii) Immediately repair all components found to be leaking liquid ((volatile organic compounds)) VOCs;

(iv) Cook or treat all diatomaceous earth filters so that the residue contains 25 kg or less of ((volatile organic compounds)) VOCs per 100 kg of wet waste material;

(v) Reduce the ((volatile organic compounds)) VOCs from all solvent stills to 60 kg or less per 100 kg of wet waste material;

(vi) Drain all filtration cartridges, in the filter housing or other enclosed container, for at least twenty-four hours before discarding the cartridges; and

(vii) When possible, dry all drained cartridges without emitting ((volatile organic compounds)) VOCs to the atmosphere.

(3) ((Schedule of control dates.

(a) The owner or operator of a perchloroethylene dry cleaning facility subject to WAC 173-490-203 (2)(a)(i) and (ii) shall meet the applicable increments of progress in the following schedule or a schedule approved under WAC 173-490-071.

~~(i) Award contracts, issue purchase orders, or otherwise order the emission control system and process equipment, before July 1, 1981;~~

~~(ii) Complete installation of the emission control and process equipment before July 1, 1982;~~

~~(iii) Achieve final compliance, determined in accordance with WAC 173-490-203(4) before July 1, 1982;~~

~~(iv) In the event that equipment cannot be delivered prior to May 1, 1982, and the owner or operator placed the order prior to July 1, 1981, the final compliance date shall be sixty days following delivery of the equipment.~~

~~(b) The owner or operator of a perchloroethylene dry cleaning facility subject to this chapter shall comply with the operational and maintenance provisions of WAC 173-490-203 (2)(a)(iii) through (vii) by July 1, 1981.~~

~~(4)) Testing and monitoring.~~

~~(a) Compliance with WAC 173-490-203 (2)(a)(i), (vi), and (vii) shall be determined by means of visual inspection.~~

~~(b) Compliance with WAC 173-490-203 (2)(a)(iii) shall be determined by means of visual inspection of the following components:~~

~~(i) Hose connections, unions, couplings and valves;~~

~~(ii) Machine door gaskets and seatings;~~

~~(iii) Filter head gasket and seating;~~

~~(iv) Pumps;~~

~~(v) Base tanks and storage containers;~~

~~(vi) Water separators;~~

~~(vii) Filter sludge recovery;~~

~~(viii) Distillation unit;~~

~~(ix) Diverter valves;~~

~~(x) Saturated lint from lint basket; and~~

~~(xi) Cartridge filters.~~

~~(c) Compliance with WAC 173-490-203 (2)(a)(ii) shall be ((determined)) demonstrated by:~~

~~(i) A test consistent with the procedures on file with and approved by ((the department)) ecology; or~~

~~(ii) The proper installation, operation, and maintenance of equipment that has been demonstrated by the owner(s) or operator(s) to adequately meet the emission limits in WAC 173-490-203 (2)(a)(ii).~~

~~(d) Compliance with WAC 173-490-203 (2)(a)(iv) and (v) shall be ((determined)) demonstrated by tests consistent with the procedures on file with and approved by ((the department)) ecology.~~

AMENDATORY SECTION (Amending Order DE 82-22, filed 7/27/82)

WAC 173-490-204 GRAPHIC ARTS SYSTEMS. (1) Specific applicability.

(a) This section shall apply to all packaging rotogravure, publication rotogravure, specialty printing operations, and flexographic printing facilities that use more than 90 megagrams (100 tons) per year of ((volatile organic compounds)) VOCs as a component of ink, for the thinning of ink, cleaning of presses, press components and equipment; and are covered by WAC 173-490-025.

(b) Machines that have both coating units (apply a uniform layer of material across the entire width of a web) and printing units (forming words, designs, and pictures) shall be included under WAC 173-490-204 rather than WAC 173-490-040(6), Surface coaters.

(2) Provisions for specific processes.

(a) No owner(s) or operator(s) of a packaging rotogravure, publication rotogravure or flexographic printing subject to this regulation and employing solvent containing ink may operate, cause, allow or permit the operation of the facility unless:

(i) The volatile fraction of ink, as it is applied to the substrate, contains twenty-five percent by volume or less of organic solvent and seventy-five percent by volume or more of water;

(ii) The ink as it is applied to the substrate, less water, contains sixty percent by volume or more nonvolatile material; or

(iii) The owner(s) or operator(s) installs and operates((-)) a system that captures at least ninety percent by weight and;

(A) A carbon adsorption system which reduces the volatile organic emissions from the capture system by at least ninety percent by weight;

(B) An incineration system which oxidizes at least ninety percent of the nonmethane ((volatile organic compounds)) VOCs (VOC measured as total combustible carbon) to carbon dioxide and water; or

(C) An alternative ((volatile organic compound)) VOC emission reduction system demonstrated to have at least a ninety percent reduction efficiency, measured across the control system, and has been approved by ((the department)) ecology.

(b) A collection system shall be used with the emission controls of WAC 173-490-204 (2)(a)(iii). The design and operation of the collection system shall be consistent with good engineering practice, and shall provide an overall reduction in the emission of ((volatile organic compounds)) VOCs of at least:

(i) Seventy-five percent where a publication rotogravure process is used; or

(ii) Sixty-five percent where a packaging rotogravure process is used; or

(iii) Sixty percent where a flexographic process is used.

(3) ((Schedule of control dates:

(a) The owner or operator of a packaging rotogravure, publication rotogravure or flexographic printing facility subject to this chapter shall meet the applicable increments of progress in the following schedules or an approved alternative schedule of control dates as stipulated in WAC 173-490-071:

(i) For process equipment changes and add-on control devices, including incineration with heat recovery:

(A) Submit final plans for the emission control system or process equipment, or both, before April 1, 1981;

(B) Award contracts or purchase orders for the emission control system or process equipment, or both, before June 1, 1981;

(C) Initiate on-site construction or installation of the emission control or process equipment, or both, before December 1, 1981;

(D) Complete on-site construction or installation of the emission control or process equipment, or both, before December 1, 1982; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-204(4), before January 1, 1983;

(ii) For incineration equipment without heat recovery or process modifications not requiring purchase orders:

(A) Submit final plans for the emission control system or process modifications, or both, before March 1, 1981;

(B) Award contracts for process modifications or for incineration equipment, or both, before May 1, 1981;

(C) Initiate on-site construction or installation of process modifications or emission control equipment, or both, before July 1, 1981;

(D) Complete on-site construction or installation of process modifications or incineration equipment, or both, before November 1, 1981; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-204(4) before January 1, 1982;

(iii) For low solvent technology:

(A) Submit a plan for an extended schedule of control dates meeting the conditions in WAC 173-490-071;

(B) Achieve a final reduction in emissions greater than that which would have been attained from the controls specified in WAC 173-490-204(2);

(C) Commit to the installation of the controls in WAC 173-490-204(2) and achieving final compliance by January 1, 1987 should progress toward low solvent technology not meet expectations;

(D) Provide for a major reduction in emissions by January 1, 1983 as an increment of progress as required in WAC 173-490-071;

(b) The owner or operator of a volatile organic compound source subject to a compliance schedule of WAC 173-490-204 shall certify to the department within five days after the deadline for each increment of progress whether the required increment of progress has been met.

(4)) Testing and monitoring.

(a) ((Testing procedures to determine)) To demonstrate compliance with this chapter ((shall be on file with and approved by the department)), refer to WAC 173-400-105.

(b) When add-on control equipment is used, continuous monitors of the following parameters shall be installed, periodically calibrated, and operated at all times that the associated control equipment is operating:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed;

(iii) Breakthrough of VOC on a carbon adsorption unit; and

(iv) Any other continuous monitoring or recording device required by ((the department)) ecology.

(c) The owner or operator of a facility shall be responsible for all expenses of monitoring required by WAC 173-490-204 ((4)) (3)(b).

AMENDATORY SECTION (Amending Order DE 82-22, filed 7/27/82)

WAC 173-490-205 SURFACE COATING OF MISCELLANEOUS METAL PARTS AND PRODUCTS. (1) Specific applicability. This section shall apply to surface coating of miscellaneous metal parts and products in the following industries (~~having VOC emissions greater than one hundred six kilograms (two hundred thirty-five pounds) per day~~), if the potential uncontrolled emissions of VOC is greater than 10 tons per year and as qualified in WAC 173-490-205 (1)(b), (c), and (d), and 173-490-025.

(a) Miscellaneous metal parts and products shall include:

(i) Large farm machinery (harvesting, fertilizing and planting machines, tractors, combines, etc.);

(ii) Small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.);

(iii) Small appliances (fans, mixers, blenders, crock pots, dehumidifiers, vacuum cleaners, etc.);

(iv) Commercial machinery (office equipment, computers and auxiliary equipment, typewriters, calculators, vending machines, etc.);

(v) Industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.);

(vi) Fabricated metal products (metal covered doors, frames, etc.); and

(vii) Any other industrial category which coats metal parts or products under the Standard Industrial Classification Code of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (nonelectric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), ~~(and)~~ Major Group 39 (miscellaneous manufacturing industries), Major Group 40 (railroad transportation), and Major Group 41 (transit passenger transportation).

(b) This ~~(chapter)~~ section is not applicable to the surface coating of the following metal parts and products:

(i) Automobiles and light-duty trucks;

(ii) Metal cans;

(iii) Flat metal sheets and strips in the form of rolls or coils;

(iv) Magnet wire for use in electrical machinery;

(v) Metal furniture;

(vi) Large appliances;

(vii) Airplanes;

(viii) Automobile refinishing;

(ix) Customized top coating of automobiles and trucks, if production is less than thirty-five vehicles per day; and

(x) Exterior of marine vessels.

(c) This chapter applies to the application area, flashoff area, air and forced air drier, and oven used in the surface coating of the metal parts and products in WAC 173-490-205 (1)(a). This chapter also applies to prime coat, top coat, and single coat operations.

(d) The application of coatings whose formulations are controlled by federal specifications and the use of which is required by federal agencies shall be exempt from the emission limits in WAC 173-490-205 (2)(a).

(e) A case-by-case determination of the emission controls best representing RACT may be substituted for the requirements of WAC 173-490-205(2). Such a determination shall be approved by ~~(the department)~~ ecology.

(2) Provisions for specific processes.

(a) The owner or operator of a coating application system shall not emit a quantity of ~~(volatile organic compounds)~~ VOCs greater than those listed by specific coating, excluding water and as delivered to the application system:

(i) Clear coatings	0.52 kg/liter	(4.3 lb/gallon)
(ii) Extreme performance coatings	0.42 kg/liter	(3.5 lb/gallon)
(iii) Air dried coatings	0.42 kg/liter	(3.5 lb/gallon)
(iv) All others	0.36 kg/liter	(3.0 lb/gallon)
(v) Powder coatings	0.05 kg/liter	(0.4 lb/gallon)

(b) When more than one emission limitation listed in WAC 173-490-205 (2)(a) applies to a specific coating, the least stringent will apply.

(c) All VOC emissions from solvent washings shall be considered in the emission limitations in WAC 173-490-205 (2)(a), unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(d) The emission limits set forth in WAC 173-490-205 (2)(a) shall be achieved by:

(i) The application of low solvent coating technology; or

(ii) An incineration system that oxidizes at least ninety percent of the ~~(volatile organic compounds)~~ VOCs (VOC measured as total combustible carbon) to carbon dioxide and water; or

(iii) An equivalent means of VOC reduction certified by the owner(s) or operator(s) and approved by ~~(the department)~~ ecology.

(e) A collection system shall be used together with the incinerator of WAC 173-490-205 (2)(d)(ii). The design and operation of the collection system shall be consistent with good engineering practice and provide for an overall VOC emission reduction necessary to comply with the emission limits of WAC 173-490-205 (2)(a). The required VOC emission reduction shall be calculated on a unit volume of uncured solids basis.

(3) ~~(Schedule of control dates:~~

~~(a) The owner or operator of a source shall meet the following applicable increments of progress, unless a source has an approved alternative schedule of control dates as stipulated in WAC 173-490-071:~~

~~(i) Sources using low solvent content coatings shall:~~

~~(A) Submit final plans for the application of low solvent technology before April 1, 1981;~~

~~(B) Complete evaluation of product quality and commercial acceptance before October 1, 1981;~~

~~(C) Issue purchase orders or contracts for low solvent content coatings before December 1, 1981;~~

~~(D) Initiate process modifications before January 1, 1982; and~~

~~(E) Complete process modifications and begin use of low solvent content coatings before January 1, 1983.~~

~~(ii) Sources using process equipment changes or add-on control devices, including incineration with heat recovery, shall:~~

~~(A) Submit final plans for the emission control system, or process equipment, or both, before April 1, 1981;~~

~~(B) Award contracts or purchase orders for the emission control systems, or process equipment, or both, before June 1, 1981;~~

~~(C) Initiate on-site construction or installation of the emission control system, or process equipment, or both, before December 1, 1981;~~

~~(D) Complete on-site construction or installation of the emission control system or process equipment, or both, before December 1, 1982; and~~

~~(E) Achieve final compliance, determined in accordance with WAC 173-490-205(4) before January 1, 1983.~~

~~(iii) Sources using incineration without heat recovery or process modifications not requiring purchase orders shall:~~

~~(A) Submit final plans for the emission control system or process modification, or both, before March 1, 1981;~~

~~(B) Award contracts or purchase orders for the emission control system or process modification, or both, before May 1, 1981;~~

~~(C) Initiate on-site construction or installation of the emission control system or process modification, or both, before July 1, 1981;~~

~~(D) Complete on-site construction or installation of the emission control system or process modification, or both, before November 1, 1981; and~~

~~(E) Achieve final compliance, determined in accordance with WAC 173-490-205(4), before January 1, 1982.~~

~~(4) Testing and monitoring.~~

~~(a) ~~(The department)~~ Ecology may require the owner(s) or operator(s) of a source to demonstrate at his/her own expense, compliance by the methods of WAC 173-490-205 ~~((4))~~ (3)(c).~~

~~(b) The owner(s) or operator(s) of a source shall notify ~~(the department)~~ ecology at least ten days before a proposed emission certification test so the director or a representative may ~~(at his option)~~ observe the test.~~

~~(c) ~~(Testing and calibration procedures to determine)~~ To demonstrate compliance with this chapter ~~(shall be consistent with the procedures on file with and approved by the department)~~, refer to WAC 173-400-105.~~

~~(d) ~~(The department)~~ Ecology may require monitoring of the following parameters:~~

~~(i) Exhaust gas temperature of all incinerators;~~

~~(ii) Temperature rise across a catalytic incinerator bed; and~~

~~(iii) Breakthrough of VOC on a carbon adsorption unit.~~

AMENDATORY SECTION (Amending Order DE 80-18, filed 8/20/80)

WAC 173-490-207 SURFACE COATING OF FLATWOOD PANELING. (1) Specific applicability.

(a) This section shall apply to all flatwood panel manufacturers and surface finishing facilities as qualified in WAC 173-490-207 (1)(b) and (c) and 173-490-025.

(b) These chapters shall apply to all operations and equipment that is used to apply, convey and dry (including flashoff areas) a surface pattern or coating on the following products:

(i) Printed interior panels made of hardwood plywood and thin (~~particle board~~) particleboard;

(ii) Natural finish hardwood plywood panels; or

(iii) Hardboard paneling with Class II finishes.

(c) These chapters do not apply to the manufacture of exterior siding, tileboard, or particleboard used as a furniture component.

(2) Provisions for specific processes.

(a) The owner(s) or operator(s) of a facility shall not emit (~~volatile organic compounds~~) VOCs from a coating application system in excess of:

(i) 2.9 kg per 100 square meters of coated finished product (6.0 lb/1,000 square feet) from printed interior panels, regardless of the number of coats applied;

(ii) (~~5.8~~) 5.9 kg per 100 square meters of coated finished product (12.0 lb/1,000 square feet) from natural finish hardwood plywood panels, regardless of the number of coats applied; and

(iii) (~~4.8~~) 4.9 kg per 100 square meters of coated finished product (10.0 lb/1,000 square feet) from Class II finishes on hardboard panels, regardless of the number of coats applied.

(b) The emission limits in WAC 173-490-207 (2)(a) shall be achieved by:

(i) The application of low solvent content coating technology; or

(ii) An incineration system which oxidizes at least ninety percent of the nonmethane (~~volatile organic compounds~~) VOCs entering the incinerator (VOC measured as total combustible carbon) to carbon dioxide and water; or

(iii) An equivalent means of VOC removal. The equivalent means must be certified by the owner(s) or operator(s) and approved by (~~the department~~) ecology.

(c) A capture system shall be used in conjunction with the emission control systems in WAC 173-490-207 (2)(b)(ii) and (iii). The design and operation of the capture system must be consistent with good engineering practice and shall be required to provide for an overall emission reduction sufficient to meet the emission limitation in WAC 173-490-207 (2)(a).

(3) (~~Schedule of control dates.~~)

~~(a) The owner or operator of a source shall meet the following applicable increments of progress, unless a source has an approved alternative schedule of control dates as stipulated in WAC 173-490-071:~~

~~(i) Sources using low solvent content coatings shall:~~

~~(A) Submit final plans for the application of low solvent technology before April 1, 1981;~~

~~(B) Complete evaluation of product quality and commercial acceptance before October 1, 1981;~~

~~(C) Issue purchase orders or contracts for low solvent content coatings before December 1, 1981;~~

~~(D) Initiate process modifications before January 1, 1982; and~~

~~(E) Complete process modifications and begin use of low solvent content coatings before January 1, 1983.~~

~~(ii) Sources utilizing process equipment changes or add-on control devices, including incineration with heat recovery, to comply with the emission limitations in WAC 173-490-207 (2)(a) shall:~~

~~(A) Submit final plans for the emission control system, or process equipment, or both, before April 1, 1981;~~

~~(B) Award contracts or purchase orders for the emission control systems, or process equipment, or both, before June 1, 1981;~~

~~(C) Initiate on-site construction or installation of the emission control system, or process equipment, or both, before December 1, 1981;~~

~~(D) Complete on-site construction or installation of the emission control system or process equipment, or both, before December 1, 1982; and~~

~~(E) Achieve final compliance, determined in accordance with WAC 173-490-207(4) before January 1, 1983.~~

~~(iii) Sources utilizing incineration without heat recovery or process modifications not requiring purchase orders to comply with the emission limitation in WAC 173-490-207 (2)(a) shall:~~

~~(A) Submit final plans for the emission control system or process modification, or both, before March 1, 1981;~~

~~(B) Award contracts or purchase orders for the emission control system or process modification, or both, before May 1, 1981;~~

~~(C) Initiate on-site construction or installation of the emission control system or process modification, or both, before July 1, 1981;~~

~~(D) Complete on-site construction or installation of the emission control system or process modification, or both, before November 1, 1981; and~~

~~(E) Achieve final compliance, determined in accordance with WAC 173-490-207(4), before January 1, 1982.~~

~~(4) Testing and monitoring.~~

(a) (~~The department~~) Ecology may require the owner or operator of a facility to demonstrate at his/her own expense compliance by the methods of WAC 173-490-207 (~~(4)~~) (3)(c).

(b) The owner(s) or operator(s) of a facility shall notify (~~the department~~) ecology at least ten days before a proposed emission certification test so the (~~department~~) director or a representative may (~~at his option~~) observe the test.

(c) (~~Festing and calibration procedures to determine~~) To demonstrate compliance with this chapter ((shall be consistent with the procedure on file with and approved by the department)), refer to WAC 173-400-105.

(d) (~~The department~~) Ecology may require monitoring of the following parameters:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed; and

(iii) Breakthrough of VOC on a carbon adsorption unit.

AMENDATORY SECTION (Amending Order DE 82-22, filed 7/27/82)

WAC 173-490-208 AEROSPACE ASSEMBLY AND COMPONENT COATING OPERATIONS. (1) Specific applicability. This section shall apply to all aerospace component coating facilities that emit an annual average of eighteen kilograms (forty pounds) or more of (~~volatile organic compounds~~) VOCs per operating day and as qualified in WAC 173-490-025.

(2) It shall be unlawful for any person to cause or allow:

(a) The application of any primer or topcoat to aerospace components which contains in excess of:

(i) 650 grams of VOC per liter of primer, less water, as applied.

(ii) 600 grams of VOC per liter of topcoat, less water, as applied.

(b) The application of any temporary protective coating to aerospace components that contains more than 250 grams of VOC per liter of material, less water, as applied.

(c) The use of (~~volatile organic compounds~~) VOCs of composite vapor pressure of 10.4 kPa (1.5 psia) or greater at a temperature of 21.1°C (70°F) for surface preparation or cleanup, excluding paint removal.

(d) The use of (~~volatile organic compounds~~) VOCs for the cleanup of spray equipment used in aerospace component coating operations unless 85 percent of the (~~volatile organic compounds~~) VOCs by weight, are collected and disposed (~~such~~) so that they are not emitted to the atmosphere.

(e) The use of a stripper which contains more than 400 grams of VOC per liter or has a composite vapor pressure of (~~volatile organic compounds~~) VOCs more than 1.3 kPa (0.19 psia) at 21.1°C (70°F).

(3) The emission limits of paragraph (2) shall be achieved by:

(a) The application of reasonably available low solvent coating technology;

(b) A vapor collection and disposal system; or

(c) An equivalent method of VOC reduction certified by the owner(s) or operator(s) and approved by (~~the director~~) ecology.

(4) The provisions of WAC 173-490-208 (2)(a) and (2)(b) shall not apply to the following materials:

(a) Coatings for masking in chemical etching operations,

(b) Adhesive bonding primer,

(c) Flight test coatings,

(d) Space vehicle coatings, or

(e) Fuel tank coatings.

(5) Upon the submission of an alternative coating evaluation, (~~the director~~) ecology may determine that a reasonably available low solvent coating does exist for a given application and may exempt the coating from requirements of WAC 173-490-208. All alternative coating evaluations shall contain, as a minimum:

(a) Types of products to be coated,

(b) Types of coatings evaluated,

(c) Results of performance tests,

(d) Status of research into development of low VOC coatings for the application,

(e) Feasibility of installing control equipment,

(f) Mitigating measures that could be implemented to reduce VOC emissions.

~~((6) Any facility subject to this section shall submit a report to the department by January 1, 1983. This report shall include, as a minimum, a discussion of the advances in coating technology that have occurred since January 1, 1980, and a forecast of future technology improvements.~~

~~(7) Schedule of control dates:~~

~~(a) The owner or operator of a source shall meet the following applicable increments of progress:~~

~~(i) Submit final plans for the emission control system, process equipment or low solvent coatings substitution before September 1, 1982.~~

~~(ii) Award contracts or purchase orders for the emission control system, process equipment or low solvent coatings before January 1, 1983.~~

~~(iii) Initiate construction or process modifications before March 1, 1983.~~

~~(iv) Achieve final compliance before July 1, 1983.)~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 173-490-070 SCHEDULE OF CONTROL DATES.
- WAC 173-490-071 ALTERNATIVE SCHEDULE OF CONTROL DATES.
- WAC 173-490-120 COMPLIANCE SCHEDULES.
- WAC 173-490-130 REGULATORY ACTIONS.
- WAC 173-490-135 CRIMINAL PENALTIES.
- WAC 173-490-140 APPEALS.
- WAC 173-490-150 VARIANCE.

WSR 90-17-127
PERMANENT RULES
DEPARTMENT OF ECOLOGY

[Order 90-08—Filed August 22, 1990, 10:20 a.m.]

Date of Adoption: August 22, 1990.

Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-2520 Renton, city of.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 90-05-074 on February 21, 1990.

Changes Other than Editing from Proposed to Adopted Version: Recreational docks restricted to 12 feet in width.

Effective Date of Rule: Thirty-one days after filing.

August 22, 1990

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order DE 84-28, filed 9/14/84)

WAC 173-19-2520 RENTON, CITY OF. City of Renton master program approved January 23, 1976. Revision approved February 23, 1977. Revision approved September 12, 1984. Revision approved August 22, 1990.

WSR 90-17-128

WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF WILDLIFE

[Filed August 22, 1990, 10:36 a.m.]

Please take note that the proposed rule adopting WAC 232-28-22001, 1990-91 Elk hunting seasons—GMU 472 (White River)—(King and Pierce counties), filed on July 18, 1990, WSR 90-15-073, is withdrawn.

Lee S. Smith
Administrative Regulations Officer

WSR 90-17-129

WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF WILDLIFE

[Filed August 22, 1990, 10:38 a.m.]

Please take note that the proposed rule adopting WAC 232-16-710, Coffeepot Lake Game Reserve, filed on July 21, 1990, WSR 90-13-098, is withdrawn.

Lee S. Smith
Administrative Regulations Officer

WSR 90-17-130

PROPOSED RULES
DEPARTMENT OF WILDLIFE

[Filed August 22, 1990, 10:40 a.m.]

Original Notice.

Title of Rule: Adopting WAC 232-12-055 Hunting—Hunter orange clothing requirements.

Purpose: The proposed regulation will establish a requirement for hunter orange clothing to all upland bird hunters and to modern firearms deer and elk hunters, effective September 1, 1991. Firearm-related hunting accident statistics for Washington indicate that misidentification and other vision-related causes (victim in line of fire, victim covered by shooter swinging on game, etc.) are the major contributing causes of accidents. Accidents involving big game and upland bird hunting together comprise the majority of firearm-related hunting accidents. There is no upper limit or other controlling mechanism regulating the number of hunters in the field during general hunting seasons. Although the use of fluorescent hunter orange clothing does not limit hunter numbers, it does serve as a valuable aid in increasing hunter visibility while in the field. The use of hunter orange will help reduce certain categories of firearm-related hunting accidents. The experience of other states which require hunter orange clothing for hunters generally shows a significant reduction in firearm related hunting accidents.

Statutory Authority for Adoption: RCW 77.12.010 and 77.12.040.

Statute Being Implemented: RCW 77.12.010 and 77.12.040.

Summary: Adds the following hunting clothing requirements: It is unlawful to hunt upland birds unless

the individual is wearing fluorescent hunter orange clothing; it is unlawful to hunt deer or elk during the modern firearm seasons unless the individual is wearing fluorescent hunter orange clothing; and a minimum of 400 square inches of fluorescent hunter orange clothing, worn above the waist and visible from all sides, is required. This regulation will take effect with the 1991 fall hunting season.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Lee S. Smith, Administrative Regulations Officer, Olympia, (206) 586-6212; Implementation and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: To be effective September 1991.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed regulation will establish a requirement for hunter orange clothing to all upland bird hunters and to modern firearms deer and elk hunters, effective September 1, 1991. The department presently has a hunter orange clothing requirement on designated pheasant release areas, see WAC 232-28-414 1990-1991 Upland game bird and migratory waterfowl seasons. The applicable portion of WAC 232-12-414 reads as follows: It is unlawful to hunt upland birds on the following Department of Wildlife owned or controlled lands unless the hunter is wearing fluorescent hunter orange clothing; Lake Terrell and Tennant Lake Wildlife Areas; Skagit Wildlife Area; Snoqualmie Wildlife Area; Scatter Creek Wildlife Area; Skookumchuck Wildlife Area; Vancouver Lake Shillapoo Wildlife Area; and Voice of America Wildlife Area. Hunter orange will also be required on Fort Lewis and the Yakima Firing Center for hunting of upland birds. A minimum of 400 square inches of fluorescent hunter orange exterior clothing, worn above the waist, is required. A hunter orange shirt, jacket, or vest satisfies this requirement. For additional information, please see Purpose and Summary above.

Proposal does not change existing rules.

Small Business Economic Impact Statement

Brief description of reporting, record keeping and other compliance requirements of the proposed rule: None.

Professional services needed in order to comply with the proposed rule: Small businesses in the wholesale and retail sporting goods industry will need to contact manufacturers and distributors to order and make available for public sale garments which meet the requirement for fluorescent hunter orange clothing. Small business may need to contact manufacturers and their distributors to determine what to do with hunting garments that do not include fluorescent hunter orange. There is no compliance requirement for small business to order and make

available for public sale any fluorescent hunter orange clothing.

Costs of compliance for small business under the proposed rule: There are no equipment costs anticipated for small business under the proposed rule. New supplies of vests, shirts, jackets and caps which contain fluorescent hunter orange will be required. However, small business is not required to order and make available for sale any garments under the proposed rule. Previous inventory (vest, shirts, jackets and caps) not containing the required amount of fluorescent hunter orange identified in the proposed rule may need to be liquidated if customers express a preference for the fluorescent hunter orange garments over other types of hunting garments. There are not increased labor or administrative costs for small business anticipated under the proposed rule.

Comparison of cost of compliance: The proposed rule is estimated to affect large and small businesses in the wholesale/retail sporting goods industry in the same proportion. Supply costs for new product and liquidation of product on-hand will not be affected by the proposed rule.

Hearing Location: Cavanaugh's Inn at the Park, West 303 North River Drive, Spokane, WA 99201, on October 6, 1990, at 8:00 a.m.

Submit Written Comments to: Lee S. Smith, 600 Capitol Way North, Olympia, WA 98501-1091, by September 26, 1990.

Date of Intended Adoption: October 6, 1990.

August 21, 1990

Lee S. Smith

Administrative Regulations Officer

NEW SECTION

WAC 232-12-055 HUNTING - HUNTER ORANGE CLOTHING REQUIREMENTS 1) It is unlawful to hunt upland birds unless the hunter is wearing fluorescent hunter orange clothing.

2) It is unlawful to hunt deer or elk during the modern firearm seasons unless the hunter is wearing fluorescent hunter orange clothing.

3) Wearing fluorescent hunter orange clothing means: a minimum of 400 square inches of fluorescent hunter orange exterior clothing, worn above the waist and visible from all sides.

WSR 90-17-131

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Order 2052—Filed August 22, 1990, 11:05 a.m.]

Date of Adoption: August 22, 1990.

Purpose: To establish rules for the control and eradication of the disease pseudorabies in swine in the state of Washington.

Statutory Authority for Adoption: RCW 16.36.040 and 16.36.096.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The first pseudorabies infected herd in this state was identified in July 1990 through routine screening. These rules will allow the Department of Agriculture to limit the spread and eradicate the disease in this state.

Effective Date of Rule: Immediately.

August 22, 1990
C. Alan Pettibone
Director

PSEUDORABIES IN SWINE

NEW SECTION

WAC 16-80-005 DEFINITIONS. For the purpose of this chapter:

(1) "Director" means the director of agriculture of this state of Washington or his duly authorized representatives.

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

(3) "Approved pseudorabies vaccine" means only those biological products that are approved by and produced under license of the United States Department of Agriculture for injection into swine for the purpose of enhancing their resistance to pseudorabies, are a specific gene deletion vaccine and are authorized for use in a specific herd by the state veterinarian.

(4) "Official identification" means a USDA issued backtag or a metal eartag bearing state identification and a unique number.

(5) "Pseudorabies infected herd" means a herd of swine in which the disease pseudorabies has been diagnosed positive in one or more animals by the National Veterinary Service Laboratory (NVSL) or a state laboratory which can conduct the serum neutralization test.

NEW SECTION

WAC 16-80-010 QUARANTINE. All swine that are infected or suspected of being infected with pseudorabies shall be quarantined and an official test conducted. All swine, the owner of which refuses to allow the department to test for the above disease, shall be regarded as a menace to the health of livestock, and the swine and the premises on which they are kept shall remain quarantined and no animal or products of such animals shall be removed from the premises as outlined in section 16.36.010 RCW.

NEW SECTION

WAC 16-80-015 SALE OF QUARANTINED ANIMALS. No person shall offer for sale any swine from a pseudorabies quarantined herd for other than immediate slaughter and shall only be moved from the pseudorabies quarantined herd when accompanied by an official federal form number VS1-27 filled out and signed by a federal or state veterinarian.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 16-80-020 QUARANTINE AND RELEASE. Any herd of swine in which pseudorabies positive animals are found will be quarantined. The quarantine will be released when the entire quarantined herd has successfully completed PLAN A (test and removal), PLAN B (offspring segregation), or PLAN C (depopulation - repopulation) as described in "Swine Pseudorabies Eradication Guidelines", prepared and published by the pseudorabies committee, Livestock Conservation Institute. PLAN C will be the plan of choice if the statewide herd infection rate is less than 0.1% of total number of state herds.

NEW SECTION

WAC 16-80-025 DISINFECTING PREMISES. All barns, feed troughs, water tanks, feeding platforms, farrowing houses and dry lots where a pseudorabies infected herd has been held must be thoroughly cleaned and disinfected within fifteen days after all infected swine have been removed. Recommended disinfectants are: orthophenolphenate compounds, phenolic compounds, 2% Na hydroxide, TriNaPO₄, chlorhexidine.

NEW SECTION

WAC 16-80-030 DISINFECTING VEHICLES.

(1) When a vehicle is used to transport pseudorabies infected animals or pseudorabies exposed animals from a pseudorabies quarantined herd, the vehicle shall be cleaned and disinfected immediately following the unloading of the last animal of each such load. The destination of such infected or exposed swine shall have department approved facilities to clean and disinfect vehicles.

(2) Upon completion of the cleaning and disinfection of the vehicle, approval shall be obtained in writing. This approval shall be made by a state or federal animal health employee or by an authorized representative of the director of agriculture on a form approved by the director.

NEW SECTION

WAC 16-80-035 INDEMNITY FOR PSEUDORABIES INFECTED OR EXPOSED SWINE. As provided under RCW 16.36.096, the director of agriculture may order the slaughter or destruction of any swine affected with or exposed to pseudorabies. Subject to the availability of sufficient funds, the director may pay an indemnity for any swine ordered slaughtered or destroyed. When the indemnity is approved, the amount that will be paid is one hundred dollars for any sow past 50 days pregnant or with suckling piglets, fifty dollars for boars and open sows or sows less than 50 days pregnant, and fifty dollars for breeding gilts over 250 pounds live weight. An indemnity up to 50% of appraised value of feeding stock will be paid when destroyed rather than slaughtered. No indemnity will be paid if the statewide infection rate exceeds 0.1% of total swine herds in the state. The disease will be considered endemic if the 0.1% rate is exceeded.

NEW SECTION

WAC 16-80-040 VACCINATION. *No pseudorabies vaccine may be used in the state of Washington except when an approved pseudorabies vaccine is specifically authorized in writing by the state veterinarian for use in a pseudorabies infected herd under pseudorabies eradication PLAN A (test and removal). Only gene deleted vaccines with a corresponding specific laboratory test will be authorized.*

NEW SECTION

WAC 16-80-045 IDENTIFICATION OF SWINE. *Boars and sows moving through livestock auction yards in intrastate commerce must be officially identified. All swine moving in interstate commerce must be identified in compliance with federal regulation CFR 71.19 a & b.*

NEW SECTION

WAC 16-80-050 CRIMINAL PENALTY—CIVIL INJUNCTION. *RCW 16.36.110 provides: A violation of or a failure to comply with any provisions of this chapter shall be a gross misdemeanor. Each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of RCW 16.36.005, 16.36.020, 16.36.103, 16.36.105, 16.36.107, 16.36.108 or 16.36.109 may be enjoined from continuing such violation.*

WSR 90-17-132**PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE**

[Filed August 22, 1990, 11:08 a.m.]

Subject of Possible Rule Making: Chapter 458-30 WAC, Open Space Taxation Act rules, WAC 458-30-200, 458-30-205, 458-30-210, 458-30-220, 458-30-225, 458-30-235, 458-30-262, 458-30-275, 458-30-285, 458-30-290, 458-30-295, 458-30-300, 458-30-305, 458-30-310, 458-30-315, 458-30-325, 458-30-345 and 458-30-590.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: James Winterstein, A.L.J., Department of Revenue, Interpretation and Appeals, Olympia, Washington 98504, Mailstop AX-02. Public meeting scheduled in: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on September 19, 1990, at 1:30 a.m. [p.m.] (Written comments will be accepted to this date.)

Other Information or Comments by Agency at this Time, if any: These amendments to existing rules are for the purpose of bringing the rules into compliance with current law and to provide clarification for a number of sections.

August 22, 1990
William M. Rice
Assistant Director

WSR 90-17-133**PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE**

[Filed August 22, 1990, 11:10 a.m.]

Subject of Possible Rule Making: WAC 458-20-151 Dentists, dental laboratories, and physicians.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: Les Jaster, Rules Coordinator, Department of Revenue, Interpretation and Appeals, Olympia, Washington 98504, Mailstop AX-02. Public meeting scheduled at: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on October 8, 1990, at 10:00 a.m. (Written comments will be accepted to this date.)

Other Information or Comments by Agency at this Time, if any: The Department of Revenue plans to amend WAC 458-20-151 to clarify how the sales and use tax deduction for prosthetic devices, orthotic devices, and prescription drugs applies to dentists, dental laboratories, and physicians.

August 22, 1990
Les Jaster
Rules Coordinator

WSR 90-17-134**PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE**

[Filed August 22, 1990, 11:11 a.m.]

Subject of Possible Rule Making: WAC 458-20-227 Community antenna television services.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: Les Jaster, Rules Coordinator, Department of Revenue, Interpretation and Appeals, Olympia, Washington 98504, Mailstop AX-02. Public meeting scheduled at: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on October 8, 1990, at 10:00 a.m. (Written comments will be accepted to this date.)

Other Information or Comments by Agency at this Time, if any: WAC 458-20-227 (Rule 227) will be amended to indicate that the advertising revenue of cable television companies will be taxed, for business and occupation purposes, under the radio and T.V. broadcasting classification rather than under the service classification. This rule revision is the result of a Superior Court Memorandum Opinion, *Community Telecable of Bellevue v. Department of Revenue*, No. 81-2-01717-4 (984). Taxpayers are invited to comment or make suggestions regarding this amendment and/or other changes relating to this rule.

August 22, 1990
Les Jaster
Rules Coordinator

WSR 90-17-135
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 3058—Filed August 22, 1990, 1:55 p.m.]

Date of Adoption: August 22, 1990.

Purpose: The issuance will only change the mailing address to which the written application for an adjudicative proceeding to contest a notice and finding of responsibility (NFR) will be mailed. The issuance has language and punctuation changes, also.

Citation of Existing Rules Affected by this Order: Amending WAC 275-16-055 and 275-20-080.

Statutory Authority for Adoption: RCW 71.05.560.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule amendment is necessary to restore the appeal of NFRs to previous practice and thereby reducing the Office of Appeal's caseload and reduce the confusion for those who appeal their NFR.

Effective Date of Rule: September 1, 1990.

August 22, 1990

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3001, filed 2/5/90, effective 3/1/90)

WAC 275-16-055 NOTICE AND FINDING OF RESPONSIBILITY (NFR)—APPEAL PROCEDURE. (1) ~~The determination officer's assessment of the ability and liability of a person or of the person's estate to pay hospitalization charges shall be issued in the form of a notice and finding of responsibility (NFR) as prescribed by RCW 43.20B.340.~~

(2) ~~When the NFR is for full hospitalization charges as specified under WAC 275-16-030, the department ((informs)) shall:~~

~~(a) Inform the financially responsible person of the current charges, and ((the department))~~

~~(b) Periodically recompute((s)) the financially responsible person's charges.~~

(3) ~~When the NFR is for adjusted charges, the department ((expresses)) shall:~~

~~(a) Express the charges in a daily or monthly rate, and~~

~~(b) Set aside charges for ancillary services.~~

~~((The department sets aside charges for ancillary services when the NFR is for adjusted charges.~~

~~((2)) (4) The right to an adjudicative proceeding to contest the NFR is contained in RCW 43.20B.340.~~

(a) A financially responsible person wishing to contest the NFR shall, within twenty-eight days of receipt of the NFR:

(i) File a written application for an adjudicative proceeding ~~((by a method))~~ showing proof of receipt with the ~~((office of appeals))~~ Secretary, DSHS, Attn: Determination Officer, P.O. Box 9768, Olympia, WA 98504; and

(ii) Include in or with the application:

(A) A specific statement of the ~~((issue or))~~ issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the contested NFR ~~((being contested))~~.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 43.20B.340, this chapter, and chapter 388-08 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

AMENDATORY SECTION (Amending Order 2997, filed 2/5/90, effective 3/1/90)

WAC 275-20-080 NOTICE AND FINDING OF RESPONSIBILITY—APPEAL PROCEDURE. (1) ~~((In all cases where a determination is made))~~ When the department determines that the estate of a ~~((person who resides at))~~ resident of a state residential habilitation center is able to pay all or ~~((any))~~ a portion of the monthly charges for care, support, and treatment, the department shall serve a notice and finding of responsibility (NFR) ((shall be served)) on the:

(a) Guardian of the resident's estate(;) ; or

(b) If ((no)) a guardian has not been appointed ((then on the)), resident's spouse or parent or other person acting in a representative capacity and ((having property)) in ((his or her)) possession ((belonging to)) of the resident's property, and the superintendent of the state school. ((Where))

(2) When a resident is an adult and is not under ((no)) a legal disability, the department shall personally serve the NFR ((shall be personally served)) on ((him or her)) the resident.

(3) The NFR shall ((set forth)) state the amount which the department ((has determined)) determines the resident's estate is able to pay per month(;) . The amount shall not ((to)) exceed the monthly charges fixed ((in accordance with)) under RCW 43.20B.420.

(4) The resident's or guardian's responsibility for payment to the department ((commences)) shall commence twenty-eight days after service of the NFR.

~~((2)) (5) The right to an adjudicative proceeding ((to contest)) contesting the NFR is contained in RCW 43.20B.430.~~

(a) A financially responsible person wishing to contest the NFR shall, within twenty-eight days of receipt of the NFR:

(i) File a written application for an adjudicative proceeding ~~((by a method))~~ showing proof of receipt with the ~~((office of appeals))~~ Secretary, DSHS, Attn: Determination Officer, P.O. Box 9768, Olympia, WA 98504; and

(ii) Include in or with the application:

(A) A specific statement of the ~~((issue or))~~ issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the ((department decision)) NFR being contested.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 43.20B.430, this chapter, and chapter 388-08 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

WSR 90-17-136
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 3059—Filed August 22, 1990, 1:56 p.m.]

Date of Adoption: August 22, 1990.

Purpose: The need standards for basic requirements are reviewed/updated annually. The 1990 Washington state legislative session authorized a six percent grant standards increase to be effective January 1, 1991.

Citation of Existing Rules Affected by this Order: Amending WAC 388-29-100 Standards of assistance—Basic requirements.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule amendment is necessary to conform to RCW 74.04.770 and to enable field staff to use the correct standards in making benefit payments to clients.

Effective Date of Rule: September 1, 1990.

August 22, 1990
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3038, filed 7/12/90, effective 8/12/90)

WAC 388-29-100 STANDARDS OF ASSISTANCE—BASIC REQUIREMENTS. (1) The statewide monthly need standard((s)) for basic requirements shall be:

(a) Households with an obligation to pay shelter costs effective ((August 1, 1989)) September 1, 1990.

Treat households residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as renters if the household member makes any utility payment in lieu of a rental payment.

This need standard includes a recipient owning, purchasing, or renting their home.

Effective April 23, 1990, this need standard includes homeless families or persons:

(i) Lacking a fixed, regular, and adequate nighttime residence;

(ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or

(iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Need Standard
1	\$ ((579)) <u>612</u>
2	((733)) <u>774</u>
3	((907)) <u>958</u>
4	((1,068)) <u>1,128</u>
5	((1,230)) <u>1,299</u>
6	((1,395)) <u>1,474</u>
7	((1,612)) <u>1,703</u>
8	((1,784)) <u>1,884</u>
9	((1,959)) <u>2,069</u>
10 or more	((2,129)) <u>2,249</u>

(b) Households ((without)) with shelter provided at no cost((s)) effective ((August 1, 1989)) September 1, 1990, except as described under subsection (1)(a) of this section.

The monthly standard for clients ((without)) with shelter provided at no cost((s)) includes requirements for food, clothing, personal maintenance and necessary incidentals, household maintenance, and transportation.

Recipients in Household	Need Standard
1	\$ ((341)) <u>361</u>
2	((432)) <u>456</u>
3	((535)) <u>565</u>
4	((630)) <u>665</u>
5	((725)) <u>766</u>
6	((823)) <u>869</u>
7	((951)) <u>1,004</u>
8	((1,052)) <u>1,111</u>
9	((1,555)) <u>1,220</u>
10 or more	((1,256)) <u>1,326</u>

(2) One hundred eighty-five percent of the statewide monthly need standard for basic requirements is:

(a) Households with shelter costs effective ((August 1, 1989)) September 1, 1990.

Recipients in Household	185% of Need Standard
1	\$ ((1,071)) <u>1,132</u>
2	((1,356)) <u>1,431</u>
3	((1,677)) <u>1,772</u>
4	((1,975)) <u>2,086</u>
5	((2,275)) <u>2,403</u>
6	((2,580)) <u>2,726</u>
7	((2,982)) <u>3,150</u>
8	((3,300)) <u>3,485</u>
9	((3,624)) <u>3,827</u>
10 or more	((3,938)) <u>4,160</u>

(b) Households ((without)) with shelter provided at no cost((s)) effective ((August 1, 1989)) September 1, 1990.

Recipients in Household	185% of Need Standard
1	\$ ((630)) 667
2	((799)) 843
3	((989)) 1,045
4	((1,165)) 1,230
5	((1,341)) 1,417
6	((1,522)) 1,607
7	((1,759)) 1,857
8	((1,946)) 2,055
9	((2,136)) 2,257
10 or more	((2,323)) 2,453

(3) The statewide monthly payment standard shall be:
 (a) ~~((Effective January 1, 1990:)) Payment standard((s)) for households with ((shelter costs reflecting a ratable reduction of 44.9 percent of need standards)) an obligation to pay shelter costs effective January 1, 1990.~~

Treat households residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as renters if the household member makes any utility payment in lieu of a rental payment.

This payment standard includes a recipient owning, purchasing, or renting their home.

Effective April 23, 1990, this payment standard includes homeless families or persons:

(i) Lacking a fixed, regular, and adequate nighttime residence;

(ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or

(iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Payment Standard
1	\$ 320
2	404
3	501
4	589
5	679
6	771
7	890
8	985
9	1,082
10 or more	1,176

(b) ~~((Effective January 1, 1990:)) Payment standard((s)) for households ((without)) with shelter ((costs reflecting a ratable reduction of 44.9 percent of the need standard)) provided at no cost effective January 1, 1990, except as described under subsection (3)(a) of this section.~~

The monthly payment standard for clients ((without)) with shelter provided at no cost((s-shall)) includes requirements for food, clothing, personal maintenance and

necessary incidentals, transportation, and household maintenance.

Recipients in Household	Payment Standard
1	\$ 188
2	238
3	295
4	347
5	400
6	453
7	524
8	580
9	637
10 or more	692

(4) The statewide monthly need standard for basic requirements shall be:

(a) Households with an obligation to pay shelter costs effective January 1, 1991.

Treat households residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as renters if the household member makes any utility payment in lieu of a rental payment.

This need standard includes a recipient owning, purchasing, or renting their home.

Effective April 23, 1990, this need standard includes homeless families or persons:

(i) Lacking a fixed, regular, and adequate nighttime residence;

(ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or

(iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Need Standard
1	\$ 612
2	774
3	958
4	1,128
5	1,299
6	1,474
7	1,703
8	1,884
9	2,069
10 or more	2,249

(b) Households with shelter provided at no cost effective January 1, 1991, except as described under subsection (1)(a) of this section.

The monthly standard for clients with shelter provided at no cost includes requirements for food, clothing, personal maintenance and necessary incidentals, household maintenance, and transportation.

Recipients in Household	Need Standard
1	\$ 367
2	464

Recipients in Household	Need Standard
3	574
4	676
5	779
6	884
7	1,021
8	1,130
9	1,241
10 or more	1,349

(5) One hundred eighty-five percent of the statewide monthly need standard for basic requirements is:

(a) Households with shelter costs effective January 1, 1991.

Recipients in Household	185% of Need Standard
1	\$ 1,132
2	1,431
3	1,772
4	2,086
5	2,403
6	2,726
7	3,150
8	3,485
9	3,827
10 or more	4,160

(b) Households with shelter provided at no cost effective January 1, 1991.

Recipients in Household	185% of Need Standard
1	\$ 678
2	858
3	1,061
4	1,250
5	1,441
6	1,635
7	1,888
8	2,090
9	2,295
10 or more	2,495

(6) The statewide monthly payment standard shall be:

(a) Payment standard for households with an obligation to pay shelter costs effective January 1, 1991.

Treat households residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as renters if the household member makes any utility payment in lieu of a rental payment.

This payment standard includes a recipient owning, purchasing, or renting their home.

Effective April 23, 1990, this payment standard includes homeless families or persons:

(i) Lacking a fixed, regular, and adequate nighttime residence;

(ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations;
or

(iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Payment Standard
1	\$ 339
2	428
3	531
4	624
5	719
6	817
7	943
8	1,044
9	1,146
10 or more	1,246

(b) Payment standard for households with shelter provided at no cost effective January 1, 1991, except as described under subsection (6)(a) of this section.

The monthly payment standard for clients with shelter provided at no cost includes requirements for food, clothing, personal maintenance and necessary incidentals, transportation, and household maintenance.

Recipients in Household	Payment Standard
1	\$ 203
2	256
3	317
4	374
5	431
6	489
7	565
8	625
9	686
10 or more	746

**WSR 90-17-137
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)**

[Filed August 22, 1990, 1:58 p.m.]

Original Notice.

Title of Rule: WAC 275-16-055 Notice and finding of responsibility (NFR)—Appeal procedure; and 275-20-080 Notice and finding of responsibility (NFR)—Appeal procedure.

Purpose: The issuance will only change the mailing address to which the written application for an adjudicative proceeding to contest a notice and finding of responsibility will be mailed. The issuance has language and punctuation changes, also.

Statutory Authority for Adoption: RCW 71.05.560.

Statute Being Implemented: RCW 74.05.560 [71.05.560].

Summary: The issuance will only change the mailing address to which the written application for an adjudicative proceeding to contest a notice and finding of responsibility will be mailed. The address for appeal was changed inadvertently when the APA was revised. The address change will restore the appeal process back to previous practice and thereby reduce the Office of Appeal's caseload and the confusion for those who appeal. Language and punctuation changes have also been made.

Reasons Supporting Proposal: This rule amendment is necessary to restore the appeal of NFRs to previous practice and thereby reducing the Office of Appeal's caseload and reducing the confusion for those who appeal their NFR.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cynthia Karwoski, Office of Financial Recovery, 586-1520.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on September 25, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by September 25, 1990.

Date of Intended Adoption: October 9, 1990.

August 22, 1990
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3001, filed 2/5/90, effective 3/1/90)

WAC 275-16-055 NOTICE AND FINDING OF RESPONSIBILITY (NFR)—APPEAL PROCEDURE. (1) The determination officer's assessment of the ability and liability of a person or of the person's estate to pay hospitalization charges shall be issued in the form of a notice and finding of responsibility (NFR) as prescribed by RCW 43.20B.340.

(2) When the NFR is for full hospitalization charges as specified under WAC 275-16-030, the department ~~((informs))~~ shall:

(a) Inform the financially responsible person of the current charges; and ~~((the department))~~

(b) Periodically recompute ~~((s))~~ the financially responsible person's charges.

(3) When the NFR is for adjusted charges, the department ~~((expresses))~~ shall:

(a) Express the charges in a daily or monthly rate; and

(b) Set aside charges for ancillary services.

~~((The department sets aside charges for ancillary services when the NFR is for adjusted charges.~~

~~((2))~~ (4) The right to an adjudicative proceeding to contest the NFR is contained in RCW 43.20B.340.

(a) A financially responsible person wishing to contest the NFR shall, within twenty-eight days of receipt of the NFR:

(i) File a written application for an adjudicative proceeding ~~((by a method))~~ showing proof of receipt with the ~~((office of appeals))~~ Secretary, DSHS, Attn: Determination Officer, P.O. Box 9768, Olympia, WA 98504; and

(ii) Include in or with the application:

(A) A specific statement of the ~~((issue or))~~ issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the contested NFR ~~((being contested))~~.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 43.20B.340, this chapter, and chapter 388-08 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

AMENDATORY SECTION (Amending Order 2997, filed 2/5/90, effective 3/1/90)

WAC 275-20-080 NOTICE AND FINDING OF RESPONSIBILITY—APPEAL PROCEDURE. (1) ~~((In all cases where a determination is made))~~ When the department determines that the estate of a ~~((person who resides at))~~ resident of a state residential habilitation center is able to pay all or ~~((any))~~ a portion of the monthly charges for care, support, and treatment, the department shall serve a notice and finding of responsibility (NFR) ~~((shall be served))~~ on the:

(a) Guardian of the resident's estate ~~((:))~~; or

(b) If ~~((no))~~ a guardian has not been appointed ~~((then on the))~~; resident's spouse or parent or other person acting in a representative capacity and ~~((having property))~~ in ~~((his or her))~~ possession ~~((belonging to))~~ of the resident's property, and the superintendent of the state school. ~~((Where))~~

(2) When a resident is an adult and is not under ~~((no))~~ a legal disability, the department shall personally serve the NFR ~~((shall be personally served))~~ on ~~((him or her))~~ the resident.

(3) The NFR shall ~~((set forth))~~ state the amount which the department ~~((has determined))~~ determines the resident's estate is able to pay per month ~~((:))~~. The amount shall not ~~((to))~~ exceed the monthly charges fixed ~~((in accordance with))~~ under RCW 43.20B.420.

(4) The resident's or guardian's responsibility for payment to the department ~~((commences))~~ shall commence twenty-eight days after service of the NFR.

~~((2))~~ (5) The right to an adjudicative proceeding ~~((to contest))~~ contesting the NFR is contained in RCW 43.20B.430.

(a) A financially responsible person wishing to contest the NFR shall, within twenty-eight days of receipt of the NFR:

(i) File a written application for an adjudicative proceeding ~~((by a method))~~ showing proof of receipt with the ~~((office of appeals))~~ Secretary, DSHS, Attn: Determination Officer, P.O. Box 9768, Olympia, WA 98504; and

(ii) Include in or with the application:

(A) A specific statement of the ~~((issue or))~~ issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the ~~((department decision))~~ NFR being contested.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 43.20B.430, this chapter, and chapter 388-08 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

WSR 90-17-138
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 22, 1990, 2:01 p.m.]

Original Notice.

Title of Rule: Chapter 388-96 WAC, Nursing home—Accounting—Reimbursement.

Purpose: The purpose of all the changes is to conform existing regulations on nursing facility maintenance of personal funds of residents to federal requirements contained in the nursing home reform statute (OBRA 1987, Section 4211). The changes must be implemented by

October 1, 1990, in order to receive federal financial participation (FFP).

Statutory Authority for Adoption: RCW 74.46.800, 74.42.620 and 74.09.120.

Statute Being Implemented: RCW 74.46.800, 74.42.620 and 74.09.120.

Summary: Amending WAC 388-96-366, requires written authorization from a nursing facility resident or the resident's guardian to hold the resident's personal funds; requires personal funds held for a resident in excess of fifty dollars to be deposited in an interest-bearing account or accounts maintained for residents and separate from facility operating accounts with interest to be credited to such account; allows other personal funds to be held in a noninterest-bearing account or petty cash fund; and requires a surety bond or other assurance or security in order to secure all personal funds of residents deposited with the facility. Conforms terminology to new terminology in OBRA 1987; WAC 388-96-369, requires full and separate accounting of each resident's personal funds held by the facility; requires facility to document and show in writing in the individual's record the receipt and disposition of personal funds held; requires reasonable access to each resident's personal funds by the resident, guardian or legal representative of the resident; requires Medicaid recipient or guardian to be notified when recipient's personal funds held by the facility accumulate to within two hundred dollars of Title XVI supplemental security income (SSI) eligibility limit; and prohibits facility from imposing a charge against the personal funds of a resident for any item or service for which payment is made under Title XVIII (Medicare) or Title XIX (Medicaid). Conforms terminology to new terminology in OBRA 1987; WAC 388-96-372, requires personal funds over and above the petty cash limit of \$500.00 to be held in the interest-bearing account or accounts with interest earned to be credited to such account or accounts. Conforms terminology to new terminology in OBRA 1987; WAC 388-96-375, replaces references to "recipient" with references to "resident" to confirm that personal funds control and disbursement provisions apply to all nursing home residents, not just Medicaid recipients; and clarifies language to make provisions on control and disbursement of resident personal funds mandatory. Conforms terminology to new terminology in OBRA 1987; WAC 388-96-378, replaces references to "recipient" by references to "resident" to show personal funds shall be made available to all residents, not just Title XIX recipients; WAC 388-96-381, replaces references to "recipient" by references to "resident" to show that the procedure for refunding personal funds applies to all residents in the home, whether recipients of Medicaid or not; and WAC 388-96-384, requires transfer of a resident's personal funds with a final accounting of such funds, upon the death of a resident, to the individual administering the resident's estate. Conforms terminology to new terminology in OBRA 1987.

Reasons Supporting Proposal: This rule amendment is necessary to meet nursing home reform law; and continue receipt of FFP after October 1, 1990.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Denise Gaither, Aging and Adult Services, 585-2588.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, OBRA 1987, Section 4211.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on September 25, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by September 25, 1990.

Date of Intended Adoption: September 28, 1990.

August 22, 1990

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2485, filed 4/20/87)

WAC 388-96-366 FACILITY RECORDS ((FOR RECIPIENT)) AND HANDLING OF RESIDENT MONEYS. (1) A nursing facility may not require residents to deposit personal funds with the facility. A facility may hold a resident's personal funds only if the resident or resident's guardian provides written authorization.

(2) Once a nursing facility accepts the written authorization of the resident or resident's guardian, the facility shall hold, safeguard, and account for such personal funds under an established system in accordance with this chapter. The ((provider)) nursing facility shall establish and maintain as a service to the ((recipients)) residents a bookkeeping system, incorporated in the business records and adequate for audit, for all ((recipient)) resident moneys ((entrusted to and)) received by the facility ((for the recipients)).

((2) The bookkeeping system must include any recipient who is:

(a) Incapable of handling his or her own money and whose guardian, relative, department economic and social service office administrator, or physician makes written request of the facility to accept this responsibility; if the social security form SSA-780, "certificate of applicant for benefits on behalf of another," is utilized as documentation, it must be signed by one of the persons designated in this subparagraph.

(b) Capable of handling his or her own money, but requests the facility in writing to accept this responsibility.))

(3) ((It shall be the responsibility of the provider to)) The nursing facility shall maintain ((such)) the resident's or guardian's written authorization in the ((recipient's)) resident's file. The facility shall deposit any resident's personal funds in excess of fifty dollars in an interest-bearing resident personal fund account or accounts, separate from any of the facility's operating accounts, and credit all interest earned on an account to the account. With respect to any other personal funds, the facility shall keep such funds in a noninterest-bearing account or petty cash fund maintained for residents.

(4) The ((recipient must be given)) facility shall give the resident at least a quarterly reporting of all financial transactions ((in their trust account)) involving personal funds held for the resident by the facility. The facility shall send the representative payee, the guardian, ((and)) or other designated agents of the ((recipient must be sent)) resident a copy of the quarterly accounting report.

(5) The ((contractor)) nursing facility shall further maintain ((adequate for audit,)) a written record ((for each recipient)) of all personal property deposited with the ((contractor)) facility for safekeeping by or for ((a recipient and)) the resident. The facility shall issue or obtain written receipts upon taking possession or disposing of such property ((retaining)) and retain copies ((and)) and/or originals of such receipts. The facility shall maintain records adequate for audit.

(6) The facility shall purchase a surety bond, or otherwise provide assurances or security satisfactory to the department, to assure the security of all personal funds of residents deposited with the facility.

Reviser's note: RCW 34.05.395 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 2275, filed 8/21/85)

WAC 388-96-369 THE ((PROVIDER)) NURSING FACILITY SHALL MAINTAIN A SUBSIDIARY LEDGER WITH AN ACCOUNT FOR EACH ((RECIPIENT)) RESIDENT FOR WHOM THE ((PROVIDER)) FACILITY HOLDS MONEY ((~~IN TRUST~~)). (1) The facility shall assure a full and complete separate accounting of each resident's personal funds. Each account record and related supporting information and documentation shall:

- (a) Be maintained at the facility;
- (b) Be kept current;
- (c) Be balanced each month; and

(d) Show in writing and in detail, with supporting verification, all moneys received on behalf of the individual ((patient)) resident and the disposition of all moneys so received.

(2) Each account shall be reasonably accessible to the resident or the resident's guardian or legal representative and shall be available for audit and inspection by a department representative ((and be)). Each account shall be maintained for a minimum of four years. ((The)) A Medicaid provider ((further agrees to)) shall notify each Title XIX Medicaid recipient or guardian and the community services office of the department when((:

(a) The account of any individual certified on or before December 31, 1973, whose award letter indicates a limit of two hundred dollars cash, reaches the sum of one hundred seventy-five dollars.

The community services office will reevaluate the status of each recipient certified under the eligibility criteria prior to January 1, 1974, who has an award letter specifying a two hundred dollars cash limit.

(b) The account of any individual certified on or after January 1, 1974, whose resources are within one hundred dollars of the amount listed on the award letter) the amount in the account of any Title XIX Medicaid recipient reaches two hundred dollars less than the applicable dollar resource limit for supplemental security income (SSI) eligibility set forth in Title XVI of the Social Security Act.

(3) When notice is given under subsection (2) of this section, the facility shall notify the recipient or guardian that if the amount in the account, in addition to the value of the recipient's other nonexempt resources, reaches the dollar resource limit determined under Title XVI, the recipient may lose eligibility for SSI medical assistance or benefits under Title XVI.

((~~(c)~~)) (4) ((For both groups, the)) Accumulation toward the Title XVI limit, after the recipient's admission to the facility, is permitted only from savings from the clothing and personal incidentals allowance and other income which the department specifically designates as exempt income ((from time to time)).

((~~(d)~~)) (5) No ((patient account)) resident funds may be overdrawn (show a debit balance). If a ((patient)) resident wants to spend an amount greater than ((in such patient's trust account)) the facility is holding for the resident, the home may provide money from its own funds and collect the debt by installments from that portion of the ((patient's)) resident's allowance remaining at the end of each month. No interest may be charged to ((patients)) residents for such loans.

((~~(e)~~)) (6) The facility may not impose a charge against the personal funds of a Medicare or Medicaid recipient for any item or service for which payment is made under the Title XVIII Medicare program or the Title XIX Medicaid program. In order to ensure that ((patient trust accounts)) Medicaid recipients are not charged for services provided under the Title XIX program, any charge for medical services otherwise properly made to a ((patient's trust account must)) recipient's personal funds shall be supported by a written denial from the department.

(a) Mobility aids including walkers, wheelchairs, or crutches requested for the exclusive use by a Medicaid recipient ((must)) shall have a written denial from the department of social and health services before a ((patient trust account can)) recipient's personal funds may be charged.

(b) Requests for medically necessary services and supplies not funded under the provisions of chapter 388-96 WAC or chapter 388-86

WAC (reimbursement rate or coupon system) ((must)) shall have a written denial from the department before a ((patient trust account can)) Medicaid recipient's personal funds may be charged.

(c) A written denial from the department is not required when the pharmacist verifies that a drug is not covered by the program ((f)), e.g., items on the FDA list of ineffective or possible effective drugs, nonformulary over-the-counter (OTC) medications((g)). The pharmacist's notation to this effect is sufficient.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-372 THE ((PROVIDER)) NURSING FACILITY MAY MAINTAIN A PETTY CASH FUND ORIGINATING FROM ((TRUST MONEYS)) RESIDENT PERSONAL FUNDS OF AN AMOUNT REASONABLE AND NECESSARY FOR THE SIZE OF THE FACILITY AND THE NEEDS OF THE ((PATIENTS)) RESIDENTS, NOT TO EXCEED \$500.00. (1) This petty cash fund shall be an imprest fund. All moneys over and above the ((trust fund)) petty cash ((amount)) limit of 500.00 shall be deposited intact in ((a trust fund checking)) an interest bearing account or accounts maintained for resident personal funds, separate and apart from any other bank account ((or accounts)) of the facility or other facilities. All interest earned on an account containing resident personal funds shall be credited to such account.

(2) Cash deposits of recipient allowances must be made intact to the ((trust)) resident personal fund account within one week from the time that payment is received from the department, Social Security Administration, or other payor.

(3) Any related bankbooks, bank statements, checkbook, check register, and all voided and cancelled checks, shall be made available for audit and inspection by a department representative, and shall be maintained by the home for not less than four years.

(4) No service charges for such checking account shall be paid by ((recipient trust moneys)) residents or deducted from resident personal funds.

(5) The ((trust)) resident personal fund account or accounts per bank shall be reconciled monthly to the ((trust account)) resident personal funds per ((patient)) resident ledgers.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 1892, filed 10/13/82)

WAC 388-96-375 ((TRUST MONEYS)) RESIDENT PERSONAL FUNDS CONTROL/DISBURSEMENT. ((Trust moneys)) Personal funds shall be held ((in trust)) and used for the benefit of the resident and are not to be turned over to anyone other than the ((recipient)) resident or ((his or her)) the resident's guardian without the written consent of the ((recipient)) resident, ((his or her)) the resident's designated agent as appointed by power of attorney, or appropriate department of social and health services personal as designated by the CSO administrator.

(1) When ((moneys are)) money is received, a receipt ((should)) shall be filled out in duplicate((:));

(a) One copy ((should)) shall be given to the person making payment or deposit((:)); and

(b) The other copy ((should)) shall be retained in the receipt book for easy reference.

(2) Checks received by ((patients must)) residents shall be endorsed by the ((patient)) resident. Schedule I-A(6e) of the agreement states in part: "Each patient receiving a check or state warrant is responsible for endorsement by his own signature. Only when the patient is incapable of signing his name may the Provider assume the responsibility of securing the patient's mark "X" followed by the name of the patient and the signature of two witnesses."

(3) If both ((the general fund)) a facility operating account and ((the trust)) a resident personal fund account are at the same bank, the ((trust)) resident portion of checks which include care payments can be deposited directly to ((trust)) the resident account by including a ((trust)) resident account deposit slip for the correct amount with the checks and the ((general)) operating account deposit slip.

(4) The ((patient's trust account)) resident's ledger sheet ((must)) shall be credited with the allowance received. This ((should)) shall be referenced with the receipt number and ((must)) shall be supported by a copy of the deposit slip (one copy for all deposits made).

Reviser's note: RCW 34.05.395 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 1114, filed 4/21/76)

WAC 388-96-378 ~~((TRUST MONEYS))~~ RESIDENT PERSONAL FUNDS AVAILABILITY. ~~((Moneys so))~~ Funds held ~~((in trust))~~ for any ~~((recipient))~~ resident shall be available for ~~((b-his or her))~~ the resident's personal and incidental needs when requested by the ~~((recipient))~~ resident or one of the individuals designated in WAC 388-96-375.

Reviser's note: RCW 34.05.395 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 1114, filed 4/21/76)

WAC 388-96-381 PROCEDURE FOR REFUNDING ~~((TRUST MONEY))~~ RESIDENT PERSONAL FUNDS. (1) When a ~~((recipient))~~ resident is discharged ~~((and/or))~~ or transferred, the balance of the ~~((recipient's trust account will))~~ resident's personal funds shall be returned to the individual ~~((s within one week))~~ designated in WAC 388-96-375 within one week and a receipt obtained. In some cases it may be advisable to mail the refund to the ~~((recipient's))~~ resident's new residence.

AMENDATORY SECTION (Amending Order 2573, filed 12/23/87)

WAC 388-96-384 LIQUIDATION OR TRANSFER OF ~~((TRUST FUND))~~ RESIDENT PERSONAL FUNDS. (1) ~~((Expired patient. The provider shall obtain a receipt from next of kin, guardian, or duly qualified agent when releasing the balance of money held in trust. If there is no identified next of kin, guardian, or duly qualified agent, the contractor shall contact the CSO in writing within seven days for assistance in the release of the money held in trust. A check or other document showing payment to such next of kin, guardian, or duly qualified agent will serve as a receipt))~~ Upon the death of a resident, the facility shall promptly convey the resident's personal funds held by the facility with a final accounting of such funds to the individual administering the resident's estate.

(2) ~~((Patient, unable to locate.))~~ In situations where the ~~((patient))~~ resident leaves the nursing home without authorization and ~~((his or her))~~ the resident's whereabouts ~~((are))~~ is unknown:

(a) The nursing ~~((home))~~ facility shall make a reasonable attempt to locate the missing ~~((patient))~~ resident. This includes contacting:

- (i) Friends,
- (ii) Relatives,
- (iii) Police,
- (iv) The guardian, and
- (v) The community services office in the area.

(b) If the ~~((patient))~~ resident cannot be located after ninety days, the nursing ~~((home))~~ facility shall notify the department of revenue of the existence of "abandoned property," outlined in chapter ~~((63.28))~~ 63.29 RCW. The nursing ~~((home))~~ facility shall deliver to the department of revenue the balance of the ~~((patient's trust fund account))~~ resident's personal funds within twenty days following such notification.

(3) Prior to the sale or other transfer of ownership of the nursing facility business, the ~~((contractor))~~ facility operator shall:

(a) Provide each resident or resident representative with a written accounting of any personal funds held by the ~~((contractor))~~ facility;

(b) Provide the new ~~((owner))~~ operator with a written accounting of all resident funds being transferred; and

(c) Obtain a written receipt for those funds from the new ~~((owner))~~ operator.

WSR 90-17-139

**PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed August 22, 1990, 2:03 p.m.]

Original Notice.

Title of Rule: WAC 388-29-100 Standards of assistance—Basic requirements.

Purpose: The need standards for basic requirements are reviewed/updated annually. The 1990 Washington state legislative session authorized a six percent grant standards increase to be effective January 1, 1991.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Updates the need and 185 percent need standards effective September 1, 1990. Updates the need, 185 percent of need and payment standards effective January 1, 1991.

Reasons Supporting Proposal: This rule amendment is necessary to conform to RCW 74.04.770 and to enable field staff to use the correct standards in making benefit payments to clients.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dave Monfort, Division of Income Assistance, 586-4594.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on September 25, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by September 25, 1990.

Date of Intended Adoption: October 9, 1990.

August 22, 1990

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3038, filed 7/12/90, effective 8/12/90)

WAC 388-29-100 STANDARDS OF ASSISTANCE—BASIC REQUIREMENTS. (1) The statewide monthly need standard ~~((s))~~ for basic requirements shall be:

(a) Households with an obligation to pay shelter costs effective ~~((August 1, 1989))~~ September 1, 1990.

Treat households residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as renters if the household member makes any utility payment in lieu of a rental payment.

This need standard includes a recipient owning, purchasing, or renting their home.

Effective April 23, 1990, this need standard includes homeless families or persons:

- (i) Lacking a fixed, regular, and adequate nighttime residence;

- (ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or
- (iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Need Standard
1	\$ ((579)) 612
2	((733)) 774
3	((907)) 958
4	((1,068)) 1,128
5	((1,230)) 1,299
6	((1,395)) 1,474
7	((1,612)) 1,703
8	((1,784)) 1,884
9	((1,959)) 2,069
10 or more	((2,129)) 2,249

(b) Households ~~((without))~~ with shelter provided at no cost((s)) effective ~~((August 1, 1989))~~ September 1, 1990, except as described under subsection (1)(a) of this section.

The monthly standard for clients ~~((without))~~ with shelter provided at no cost((s)) includes requirements for food, clothing, personal maintenance and necessary incidentals, household maintenance, and transportation.

Recipients in Household	Need Standard
1	\$ ((341)) 361
2	((432)) 456
3	((535)) 565
4	((630)) 665
5	((725)) 766
6	((823)) 869
7	((951)) 1,004
8	((1,052)) 1,111
9	((1,555)) 1,220
10 or more	((1,256)) 1,326

(2) One hundred eighty-five percent of the statewide monthly need standard for basic requirements is:

(a) Households with shelter costs effective ~~((August 1, 1989))~~ September 1, 1990.

Recipients in Household	185% of Need Standard
1	\$ ((1,071)) 1,132
2	((1,356)) 1,431
3	((1,677)) 1,772
4	((1,975)) 2,086
5	((2,275)) 2,403
6	((2,580)) 2,726
7	((2,982)) 3,150
8	((3,300)) 3,485
9	((3,624)) 3,827
10 or more	((3,938)) 4,160

(b) Households ~~((without))~~ with shelter provided at no cost((s)) effective ~~((August 1, 1989))~~ September 1, 1990.

Recipients in Household	185% of Need Standard
1	\$ ((630)) 667
2	((799)) 843
3	((989)) 1,045
4	((1,165)) 1,230
5	((1,341)) 1,417
6	((1,522)) 1,607
7	((1,759)) 1,857
8	((1,946)) 2,055
9	((2,136)) 2,257
10 or more	((2,323)) 2,453

(3) The statewide monthly payment standard shall be:

(a) ~~((Effective January 1, 1990;))~~ Payment standard((s)) for households with ~~((shelter costs reflecting a ratable reduction of 44.9 percent~~

~~of need standards))~~ an obligation to pay shelter costs effective January 1, 1990.

Treat households residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as renters if the household member makes any utility payment in lieu of a rental payment.

This payment standard includes a recipient owning, purchasing, or renting their home.

Effective April 23, 1990, this payment standard includes homeless families or persons:

- (i) Lacking a fixed, regular, and adequate nighttime residence;
- (ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or
- (iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Payment Standard
1	\$ 320
2	404
3	501
4	589
5	679
6	771
7	890
8	985
9	1,082
10 or more	1,176

(b) ~~((Effective January 1, 1990;))~~ Payment standard((s)) for households ~~((without))~~ with shelter ~~((costs reflecting a ratable reduction of 44.9 percent of the need standard))~~ provided at no cost effective January 1, 1990, except as described under subsection (3)(a) of this section.

The monthly payment standard for clients ~~((without))~~ with shelter provided at no cost~~((s shall))~~ includes requirements for food, clothing, personal maintenance and necessary incidentals, transportation, and household maintenance.

Recipients in Household	Payment Standard
1	\$ 188
2	238
3	295
4	347
5	400
6	453
7	524
8	580
9	637
10 or more	692

(4) The statewide monthly need standard for basic requirements shall be:

(a) Households with an obligation to pay shelter costs effective January 1, 1991.

Treat households residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as renters if the household member makes any utility payment in lieu of a rental payment.

This need standard includes a recipient owning, purchasing, or renting their home.

Effective April 23, 1990, this need standard includes homeless families or persons:

- (i) Lacking a fixed, regular, and adequate nighttime residence;
- (ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or
- (iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Need Standard
1	\$ 612
2	774
3	958
4	1,128
5	1,299
6	1,474

Recipients in Household	Need Standard
7	1,703
8	1,884
9	2,069
10 or more	2,249

(b) Households with shelter provided at no cost effective January 1, 1991, except as described under subsection (1)(a) of this section.

The monthly standard for clients with shelter provided at no cost includes requirements for food, clothing, personal maintenance and necessary incidentals, household maintenance, and transportation.

Recipients in Household	Need Standard
1	\$ 367
2	464
3	574
4	676
5	779
6	884
7	1,021
8	1,130
9	1,241
10 or more	1,349

(5) One hundred eighty-five percent of the statewide monthly need standard for basic requirements is:

(a) Households with shelter costs effective January 1, 1991.

Recipients in Household	185% of Need Standard
1	\$ 1,132
2	1,431
3	1,772
4	2,086
5	2,403
6	2,726
7	3,150
8	3,485
9	3,827
10 or more	4,160

(b) Households with shelter provided at no cost effective January 1, 1991.

Recipients in Household	185% of Need Standard
1	\$ 678
2	858
3	1,061
4	1,250
5	1,441
6	1,635
7	1,888
8	2,090
9	2,295
10 or more	2,495

(6) The statewide monthly payment standard shall be:

(a) Payment standard for households with an obligation to pay shelter costs effective January 1, 1991.

Treat households residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as renters if the household member makes any utility payment in lieu of a rental payment.

This payment standard includes a recipient owning, purchasing, or renting their home.

Effective April 23, 1990, this payment standard includes homeless families or persons:

- (i) Lacking a fixed, regular, and adequate nighttime residence;
- (ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or
- (iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Payment Standard
1	\$ 339
2	428
3	531
4	624
5	719
6	817
7	943
8	1,044
9	1,146
10 or more	1,246

(b) Payment standard for households with shelter provided at no cost effective January 1, 1991, except as described under subsection (6)(a) of this section.

The monthly payment standard for clients with shelter provided at no cost includes requirements for food, clothing, personal maintenance and necessary incidentals, transportation, and household maintenance.

Recipients in Household	Payment Standard
1	\$ 203
2	256
3	317
4	374
5	431
6	489
7	565
8	625
9	686
10 or more	746

WSR 90-17-140
PREPROPOSAL COMMENTS
DEPARTMENT OF WILDLIFE
[Filed August 22, 1990, 2:41 p.m.]

Subject of Possible Rule Making

Purpose: To amend the deleterious exotic wildlife regulation to add several species.

Summary: Adds the following species considered dangerous to wildlife or the environment of the state of Washington. Species include the following: (Note: Major taxonomic categories, in descending order = Order; Family; Genus; and Species.) The species *Amia calva* (commonly known as bowfin, mudfish, or grinnel) of the family *Amiidae*; three genera of *Serrasalmus*, *Rooseveltiella*, and *Pygocentrus* of the family *Characidae*, subfamily *Serrasalminae*. All are commonly called piranha (also *pirameba*, *caribe*, *pira*, *piraya*, *chupita*, *rodoleira*, *palometa*, and others); all species of the family *Claridae* (air-breathing catfishes, or walking catfish); two species *Scardinius erythrophthalmus* (rudd), and *Leuciscus idus* (ide, silver orfe, or golden orfe) of the family *Cyprinidae*; all species of the family *Lepiosteidae* (Gar-pikes); and all species of the genus *Channa* (= *Ophicephalus*), family *Channidae* (snakeheads, or China fish). Also adds provisions to accommodate scientific research on exotic species. The amendment also establishes criteria for retention of existing species in captivity.

Reasons Supporting Proposal: Criteria for restriction of these species are that they are dangerous to the wildlife or environment of the state of Washington.

Short Explanation of Rule, Its Purpose and Anticipated Effects: These regulation changes are to provide protection for wildlife and the environment of the state of Washington from several species of fish identified as dangerous by classifying these species as deleterious exotic wildlife. While providing protective measures against importing, holding, possessing, propagating, selling, transferring, or releasing these specimens, the amendment also accommodates scientific research, and accommodates persons currently holding exotic wildlife specimens in captivity.

Persons may comment on this subject in person at the meeting of the Washington Wildlife Commission, Cavanaugh's Inn at the Park, West 303 North River Drive, Spokane, WA 99201, on October 6, 1990, at 8:00 a.m.

Other Information or Comments by Agency at this Time, if any: This regulation is scheduled for adoption at the regular meeting of the Washington Wildlife Commission in January 1991 (to be announced).

August 22, 1990

Lee S. Smith

Administrative Regulations Officer

WAC 232-12-017 DELETERIOUS EXOTIC WILDLIFE. Deleterious exotic wildlife includes:

(1) All species of the family Claridae ((Walking) (walking catfish, ((Clarias batrachus)) or air-breathing catfish)

(2) Mongoose, all forms of the genus Herpestes

(3) Diploid grass carp, Ctenopharyngodon idella

(4) African clawed frog, Xenopus laevis

(5) Wild boar, Sus scrofa and hybrids involving the species Sus scrofa

(6) Collared peccary (javelina), Dicotyles tajacu

(7) Bowfin (mudfish or grinnel), Amia calva

(8) Piranha (also pirameba, caribe, pira, piraya, chupita, rodoleira, palometa), all species of the genera Serrasalmus, Rooseveltiella, and Pygocentrus of the family Characidae, subfamily Serrasalminae

(9) Rudd, Scardinius erythrophthalmus of the family Cyprinidae

(10) Ide (silver orfe, or golden orfe), Leuciscus idus, of the family Cyprinidae

(11) Gar-pikes, of the family Lepiosteidae

(12) Snakeheads (China fish), and all forms of the genus Channa (Ophicephalus) of the family Channidae.

(13) All species and hybrids of wild species in the subfamily Caprinae not native to North America (Exotic sheep and goats: including but not limited to Moutton Sheep, Barbary Sheep, Tahr, and Chamois).

(14) The following genera in the subfamily Hippotraginar (Oryxsp Addaxsp)

(15) The following genera in the subfamily Alcelaphinae Wildebeest (Connochaetes), Hartebeest (Alcelsphus), Damaliscus Blesbok

(16) All Wild species in the family Suidae (European boar)

(17) Red deer (Cerrus elaphus elaphus), and hybrids of red deer and elk (eruus elaphus)

(18) Mute Swan (Cygnus olor)

It is unlawful to import ((or)) into the state, hold, possess, propagate, sell, transfer, or release live specimens of deleterious exotic wildlife ((except for purposes of scientific research as authorized by the director)).

Scientific Research: If the director finds that use of an exotic species is necessary for scientific research, the director may authorize a person to import into the state, hold, and possess live specimens of deleterious exotic wildlife provided: (a) the specimens will be confined to a secure facility, (b) the specimens will not be transferred to any other location, (c) the specimens will be euthanized and all parts incinerated at the end of the project, and (d) the person will keep such records on the specimens and make such reports as the director may require.

Retention of Existing Specimens in Captivity: Persons holding exotic wildlife specimens in captivity which are classified by the Commission as deleterious exotic wildlife may retain the specimens they lawfully possess on the date the classification becomes effective, provided: (a) the person must report in writing the number and location of the specimens to the director within one year after the date the classification becomes effective, (b) the person must confine the specimens to a secure facility at that location, and (c) the person may not propagate, sell, transfer, or release the specimens.

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

WSR 90-17-141

PROPOSED RULES

DEPARTMENT OF WILDLIFE

[Filed August 22, 1990, 2:45 p.m.]

Original Notice.

Title of Rule: Amending WAC 232-12-114 Permit required for capture, importation, exportation, and transfer of raptors.

Purpose: Federal regulations were changed in fall 1989 to reflect a recognition that falconry has a minimal impact on most wild raptor populations. We agree with the federal assessment of biological impacts from falconry. The proposed changes would eliminate unnecessary paperwork and administrative attention to falconry permits.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The proposed changes: Designates species that are prohibited from wild capture; requires capture permits for only selected species; eliminates falconry transfer, import, export permits; and requires only falconry permit for wild capture of most species.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: It amends WAC 232-12-114 as stated in Summary above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Cavanaugh's Inn at the Park, West 303 North River Drive, Spokane, WA 99201, on October 6, 1990, at 8:00 a.m.

Submit Written Comments to: Lee S. Smith, 600 Capitol Way North, Olympia, WA 98501-1091, by September 26, 1990.

Date of Intended Adoption: October 6, 1990.

August 21, 1990

Lee S. Smith

Administrative Regulations Officer

AMENDATORY SECTION [(Amending Order 177, filed 1/28/82)]

WAC 232-12-114 PERMIT REQUIRED FOR CAPTURE(~~(; IMPORTATION, EXPORTATION, AND TRANSFER)~~) OF RAPTORS. (1) It is unlawful for any persons to capture from the wild, any state or federal endangered or threatened species for the purpose of falconry.

~~((1))~~ (2) It is unlawful for any persons to take a raptor for the purpose of falconry, without first having in ~~((his))~~ their possession and ~~((upon his))~~ on their person, a valid ~~(("raptor capture permit."))~~ Washington state "falconry permit."

(3) It is unlawful for any persons to take from the wild for the purpose of falconry, those raptor species listed on the Washington state falconry permit, without first having in possession and on their person, a valid "raptor capture permit."

~~((2))~~ (4) "Raptor capture permits" may be issued by the director to holders of valid falconry permits. Additional requirements of each permit shall be stated on the permit. Additional limitation on the use of each permit shall be stated on each permit.

~~((3))~~ A permittee, after capturing or acquiring a raptor, shall immediately fill out and mark the appropriate dates on the "raptor capture permit." Such permit must be returned to the department within five days of capture or acquisition. A person who captures a raptor shall report such capture to the department within five days of the time of capture.)

~~((4))~~ It is unlawful for a person to import into or export out of the state of Washington any raptor for falconry or propagation purposes without first obtaining a "raptor importation or exportation permit." "Raptor importation or exportation permits" may be issued by the director for the transfer of raptors into and out of the state of Washington. "Temporary" importation or exportation permits may be issued to licensed falconers for raptors brought into or removed from the state on a temporary basis. Additional requirements and limitations for each permit shall be stated on each permit.)

~~((5))~~ It is unlawful to transfer ownership or possession of a raptor without first notifying the department and registering the proposed transfer with the department. Permanent exportation of a raptor will also require a transfer of raptor permit. It is lawful for a permittee to give temporary care of any raptor to another permittee holding a general or masters permit for up to thirty days without prior notification or registration, if written authorization from the registered owner accompanies the bird, and a copy thereof is submitted to the department within three days of each such transfer.)

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 90-17-142

PROPOSED RULES

DEPARTMENT OF WILDLIFE

[Filed August 22, 1990, 2:47 p.m.]

Original Notice.

Title of Rule: Amending WAC 232-12-107 Falconry permits required.

Purpose: Federal regulations were revised in fall 1989. Federal regulations require state regulations to be at least as restrictive in order to carry out a falconry program. The proposed changes simply reflect wording changes in the federal regulations that clarify the activities that require a falconry permit.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: 77.12.040.

Summary: The proposed changes to WAC 232-12-107 reflect wording changes to parallel federal regulations, clarify intent, and remove discriminatory language.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: It amends WAC 232-12-107 as stated in the Summary above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Cavanaugh's Inn at the Park, West 303 North River Drive, Spokane, WA 99201, on October 6, 1990, at 8:00 a.m.

Submit Written Comments to: Lee S. Smith, 600 Capitol Way North, Olympia, WA 98501-1091, by September 26, 1990.

Date of Intended Adoption: October 6, 1990.

August 21, 1990

Lee S. Smith

Administrative Regulations Officer

AMENDATORY SECTION [(Amending Order 177, filed 1/28/82)]

WAC 232-12-107 FALCONRY PERMITS REQUIRED. (1) It is unlawful for ~~((a))~~ any persons to take, possess ~~((a raptor for the purpose of falconry)),~~ transport, import, export, sell, purchase, barter, offer to sell, purchase or barter raptors for falconry purposes, or to engage in the practice of falconry without first obtaining and having upon ~~((his))~~ their person a valid Washington state "falconry permit."

~~((1))~~ (2) The requirements for each such permit shall be stated on each permit application. The limitations on the use of these permits shall be stated on each such permit.

~~((2))~~ (3) Falconry permits shall be issued only to applicants who have successfully passed a supervised examination with a score of at least eighty percent and who have raptor housing facilities and falconry equipment approved by the director. The requirements for such facilities and equipment shall be stated on each falconry permit application.

~~((3))~~ (4) The department may periodically inspect the falconry facilities, equipment and raptors of a ~~(holder of a falconry permit)~~ falconry permittee at reasonable times.

~~((4))~~ (5) It is unlawful for ~~(a holder of a falconry permit)~~ falconry permittees to have in ~~(his)~~ their possession or under ~~(his)~~ their control, or to capture or attempt to capture, a species or number of raptors specifically prohibited by the director.

~~((5))~~ (6) It is unlawful for ~~(a)~~ any persons to possess a bald eagle, vulture, osprey, or owl ~~(;)~~ ~~(except the great horned owl)~~ ~~(:)~~ for falconry.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 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 90-17-143
PROPOSED RULES
DEPARTMENT OF WILDLIFE
[Filed August 22, 1990, 2:48 p.m.]

Original Notice.

Title of Rule: Amending WAC 232-12-117 Marking and identification of raptors required.

Purpose: Federal regulations were changed in fall 1989 to reflect a recognition that falconry has a minimal impact on most wild raptor populations. We agree with the federal assessment of biological impacts from falconry. The proposed changes would eliminate unnecessary enforcement and administrative activities associated with banding raptors.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The proposed changes: Requires banding only birds that are required to be banded by federal regulation (peregrine falcons, harris hawks, gyrfalcons, and golden eagles); adds wording to clarify lost bands, nonreusable bands, seamless bands; and allows a 30 day "grace" period for falconers to reband birds that have lost bands.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: It amends WAC 232-12-117 as stated in the Summary above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Cavanaugh's Inn at the Park, West 303 North River Drive, Spokane, WA 99201, on October 6, 1990, at 8:00 a.m.

Submit Written Comments to: Lee S. Smith, 600 Capitol Way North, Olympia, WA 98501-1091, by September 26, 1990.

Date of Intended Adoption: October 6, 1990.

August 21, 1990

Lee S. Smith

Administrative Regulations Officer

AMENDATORY SECTION [(Amending Order 177, filed 1/28/82)]

WAC 232-12-117 MARKING AND IDENTIFICATION OF RAPTORS REQUIRED. (1) It is unlawful for ~~(a person)~~ any falconry permittees to ~~(have in his possession or under his control)~~ take, possess, transport, import, export, or otherwise dispose of any ~~(raptor)~~ golden eagle (*Aquila chrysaetos*), peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or Harris hawk (*Parabuteo unicinctus*) ~~(that does not bear an identifying)~~ unless such bird is banded either by a seamless numbered band, or a permanent, non-reusable band, which are both provided by the United States Fish and Wildlife Service ~~(Band. It is unlawful to possess captive bred raptors after the 35th day of age without such identifying band. It is unlawful to hold raptors taken under a valid permit without an identifying band after fifteen days from capture).~~

~~((2) It is unlawful to remove or replace a raptor band without the approval of or under the supervision of the director.)~~

~~((3) It is unlawful to possess a raptor band that has been altered.)~~

(2) Any gyrfalcon (*Falco rusticolus*) taken from the wild must be reported to the department within five (5) days of taking and must be banded with a permanent non-reusable band provided by the United States Fish and Wildlife Service.

(3) It is unlawful to band any raptor taken from the wild, or band any raptor produced from an egg taken from the wild, or band any raptor produced from an egg from any source other than bred in captivity under authority of a raptor propagation permit, with a United States Fish and Wildlife Service seamless numbered band.

(4) Unless otherwise specifically exempted by the conditions of a raptor propagation permit, every raptor possessed for propagation (including offspring produced under the authority of the raptor propagation permit) must be banded in accordance with the following provisions:

(a) Except for captive-bred raptors lawfully marked with a seamless, numbered band provided by the United States Fish and Wildlife Service, any raptor possessed for propagation purposes shall be banded with a permanent, non-reusable, numbered band issued by the United States Fish and Wildlife Service.

(b) Each captive-bred raptor produced under the authority of a raptor propagation permit shall be banded within two (2) weeks of hatching with a numbered, seamless band provided by the United States Fish and Wildlife Service, placed on the raptor's leg (metatarsus), following United States Fish and Wildlife Service banding regulations.

(5) Any lost band must be replaced with a permanent, non-reusable band supplied by the United States Fish and Wildlife Service. A United States Fish and Wildlife Service form 3-186A (Migratory Bird Acquisition/Disposition Report) must be filed in accordance with the instructions on the form, with the department within five (5) working days of the loss.

(6) Unless specifically exempted by the director, all lost or removed bands must be replaced on the bird within 30 days of loss or removal.

(7) It is unlawful to possess a raptor band that has been altered.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 90-17-144
PROPOSED RULES
DEPARTMENT OF WILDLIFE
[Filed August 22, 1990, 2:49 p.m.]

Original Notice.

Title of Rule: Amending WAC 232-12-121 Falconry reports required.

Purpose: Federal regulations were changed in fall 1989 to reflect a recognition that falconry has a minimal impact on most wild raptor populations. We agree with the federal assessment of biological impacts from falconry. The proposed changes would eliminate unnecessary paperwork and administrative activities. The reporting requirements in the federal regulations are adequate to meet the needs of the department.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The proposed changes eliminate the annual report; requires falconers to report to the department within five days of possession, capture, transport, import, export, and all other disposal of raptors, using federal form 3-186A; requires Department of Wildlife "Raptor Capture Report Form" for selected species of concern; and adds clause for 30 day temporary maintenance and care by other falconer.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: It amends WAC 232-12-121 as stated in the Summary above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Cavanaugh's Inn at the Park, West 303 North River Drive, Spokane, WA 99201, on October 6, 1990, at 8:00 a.m.

Submit Written Comments to: Lee S. Smith, 600 Capitol Way North, Olympia, WA 98501-1091, by September 26, 1990.

Date of Intended Adoption: October 6, 1990.

August 21, 1990

Lee S. Smith

Administrative Regulations Officer

AMENDATORY SECTION [(Amending Order 177, filed 1/28/82)]

WAC 232-12-121 ((~~FALCONRY REPORTS REQUIRED~~))
REPORTING REQUIREMENTS FOR CAPTURE, IMPORTATION, EXPORTATION, TRANSFER, OR OTHER DISPOSAL OF RAPTORS. ((~~1~~)) A person holding a "falconry permit" shall submit by May 31 of each year an annual report on forms supplied by the department, disclosing such information as the department deems necessary for the proper management of raptors and the regulation of falconry.))

(1) It is unlawful to possess a raptor under the authority of a falconry permit unless the permittee has submitted a United States Fish and Wildlife Service form 3-186A (Migratory Bird Acquisition/Disposition Report), completed in accordance with instructions on the form, to the department within five (5) calendar days of initial possession.

((~~2~~)) A person shall report to the department, the loss, death, or release of their raptor possessed by him within five days of each loss, death or release. The carcasses of any dead raptors shall be delivered to the nearest department office, unless authorized to be retained by the department.))

(2) It is unlawful for a falconry permittee to capture, transfer, import, export, or otherwise dispose of raptors unless such permittee submits a United States Fish and Wildlife Service form 3-186A (Migratory Bird Acquisition/Disposition Report), completed in accordance with the instruction on the form, to the department within five (5) calendar days of any such transaction.

(3) A raptor possessed under the authority of a falconry permit may be temporarily held by another permittee, holding a general or masters permit, for maintenance and care for a period not to exceed thirty (30) days. The raptor must be accompanied at all times by a properly completed United States Fish and Wildlife Service form 3-186A (Migratory Bird Acquisition/Disposition Report), designating the person caring for the raptor as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession.

(4) A person shall report to the department, the loss, death, or release of their raptor within five (5) days of each loss, death or release. The carcass of any dead raptors shall be delivered to the nearest department office, unless authorized by the department to be retained by falconry permittee.

(5) It is unlawful for a falconry permittee to capture or take from the wild, any raptor species listed on Washington state falconry permit unless such permittee submits a Department of Wildlife "Raptor Capture Report Form", completed in accordance with the instructions on the form, to the department within five (5) calendar days of any such capture or take.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 90-17-145

PROPOSED RULES

DEPARTMENT OF WILDLIFE

[Filed August 22, 1990, 2:50 p.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-41402 1990-91 Upland game bird and migratory waterfowl seasons—Brant geese—Pacific County.

Purpose: To amend reporting requirements for brant hunters in Pacific County.

Statutory Authority for Adoption: RCW 77.12.040 and 77.04.055.

Statute Being Implemented: RCW 77.12.040 and 77.04.055.

Summary: This rule eliminates the requirement that brant harvested in Pacific County be checked at the Willapa National Wildlife Refuge. The same harvest information will be gained from a mandatory harvest report form issued with each written authorization to hunt.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Cavanaugh's Inn at the Park, West 303 North River Drive, Spokane, WA 99201, on October 6, 1990, at 8:00 a.m.

Submit Written Comments to: Lee S. Smith, 600 Capitol Way North, Olympia, WA 98501-1091, by September 26, 1990.

Date of Intended Adoption: October 6, 1990.

August 21, 1990

Lee S. Smith

Administrative Regulations Officer

NEW SECTION

WAC 232-28-41402 1990-91 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS - BRANT GEESE - PACIFIC COUNTY Notwithstanding the provisions of WAC 232-28-414, eliminate the requirement that brant harvested in Pacific County be checked at the Willapa National Wildlife Refuge.

WSR 90-17-146

PROPOSED RULES

DEPARTMENT OF WILDLIFE

[Filed August 22, 1990, 2:51 p.m.]

Original Notice.

Title of Rule: Amending WAC 232-28-022 Game management units (GMUs)—Special game areas—Boundary descriptions.

Purpose: To amend WAC 232-28-022 Game management units (GMUs)—Special game areas—Boundary descriptions, to include Muzzleloader Area No. 921 (Baleville) and to correct typographical errors.

Statutory Authority for Adoption: RCW 77.12.040 and 77.04.055.

Statute Being Implemented: RCW 77.12.040 and 77.04.055.

Summary: The Wildlife Commission adopted a muzzleloader late elk season, either sex, in Muzzleloader Area No. 921 for November 21, 1990, through December 9, 1990, (WAC 232-28-220). However, the boundary description for Muzzleloader Area No. 921 (Baleville) was omitted from WAC 232-28-022 Game management units (GMUs)—Special game areas—Boundary descriptions. This proposed amendment will include the boundary description.

Reasons Supporting Proposal: Muzzleloader Area No. 921 must have a legal description.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal changes the following existing rules: It amends WAC 232-28-022 as stated in Summary above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Cavanaugh's Inn at the Park, West 303 North River Drive, Spokane, WA 99201, on October 6, 1990, at 8:00 a.m.

Submit Written Comments to: Lee S. Smith, 600 Capitol Way North, Olympia, WA 98501-1091, by September 26, 1990.

Date of Intended Adoption: October 6, 1990.

August 21, 1990

Lee S. Smith

Administrative Regulations Officer

AMENDATORY SECTION (Amending Order 448, filed 6/15/90, effective 7/16/90)

WAC 232-28-022 GAME MANAGEMENT UNITS (GMUS)—SPECIAL GAME AREAS—BOUNDARY DESCRIPTIONS.

REGION ONE

GMU 100-Curlew (Ferry and Okanogan counties): Beginning at Republic; then south along Highway 21 to the northern boundary of the Colville Indian Reservation; then east along the Reservation boundary to the Stall Creek Road, USFS #310; then north on #310 to USFS Road #250; then north to the Kettle Crest Trail #13; then north on Trail #13 to the Deer Creek-Boulder Creek Road; then west on the Deer Creek-Boulder Creek Road to the Kettle River at Curlew; then north along the Kettle River to the Canadian Border near Danville; then west along the border to the Kettle river near the Ferry Customs Office; then south along the Kettle River to the mouth of Toroda Creek and the Toroda Creek Road; then southwest along the Toroda Creek Road to Wauconda and Highway 20; then southeast on Highway 20 to Republic to the point of beginning. (See Colville National Forest map)

GMU 103-Boulder (Ferry County): Beginning at Lake Roosevelt at the mouth of the Kettle River; then south along Lake Roosevelt to the north boundary of the Colville Indian Reservation; then west along the Reservation boundary to the Stall Creek Road, USFS Road #310; then north on #310 to USFS Road #250; then north on #250 to the Kettle Crest Trail #13; then north on Trail #13 to the Deer Creek Boulder Creek Road; then west on the Deer Creek-Boulder Creek Road to the Kettle River at Curlew; then north along the Kettle River to the Canadian Border near Danville; then east along the border to the Kettle River near Laurier then south along the Kettle River to its mouth to the point of beginning. (See Colville National Forest map)

GMU 105-Kelly Hill (Stevens County): Beginning at the Kettle River on the Canadian border near Laurier; then south along the Kettle River to its mouth at Lake Roosevelt; then northeast along Lake Roosevelt to the Canadian border; then west along the border to the Kettle River near Laurier to the point of beginning. (See Colville National Forest map)

GMU 108-Douglas (Stevens County): Beginning at the bridge over Lake Roosevelt near Northport; then southwest along Lake Roosevelt to the bridge over Lake Roosevelt near Kettle Falls (Highway 395); then south east on Highway 395 into Colville and Highway 20; then east on Highway 20 the edge of town and the Colville-Aladdin-Northport Road; then north and west on the Colville-Aladdin-Northport Road to the town of Northport and Highway 25; then through town to the Lake Roosevelt bridge to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 111-Aladdin (Stevens and Pend Oreille counties): Beginning at Lake Roosevelt at the Canadian Border; then south along Lake Roosevelt to the bridge over the lake near Northport (Highway 25); then into Northport on Highway 25 to the Colville-Aladdin-Northport Road; then east and south along the Colville-Aladdin-Northport Road to Highway 20 near Colville; then east on Highway 20 to the Pend Oreille River near Tiger; then north along the Pend Oreille river to the Canadian border; then west along the border to Lake Roosevelt to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 113-Selkirk (Pend Oreille County): Beginning on the Pend Oreille River at the Canadian border; then south along the Pend

Oreille River to the Idaho border near Newport; then north along the Idaho-Washington border to the Canadian border; then west along the Canadian border to the Pend Oreille River to the point of beginning. (See Washington Atlas & Gazetteer or Colville National Forest map)

GMU 118—Chewelah (Stevens and Pend Oreille counties): Beginning at Colville; then east on Highway 20 to the Pend Oreille River near Tiger; then south along the Pend Oreille River to the bridge over the river at Usk; then west on the McKenzie Road to the West Side Calispell Road and the Flowery Trail Road; then west on the Flowery Trail Road to Chewelah and Highway 395; then north on Highway 395 to Colville to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 119—Boyer (Stevens and Pend Oreille counties): Beginning on the Pend Oreille River at the bridge near Usk; then west on the McKenzie Road to the Westside Calispell Road and the Flowery Trail Road; then west on the Flowery Trail Road to Chewelah and Highway 395; then south on Highway 395 to Highway 231; then south on Highway 231 to Springdale; then east on Highway 292 to Highway 395 at Loon Lake; then south on Highway 395 to Deer Park; then east on the Deer Park-Milan Road to Highway 2, then northeast on Highway 2 to the Idaho border at Newport; then north along the Idaho border to the Pend Oreille River; then north along the Pend Oreille River to the bridge at Usk and point of beginning. (See Washington Atlas & Gazetteer)

GMU 121—Huckleberry (Stevens County): Beginning at the bridge over Lake Roosevelt near Kettle Falls; then south on Highway 395 to Highway 231; then south on Highway 231 to the northeast corner of the Spokane Indian Reservation; then west along the north boundary of the Reservation to Lake Roosevelt; then north along Lake Roosevelt to the Highway 395 bridge near Kettle Falls to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 124—Mount Spokane (Spokane, Stevens and Pend Oreille counties): Beginning at the Idaho-Washington border at Newport; then south on Highway 2 to the Deer Park-Milan Road; then west on the Deer Park-Milan Road to Deer Park and Highway 395; then north on Highway 395 to Highway 292 at Loon Lake; then west on Highway 292 to Springdale and Highway 231; then south on Highway 231 to the northeast boundary of the Spokane Indian Reservation; then south along the east boundary of the Indian Reservation (Chamokane Creek) to the Spokane River; then east along the Spokane River to the Washington-Idaho border; then north along the border to Newport and point of beginning. (See Washington Atlas & Gazetteer)

GMU 127—Mica Peak (Spokane County): Beginning at Spokane; then south along State Highway 195 to the Spokane-Whitman County line; then east along Spokane-Whitman County line to the Washington-Idaho line; then north along the Washington-Idaho line to the Spokane River; then west along the Spokane River to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 130—Cheney (Spokane and Lincoln counties): Beginning at Spokane; then south along State Highway 195 to the Spokane-Whitman County line; then west along the north boundary of Whitman and Adams counties to U.S. Highway No. 395; then northeast along U.S. Highway 395 to Sprague; then north along State Highway No. 231 to its junction with U.S. Highway No. 2; then east along U.S. Highway No. 2 to Reardan; then north along state Highway No. 231 to the Spokane River; then up the Spokane River to Spokane to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 133—Roosevelt (Lincoln County): Beginning at Reardan; then north along State Highway 231 to the Spokane River; then west along the Spokane River to Lake Roosevelt; then west along Lake Roosevelt to Coulee Dam; then southeast on State Highway 174 to Wilbur and U.S. Highway 2; then east along Highway 2 to Reardan and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 136—Harrington (Lincoln County): Beginning at the town of Grand Coulee; then southeast along State Highway No. 174 to its junction with U.S. Highway No. 2 at Wilbur; then east along U.S. Highway No. 2 to its junction with U.S. Highway No. 231 three miles west of Reardan; then south along Highway No. 231 to its junction with U.S. Highway No. 395; then southwest along U.S. Highway No. 395 to the Adams County line at Sprague Lake; then west along the Adams-Lincoln County line to the Grant County line; then north

along the Grant-Lincoln County line to Grand Coulee and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 139—Steptoe (Whitman County): Beginning at Colfax; then west along State Highway 127 to Dusty and continuing west along State Highway No. 26 through LaCrosse to the west Whitman County line (Palouse River); then north along the west Whitman County line, east along the north Whitman County line and south along the east Whitman County line to the Moscow-Pullman Highway; then west along the Moscow-Pullman-Colfax Highway to Colfax and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 142—Almota (Whitman County): Beginning at Clarkston; then down the Snake River to the mouth of the Palouse River; then up the Palouse River to the Washtucna-LaCrosse Highway (State Highway No. 26); then east along the highway through LaCrosse to State Highway 127 to Dusty; then continuing east along State Highway 127 to Colfax; then southeast along the Colfax-Pullman-Moscow Highway to the Washington-Idaho line; then south along the state line to Clarkston and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 145—Mayview (Garfield and Asotin counties): Beginning at the mouth of Alpowa Creek and its junction with U.S. Highway No. 12; then west along U.S. Highway No. 12 to its junction with State Highway 127 (Central Ferry Highway); then north along the Highway to the Snake River; then east up the Snake River to the mouth of Alpowa Creek and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 148—Starbuck (Walla Walla, Columbia, and Garfield counties): Beginning at Central Ferry; then south along State Highway No. 127 to Dodge Junction; then southwest along U.S. Highway No. 12 to the town of Waitsburg and the Touchet River; then west along the river to its junction with the Ayer Road at Harsha; then north along the Ayer Road to the Snake River at Ayer; then east along the Snake River to Central Ferry and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 151—Eureka (Walla Walla County): Beginning at the Washington-Oregon State line on the Columbia River (near Wallula Junction); then north up the Columbia River to the Snake River; then northeast up the Snake River to Ayer; then south along the Ayer Road to State Highway No. 124 and the Touchet River at Harsha; then east up the river to Waitsburg and U.S. Highway 12; then southwest along Highway 12 to Walla Walla and State Highway No. 125; then south along State Highway No. 125 to the Washington-Oregon State line; then west along the state line to the Columbia River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 154—Blue Creek (Walla Walla and Columbia counties): Beginning at the Washington-Oregon State line on State Highway No. 125 (south of Walla Walla); then north along State Highway No. 125 to U.S. Highway No. 12; then northeast along Highway 12 to the Payne Hollow Road at Long Station; then south along the Payne Hollow-Jasper Mountain-Mt. Pleasant Road to the Lewis Peak Road; then south along the Lewis Peak Road to its termination at the Mill Creek Watershed Intake Trail; then southwest along the trail to the Washington-Oregon State line; then west along the state line to State Highway No. 125 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 157—Watershed, Mill Creek Watershed area (Walla Walla, Columbia counties): Starting at the Mill Creek Watershed Intake Trail (No. 3211) on the Washington-Oregon State line; then northeast along the Intake Trail to the Skyline Drive Road (No. 64); then south along the road to the Washington-Oregon State line; then due west to the point of beginning. (See Umatilla Forest map)

GMU 160—Touchet (Walla Walla, and Columbia counties): Beginning at Dayton; then south along the North Touchet River Road to its junction with the Skyline Drive Road at Manila Springs; then southwest along the Skyline Road to its junction with the Mill Creek Watershed Intake Trail (No. 3211); then west along the Intake Trail to the Lewis Peak Trail; then north along the Lewis Peak-Mt. Pleasant-Jasper Mountain-Payne Hollow Road to U.S. Highway 12 at Long Station; then north along said highway to Dayton and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 161-Eckler (Columbia County): Beginning at Dayton; then east along the Patit Creek Road to its junction with the Hartsock-Maloney Mountain Road; then south and west along the Maloney Mountain Road (No. 4625) to the Skyline Drive Road (No. 46); then south along the Skyline Drive Road to its junction with the North Touchet River Road at Manila Springs; then north along the North Touchet River Road to Dayton and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 163-Marengo (Columbia, and Garfield counties): Beginning at Dayton; then east along the Main Patit Road to its junction with the Hartsock-Maloney Mountain Road; then north down the Hartsock Grade Road to the Tucannon Road; then south along the Tucannon Road to the Blind Grade Road; then east up the Blind Grade Road to the Linville Gulch Road; then north down the Linville Gulch Road to U.S. Highway No. 12; then west and south along Highway 12 to Dayton and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 166-Tucannon (Columbia, and Garfield counties): Beginning on the Tucannon River Road at its junction with the Hartsock Grade Road; then south up the Hartsock Grade Road to its junction with the Maloney Mountain Road; then southwest along the Maloney Mountain Road (No. 4625) to the Skyline Drive Road (No. 46); then south along the Skyline Drive Road to its junction with the Teepee Road (No. 4608); then east along the Teepee Road to Teepee Camp; then east along the Teepee Oregon Butte-Bullfrog Springs Diamond Peak Trail to Diamond Peak; then east along the Diamond Peak Road (No. 4030) to the Mountain Road (No. 40); then north along the Mountain Road to its junction with the elk drift fence at the Forest Boundary; then north and west along the fence to the Tucannon Road; then north along the Tucannon Road to the Hartsock Grade Road and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 169-Wenaha (Columbia, Garfield and Asotin counties): Beginning on the Skyline Drive Road at the Washington-Oregon State line; then north along the road to Godman Springs and the Teepee Road (No. 4608); then east along the Teepee Road to Teepee Camp; then east along the Teepee Oregon Butte-Bullfrog Springs Diamond Peak Trail to Diamond Peak; then east on the Diamond Peak Road (No. 4030) to the Mountain Road (No. 40); then south along the Mountain Road to the South Boundary Road (No. 4039); then west along the road to the Three Forks Trail (No. 3133); then west down said trail to Crooked Creek; then south on Crooked Creek to the Washington-Oregon State line; then due west along the line to Skyline Road and the point of beginning. (See Umatilla National Forest map)

GMU 172-Mountview (Garfield and Asotin counties): Beginning at the junction of State Highway 129 and Mill Road at Anatone; then southwest on the Mill Road & Bennett Ridge Road-West Mountain Road (No. 1290) to the Big Butte-Mt. Misery Road (No. 4304); then west along the road to the Mountain Road (No. 40); then south on the road to the South Boundary Road (No. 4039); west along the South Boundary Road to the Three Forks Trail (No. 3133); then down said trail to Crooked Creek; then down the creek to the Washington-Oregon State line; then east along the line to State Highway No. 129; then north on Highway 129 to Anatone and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 175-Lick Creek (Garfield and Asotin counties): Beginning at the junction of the Mountain Road (No. 40) and National Forest Boundary (south of Pomeroy); then south along the Mountain Road to its junction with the Wenatchee Guard Station-Anatone Road; then east along the road to the National Forest Boundary at Big Butte; then northwest along the boundary fence to the Cloverland-Wenatchee Guard Station Road; then northeast along the Cloverland Road to the Campbell Grade Road; then down the Campbell Grade Road to the South Fork Asotin Creek Road; then down South Fork Asotin Creek Road to Asotin Creek; then down Asotin Creek to Charley Creek; then up Charley Creek to the elk drift fence; then west along the elk fence to its junction with the Mountain Road (No. 40) and the point of beginning. (See Umatilla National Forest map)

GMU 178-Peola (Garfield and Asotin counties): Beginning on the Snake River at the mouth of Asotin Creek; then up Asotin Creek to Charley Creek; then up Charley Creek to the elk drift fence; then northwest along the fence to the Tucannon Road; then down the Tucannon Road to the Blind Grade Road; then up Blind Grade to the Linville Gulch Road; then down the Linville Gulch Road to U.S.

Highway No. 12; then east along Highway 12 to the mouth of Alpowa Creek on the Snake River; then up the Snake River to the mouth of Asotin Creek and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 181-Couse (Asotin County): Beginning at the mouth of Asotin Creek on the Snake River; then south along the Snake River to the Grande Ronde River; then west up the Grande Ronde River to State Highway No. 129; then northeast along Highway 129 to Anatone; then west and south along the Mill Road-Bennett Ridge Road-West Mountain Road to the National Forest Boundary at Big Butte (Road No. 4304); then northwest along the Forest Boundary fence to the Cloverland Road; then northeast on that road to the Campbell Grade Road; then down that road to the South Fork Asotin Creek Road; then down that road to Asotin Creek; then down Asotin Creek to the Snake River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 184-Joseph (Asotin County): Beginning at the mouth of the Grande Ronde River; then west along the river to the mouth of Joseph Creek; then south up Joseph Creek to the first Joseph Creek bridge and the Joseph Creek Road; then south up said road to the Washington-Oregon State line; then east along the line to the Snake River; then north down the Snake River to the Grande Ronde River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 185-Black Butte (Asotin County): Beginning at State Highway No. 129 on the Washington-Oregon State line; then north along Highway 129 to the Grande Ronde River; then east down the river to the mouth of Joseph Creek; then south up Joseph Creek to the first Joseph Creek bridge and the Joseph Creek Road; then south up said road to the Washington-Oregon State line; then west along the line to State Highway No. 129 and the point of beginning. (See Washington Atlas & Gazetteer)

REGION TWO

GMU 200-Tunk (Okanogan and Ferry counties): Beginning at Tonasket, then south along the Okanogan River to the north boundary of the Colville Indian Reservation, then east along the Reservation boundary to State Route 21 south of Republic, then north along State Route 21 to Republic and State Route 20, then west along State Route 20 to Tonasket to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 203-Pasayten (Okanogan and Whatcom counties): Beginning at the eastern boundary of the Pasayten Wilderness and its junction with the Canadian border, then south along the wilderness boundary to Trail #341, then west along Trail #341 to the Iron Gate Road and Trail #343, then west along Trail #343 to its junction with the Pasayten Wilderness boundary, then west along the wilderness boundary to the Hidden Lakes Trail (#477) then west along Hidden Lakes Trail to Drake Creek, then southwest down Drake Creek and the Lost River to the Pasayten Wilderness boundary and the Robinson Creek Trail #478, then north up the Robinson Creek Trail to the junction of the Ferguson Lake Trail, then west to Silver Lake, then west to the West Fork Trail crossing of the West Fork of the Pasayten River, then west to Oregon Basin and the Pasayten Wilderness boundary, then west and north along the boundary to the Canadian border, then east along the border to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 206-Bonaparte (Okanogan and Ferry counties): Beginning at the town of Tonasket, then north along the Okanogan River and the east shore of Osoyoos Lake to the Canadian border, then east along the Canadian border to the Kettle River near the Ferry Customs office, then south along the Kettle River to the mouth of Toroda Creek, then southwest along Toroda Creek to Toroda Creek Road (#502 and #9495), then southwest along Toroda Creek Road to its junction with State Route 20 at Wauconda, then west along State Route 20 to Tonasket and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 209-Wannacut (Okanogan County): Beginning at the Canadian border on Lake Osoyoos, then south along the west shore of Lake Osoyoos and the Okanogan River to the bridge at Tonasket, then south on County Road #7 (#9437) to the North Pine Creek-Aeneas Lake Road (#9400) junction, then southwest on that road to the Horse Springs Coulee Road (#4371) junction, then northwest on that road to the Loomis-Nighthawk Highway (#9425) junction near Spectacle Lake, then west on Loomis-Nighthawk Highway to Loomis, then north on the Loomis-Nighthawk Highway (#9425) past Palmer Lake

to the Canadian border station near Nighthawk, then east on the U.S.-Canada boundary to Lake Osoyoos and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 215-Sinlahekin (Okanogan County): Beginning at the Canadian border station near Nighthawk, then south through Nighthawk and past Palmer Lake on the Nighthawk-Loomis Highway (#9425) to Loomis, then east on the Loomis-Tonasket Highway (#9425) to the Horse Springs Coulee Road (#4371) junction near Spectacle Lake, then south on that road to the North Pine Creek-Aeneas Lake Road (#9400), then east on that road to the Okanogan River, then south along the Okanogan River to the town of Riverside, then north on U.S. Highway 97 to its junction with the South Pine Creek Road (#9410), then west on South Pine Creek Road to its junction with the Conconully-Loomis Road (#4015), then south on Road #4015 to Conconully, then north on the North Fork Salmon Creek Road (#2361, Road 38 and 2820) over Lone Frank Pass to the junction with Road #39, then north on Road #39 to Long Swamp, then east along the Middle Fork Toats Coulee Road (#39) to the junction with the Iron Gate Road (#500), then northwest along the Iron Gate Road to its end, then north and east along trails #533 and #341 to the Pasayten Wilderness boundary, then north along that boundary to the Canadian border, then east along the border to the Nighthawk border station and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 218-Chewuch (Okanogan County): Beginning at the junction of the Iron Gate Road (#500) and the Pasayten Wilderness boundary, then southeast on the Iron Gate Road to the Middle Fork Toats Coulee Creek Road (#39), then west and south on the Middle Fork Toats Coulee Creek Road past Long Swamp to the Boulder Creek Road (#37), then southwest down Boulder Creek Road to the East Chewuch River Road (#9137) then south to Winthrop and State Route 20, then northwest on State Route 20 to the Okanogan County line, then northwest along the Okanogan County line through Harts Pass to Oregon Basin, then east to Silver Lake, then due east to the intersection of Ferguson Lake Trail and Middle Fork Trail #478, then south on Trail #478 to the Pasayten Wilderness boundary, then northeast along that boundary to Lost River, then northeast up Lost River and Drake Creek to Hidden Lake Trail #477, then east along Trail #477 to the Pasayten Wilderness boundary at Eight-Mile Pass, then east along the wilderness boundary to its junction with Trail #342 near Hicky Hump, then north along Trail #342 to its junction with Trail #343 at Two Bear camp, then east along Trail #343 to the Iron Gate Road to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 224-Pearrygin (Okanogan County): Beginning at the town of Conconully, then north along County Road 2361, and the N. Fork Salmon Creek Road (#38) to its junction with Road 39, SW along Road 39 to the Boulder Creek Road (#37), then southwest along the Boulder Creek Road to the East Chewuch River Road (#9137), then south down the East Chewuch River Road to Winthrop, then south and east along State Route 20 to the Loup Loup summit, then north along the North Summit Road (#42) and County Road 2017 to Conconully and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 231-Gardner (Okanogan County): Beginning at the town of Twisp, then northwest along State Route 20 to the Okanogan County line, then south along the county line to Copper Pass and the North Fork Twisp River Trail #426, then southeast along Trail #426 to the Twisp River Road, then southeast along the Twisp River Road to the town of Twisp and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 233-Pogue (Okanogan County): Beginning at the town of Riverside, then north along U.S. Highway 97 to the South Pine Creek Road (#9410), then west on South Pine Creek Road to the Conconully-Loomis Road (#4015), then south along Road #4015 to Conconully, then south along County Road 2017 and the North Summit Road (#42) to State Route 20 near Loup Loup summit, then east on State Route 20 to the town of Okanogan and the Okanogan River, then north up the Okanogan River to Riverside and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 239-Chilliwist (Okanogan County): Beginning at the town of Okanogan, then west on State Route 20 to State Route 153, then south along State Route 153 to Pateros and the Columbia River, then north up the Columbia and Okanogan rivers to Okanogan and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 242-Alta (Okanogan County): Beginning at Pateros, then northwest on State Route 153 to Twisp, then west on the Twisp River Road (County Road 9114 and Forest Road #4440) to Roads End Campground, then northwest on the North Fork Twisp River Trail #426 to Copper Pass and the Okanogan County line, then southeast along the county line to the junction of South Fork Gold Creek Road (#4330) and the South Navarre Road (#8200), then southeast along Road (#8020) to the Antoine Creek Road (#8140), then southeast along Road (#8140) to U.S. Highway 97, then north on U.S. Highway 97 to Wells Dam, then upriver to Pateros and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 248-Big Bend (Douglas and Grant counties): Beginning at Mansfield; then west along State Route 172 to Road B N.E.; then north on B N.E. and the West Foster Creek Road to State Route 17; then east along State Route 17 to the Chalk Hills Road (Road K N.W.); then north along the Chalk Hills Road (K & L N.E.) to Road 28 N.E.; then north along Road L N.E. for 4 miles to the east boundary of Range 26 E; then north to the Columbia River; then up the Columbia River to Grand Coulee Dam; then south along the Feeder Canal and the west side of Banks Lake to a point due east from Road 9 N.E.; then west from that point and along Road 9 N.E. through Mold to State Route 17; then north along State Route 17 to Sim's Corner (Jct. State Routes 17 & 172); then west on State Route 172 to Mansfield and the point of beginning. (See official road map of Douglas County)

GMU 254-Saint Andrews (Douglas and Grant counties): Beginning at Sim's Corner (Jct. of State Routes 17 and 172); then south on State Route 17 to Road 9 N.E.; then east on Road 9 N.E. (through Mold) to a point due east on the west shore of Banks Lake; then south along the west shore of Banks Lake to State Route 2; then west along State Route 2 to State Route 172; then north and east along State Route 172 through Mansfield to Sim's Corner and the point of beginning. (See official road map of Douglas County)

GMU 260-Foster Creek (Douglas County): Beginning at Bridgeport; then down the Columbia River to Bonita Flat; then east along the Bonita Flat Road to the town site of Dyer; then south along the Dyer Hill Road and the N. Division Road to Road 20 N.E.; then east along Road 20 N.E. (Dyer Hill Rd.) to the W. Foster Creek Rd.; then north along the West Foster Creek Road to State Route 17; then east along State Route 17 to the Chalk Hills Road (K N.E.); then north along the Chalk Hills Road (K & L N.E.) to Road 28 N.E.; then north along Road L N.E. for 4 miles to the east boundary of Range 26 E.; then north to the Columbia River; then down the Columbia River to Bridgeport and the point of beginning. (See official road map of Douglas County)

GMU 262-Withrow (Douglas County): Beginning at Orondo; then up the Columbia River to the Bonita Flat Road; then east along the Bonita Flat Road to the town site of Dyer; then south along the Dyer Hill Road and the N. Division Road to Road 20 N.E. (Dyer Hill Rd.); then east along Road 20 N.E. to Road B N.E. (W. Foster Ck. Rd.); then south on Road B N.E. to State Route 172; then west and south on State Route 172 to State Route 2; then west along State Route 2 to Orondo and the point of beginning. (See official road map of Douglas County)

GMU 266-Badger (Douglas County): Beginning at Orondo; then down the Columbia River to the Rock Island Grade Road (includes Turtle Rock Island); then north along the Rock Island Grade Road to the Titchenal Canyon Road; then northeast along the Titchenal Canyon Road to the Alstown Road; then east to Alstown; then north and east along the Alstown Road to Road K S.W.; then north along Road K to State Route 2; then west along State Route 2 to Orondo and the point of beginning. (See official road map of Douglas County)

GMU 269-Moses Coulee (Douglas and Grant counties): Beginning near Rock Island Dam at the junction of State Route 28 and the Rock Island Grade Road; then north along the Rock Island Grade Road to the Titchenal Canyon Road; then northeast along the Titchenal Canyon Road to the Alstown Road; then east to Alstown; then north and east along the Alstown Road to Road K S.W.; then north along Road K to State Route 2; then east along State Route 2 to the Moses Coulee Road; then south along the Moses Coulee Road to the Grant & Douglas County line; then south along the Sagebrush Flat Road to Road J N.W.; then south along Road J N.W. to the Overen Road (Road 20 N.W.); then west along the Overen Road to the Baird Springs Road; then southwest along the Baird Springs Road across

State Route 28 to the Crescent Bar Road; then south along the Crescent Bar Road to the Columbia River; then up the Columbia River to the Rock Island Grade Road and the point of beginning. (See official road maps of Douglas and Grant counties)

GMU 272-Beezley (Grant and Douglas counties): Beginning at the town of Grand Coulee, then southwest along the west shore of Banks Lake to State Route 2, then west along State Route 2 to Moses Coulee Road, then south along Moses Coulee Road to the Grant-Douglas County line; then south along the Sagebrush Flats Road to Road J N.W.; then south along Road J N.W. to the Overen Road, (Road 20 N.W.); then west along the Overen Road to the Baird Springs Road, then southwest along Baird Springs Road across State Route 28 to the Crescent Bar Road, then southwest along Crescent Bar Road to the Columbia River, then down the Columbia River to Interstate 90, then northeast along Interstate 90 to the Beverly Burke Road (Road R S.W.), then south along Beverly Burke Road to Frenchman Hills Road, then east along Frenchman Hills Road to O'Sullivan Dam Road, then east along O'Sullivan Dam Road to State Route 17, then south along State Route 17 to the Grant-Adams County line (Road 12 S.E.), then east and north along the Grant County line to the town of Grand Coulee and the point of beginning. (See official road maps of Grant and Douglas counties)

GMU 278-Wahluke (Grant and Adams counties): Beginning at the Columbia River at Interstate 90, then northeast along Interstate 90 to the Beverly Burke Road (Road R S.W.); then south along Beverly Burke Road to Frenchman Hills Road; then east along Frenchman Hills Road to O'Sullivan Dam Road; then east along O'Sullivan Dam Road to State Route 17, then south along State Route 17 to State Route 26; then east along State Route 26 to State Route 24 at Othello; then south and west along State Route 24 to the Columbia River at Vernita Bridge; then up the Columbia River to Interstate 90 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 281-Ringold (Franklin, Adams, and Grant counties): Beginning at the Columbia River and U.S. Highway 395 at Pasco, then up the Columbia River (including all islands) to State Route 24 at Vernita Bridge; then east and north along State Route 24 to State Route 26 at Othello; then east along State Route 26 to State Route 17; then south along State Route 17 to U.S. Highway 395; then south along U.S. Highway 395 to the Columbia River at Pasco and the point of beginning. The Hanford Nuclear Site and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry. (See Washington Atlas & Gazetteer)

GMU 284-Kahlotus (Adams and Franklin counties): Beginning at the Columbia River and U.S. Highway 395 at Pasco; then north along U.S. Highway 395 to State Route 17; then north along State Route 17 to the Grant & Adams County line (Road 12 S.E.); then east and north along the Grant & Adams County line to the Lincoln County line; then east along the Adams-Lincoln County line to the Whitman County line; then south along the Adams-Whitman County line to the Palouse River; then down the Palouse River to the Snake River; then down the Snake River to the Columbia River; then up the Columbia River to U.S. Highway 395 and the point of beginning. (See Washington Atlas & Gazetteer)

REGION THREE

GMU 300-Manson (Chelan County): Beginning at the town of Chelan; then down the Chelan River Gorge to the Columbia River; then north along the Columbia River to Wells Dam; then southwest along Highway 97 to the Antoine Creek Road (USFS #8140); then west along Antoine Creek Road to Forest Road #8020 near Cooper Mountain; then northwest along Road #8020 to junction of Road #4330 near Fox Peak; then northwest along the ridge separating the Chelan and Methow-Twisp drainages (Sawtooth Ridge) to McAlester Mountain; then southeast along the ridge between Rainbow Creek and Boulder Creek to the Stehekin River; then south along Lake Chelan shore to the town of Chelan to the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 301-Clark (Chelan County): That portion of Chelan County that lies within the Glacier Peak Wilderness Area and that portion of the Lake Chelan National Recreation Area west of McAlester Mountain and running southwest along the ridge between Rainbow Creek and Boulder Creek to the Stehekin River; then continuing south along Lake Chelan to the south boundary of the National Recreation Area. (See Wenatchee National Forest Recreation map)

GMU 302-Alpine (Kittitas and Chelan counties): Those lands within Kittitas and Chelan counties east of the Pacific Crest Trail that lie within the Alpine Lakes Wilderness Area. (See Wenatchee National Forest Recreation map)

GMU 304-Chiwawa (Chelan County): Beginning at Coles Corner on Highway 2; then north along Highway 207 to Highway 209 near Lake Wenatchee; then south on Highway 209 to the Eagle Creek Road #7520; then northeast on Road #7520 to French Corral and Forest Road #5800; then east along Roads #5800 and #5700 to the Entiat River near Ardenvoir; then north along the Entiat River to the Glacier Peak Wilderness Boundary; then south and west along the Glacier Peak Wilderness Boundary to the Pacific Crest Trail; then south to Highway 2 at Stevens Pass; then east on Highway 2 to Coles Corner. (See Wenatchee National Forest Recreation map)

GMU 306-Slide Ridge (Chelan County): Beginning on the Entiat River at the Glacier Peak Wilderness Boundary (near the mouth of Larch Lakes Creek); then south along the Entiat River to the mouth of Fox Creek; then east on Fox Creek to Fourmile Ridge Trail #1445; then east on Trails #1445 and #1448 to the Slide Ridge Road #8410 at Stormy Mountain; then north on Road #8410 to Twenty-five Mile Creek; then north on Twenty-five Mile Creek to Lake Chelan; then north and west along the south shore of Lake Chelan to the Lake Chelan National Recreation Area Boundary near Riddle Creek; then south and west along the Recreation Area and Glacier Peak Wilderness Boundaries to the Entiat River. (See Wenatchee National Forest Recreation map)

GMU 308-Entiat (Chelan County): Beginning at the mouth of the Entiat River near the town of Entiat; then northwest along the Entiat River to the mouth of Fox Creek; then east along Fox Creek to the Fourmile Ridge Trail #1445 then east along Trail #1445 and #1448 to the Slide Ridge Road #8410 at Stormy Mountain; then north along Road #8410 to Twenty-five Mile Creek; then north along Twenty-five Mile Creek to Lake Chelan; then southeast along Lake Chelan and the Chelan River Gorge to the Columbia River; then southwest along the Columbia River to the mouth of the Entiat River. (See Wenatchee National Forest Recreation map)

GMU 314-Mission (Kittitas and Chelan counties): Beginning at the mouth of the Colockum Creek on the Columbia River; then west along Colockum Creek and the Colockum Pass Road (#10) to the Naneum Ridge Road (#9); then northwest along Naneum Ridge Road and Mission Ridge to the Liberty-Beehive Road #9712; then northwest along Road #9712 to Road #9716; then north along Road #9716 to Highway 97 at Swauk Pass; then northwest along the Kittitas-Chelan County line and Trail #1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak, then north along the Alpine Lakes Wilderness Boundary to Icicle Creek near Black Pine Horse Camp; then east along Icicle Creek to the Wenatchee River; then south and east along the Wenatchee and Columbia Rivers to the mouth of Colockum Creek. (See Wenatchee National Forest Recreation map)

GMU 316-Swakane (Chelan County): Beginning at the mouth of the Wenatchee River; then north along the Columbia River to the Entiat River; then north along the Entiat River to Road #5700 near Ardenvoir; then west along Roads #5700 and #5800 to French Corral; then west along the Eagle Creek Road #7520 to Highway 209; then north along Highway 209 to Highway 207 near Lake Wenatchee; then south along Highway 209 to Highway 2 at Coles Corner; then west along Highway 2 to Stevens Pass; then south along the Chelan-King County Line to the Alpine Lakes Wilderness Boundary; then east and south along the Alpine Lakes Wilderness Boundary to Icicle Creek; then east along Icicle Creek to the Wenatchee River; then east along the Wenatchee River to its mouth on the Columbia River. (See Wenatchee National Forest Recreation map)

GMU 328-Naneum (Kittitas and Chelan counties): Beginning at the intersection of Highway 97 and Lower Green Canyon Road; then north along Lower Green Canyon Road to the East Highline Canal (T19N, R18E, S28); then east along the canal to the Colockum Pass Road #10; then northeast along the Colockum Pass Road to the Naneum Ridge Road #9; then northwest along the Naneum Ridge Road and Mission Ridge to the Liberty Beehive Road #9712; then northwest along Road #9712 to Road #9716; then north along Road #9716 to Highway 97 at Swauk Pass; then south along Highway 97 to the Lower Green Canyon Road. (See Wenatchee National Forest Recreation map & Department of Wildlife map)

GMU 329—Quilomene (Kittitas and Chelan counties): Beginning on Interstate 90 at the Columbia River near Vantage; then north along the Columbia River to the mouth of Tekieson Creek; then up Tekieson Creek to Road #14; then north along Roads 14, 14.17 and 14.14 to the top of Cape Horn cliffs; then north along the cliff top to the northern point of Cape Horn; then southwest along the stock fence to Road #14.14; then west and north along Road #14.14 and Road #14 to Davies Canyon; then northeast along Davies Canyon to the Columbia River; then north along the Columbia River to mouth of Colockum Creek; then southwest along Colockum Creek and Colockum Road (Road #10) to the East Highline Canal (T18N, R20E, S17); then east along the canal and Interstate 90 to the Columbia River at Vantage. (See Department of Wildlife map)

GMU 330—West Bar (Kittitas County): Beginning at the mouth of Tekieson Creek on the Columbia River; then up Tekieson Creek to Road #14; then north on Road 14, 14.14 and 14.17 to the top of the Cape Horn Cliffs; then north along the cliff top to the north end of Cape Horn; then southwest along the stock fence to Road 14.14; then west and north along Roads #14.14 and #14 to Davies Canyon; then east along Davies Canyon to the Columbia River; then south along the Columbia River to the mouth of Tekieson Creek. (See Department of Wildlife map)

GMU 334—Ellensburg (Kittitas County): Beginning at the intersection of Highway 97 and Lower Green Canyon Road; then north along the Lower Green Canyon Road to the East Highline Canal (Sec. 28, Twp. 19N., R. 18E); then east and south along the canal past Interstate 90 to the pump station; then south and west along the upper most branch of the canal to Highway 821 and the Yakima River (a point about one mile south of Thrall); then north along the Yakima River to Damon Road; then south on Damon Road and Shushuskin Canyon to the South Branch Extension Canal; then west along the canal to where it crosses Manastash Road; then north along the South Branch Canal to Taneum Creek; then east along Taneum Creek to the Yakima River; then northeast along the river to Thorp Highway; then east along the Thorp Highway and Highway 10 to Highway 97; then north along Highway 97 to Lower Green Canyon Road. (See Wenatchee National Forest Recreation map & Department of Wildlife map) (This is a Kittitas County Closure area for high power rifle hunting of both deer and elk. Contact Kittitas County for more details)

GMU 335—Teanaway (Kittitas County): Beginning at Swauk Pass on Highway 97; then northwest along the Kittitas-Chelan County line and Trail #1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak; then west along the Alpine Lakes Wilderness Boundary to the King-Kittitas County line at Kendal Peak; then south along the King-Kittitas County line to Interstate 90; then east along Interstate 90 to Cle Elum; then east along Highway 10 to Highway 97; then northeast on Highway 97 to Swauk Pass. (See Wenatchee National Forest Recreation map)

GMU 336—Taneum (Kittitas County): Beginning at Cle Elum; then west along Interstate Highway 90 to the Pacific Crest Trail at Snoqualmie Pass; then southeast along the Pacific Crest Trail to Blow-out Mountain; then southeast along the divide between the Naches and Yakima River drainages and Trail #1388 to Peaches Ridge and Trail #1363; then north along Trail #1363 to South Fork Taneum Creek; then east along Taneum Creek to the Yakima River; then north (downstream) on the Yakima River to the Thorp Highway Bridge; then northwest along the Thorp Highway, State Highway 10 and State Highway 903 to Cle Elum. (See Wenatchee National Forest Recreation map)

GMU 340—Manastash (Kittitas County): Beginning at the junction of Taneum Creek and the South Branch Highline Canal; then west up Taneum Creek and South Fork Taneum Creek to USFS Trail #1363 (Peaches Ridge Trail); then west on Trail #1363 to the Naches-Yakima River Divide; then southeast along Trail #1388 and the ridge top dividing the Manastash and Wenas-((Ump~~tanum~~)) Umtaneum drainages to the junction of the Observatory Road, (Twp. 17 N., R. 17 E.W.M., Section 20) then south on the Observatory Road to the Wenas & Ellensburg Road; then east on the Wenas-Ellensburg Road to ((Ump~~tanum~~)) Umtaneum Creek; then down ((Ump~~tanum~~)) Umtaneum Creek to the Yakima River; then up the Yakima River to the Damon Road; then south to the Wenas-Ellensburg Road; then south on the Wenas-Ellensburg Road to the South Branch Highline Canal; then along the canal to Taneum Creek and the beginning. (See Wenatchee National Forest Recreation map)

GMU 342-((Ump~~tanum~~)) Umtaneum (Kittitas and Yakima counties): Beginning at Yakima then north along the Yakima River to ((Ump~~tanum~~)) Umtaneum Creek; then up ((Ump~~tanum~~)) Umtaneum Creek to the Wenas-Ellensburg Road; then west along the Wenas-Ellensburg Road to the Observatory Road; then north along the Observatory Road to the Road junction at the top of the ridge (Section 20, T17N, R.17 E.W.M.); then west and north along the top of the ridge dividing Manastash and ((Ump~~tanum~~)) Umtaneum-Wenas drainages to USFS Trail #1388 and Forest Road 1701; then along Road 1701 to Highway 410 to the junction of I-82 and the Yakima River. (See Wenatchee National Forest map and Washington Atlas & Gazetteer)

GMU 346—Little Naches (Yakima & Kittitas counties): Beginning at the Junction of Highway 410 and Forest Road 1701; then north on Road 1701 to Trail #1388; then northwest along Trail #1388 to the Pacific Crest Trail at Blowout Mountain; then south along the Pacific Crest Trail to State Highway 410 at Chinook Pass; then east along State Highway 410 to point of beginning. (See Wenatchee National Forest Recreation map)

GMU 352—Nile (Yakima County): Beginning at Highway 410 at its junction with Forest Road 1500 (Eagle Rock); then west along the 1500 Road to the McDaniel Lake Road (USFS Road #1502); then west along the McDaniel Lake Road to the junction of the North Fork and the South Fork of Rattlesnake Creek; then up the North Fork of Rattlesnake Creek to Richmond Mine Trail #973; then north along Richmond Mine Trail to the Bumping Lake Road; then north along Bumping Lake Road to Highway 410; then east along Highway 410 to Eagle Rock and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 356—Bumping (Yakima County): Beginning at the intersection of Highway 12 and USFS Road #1500; then north along Road #1500 to McDaniel Lake Road (USFS Road #1502); then west on McDaniel Lake Road to the junction of North Fork and South Fork of Rattlesnake Creek; then up the North Fork of Rattlesnake Creek to Richmond Mine Trail #973; then north along Richmond Mine Trail to the Bumping Lake Road; then north along the Bumping Lake Road to Highway 410; then west along Highway 410 to the Pacific Crest Trail at Chinook Pass; then south along the Pacific Crest Trail to Highway 12 at White Pass; then east along Highway 12 to the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting). (See Wenatchee National Forest Recreation map)

GMU 360—Bethel (Yakima County): Beginning at the junction of Highway 410 and Highway #12; then west along Highway 12 to the junction with USFS Road #1500; then north and east along Road #1500 to its junction with Highway 410 at Eagle Rock; then southeast along Highway 410 to its junction with Highway 12 and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 364—Rimrock (Yakima County): Beginning at the junction of Highway 12 and Jump-off Road (USFS Road #1302); then southwest along Jump-off Road to Divide Ridge Trail #1127 at Jump-off Lookout; then southeast along Divide Ridge Trail #1127 to Strobach Springs; then west to Blue Slide Lookout; then south on jeep trail to Blue Lake; then south along jeep trail to the Darland Mountain Road and the north boundary of the Yakima Indian Reservation; then west along the reservation boundary to the Pacific Crest Trail; then north along the Pacific Crest Trail to Highway 12 at White Pass; then east along Highway 12 to the junction with Jump-off Road and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 366—Rimrock-Cowiche (Yakima County): GMUs 364 (Rimrock) and 368 (Cowiche) (See Wenatchee National Forest Recreation map)

GMU 368—Cowiche (Yakima County): Beginning at the junction of Highway 12 and Jump-off Road (USFS Road #1302); then southwest along Jump-Off Road to Divide Ridge Trail #1127 at Jump-off Lookout; then southeast along Divide Ridge Trail #1127 to Strobach Springs; then west to Blue Slide Lookout; then south on jeep trail to Blue Lake; then south along jeep trail to the Darland Mountain Road and the north boundary of the Yakima Indian Reservation; then east along the reservation boundary to the Yakima River and Highway 12; then north and west along Highway 12 to the point of beginning. (See Wenatchee National Forest Recreation map & Washington Atlas & Gazetteer)

GMU 370—Priest Rapids (Kittitas, Yakima and Benton counties): Beginning at the Interstate 90 bridge at Vantage; then west along Interstate 90 to the East Highline Canal (which is approximately 1/4 mile west of Boylston Road); then southwest along the canal to Highway 821 and the Yakima River, at a point about one mile south of Thrall; then southeast along the Yakima River to the Mabton—Sunnyside Road; then south along the Mabton—Sunnyside Road; then south along the Yakima Indian Reservation Boundary to the Yakima—Klickitat county line; then east along the county line to the Alderdale Road; then south along the Alderdale Road to Highway 14 and the Columbia River; then upstream along the Columbia River to the point of beginning at Vantage. (See Washington Atlas & Gazetteer)

REGION FOUR

GMU 405—Chuckanut (Whatcom and Skagit counties): Beginning at the Canadian border and the Silver Lake Road; then south along the Silver Lake Road to the Mount Baker Highway; then southwest along the Mount Baker Highway to the Mosquito Lake Road; then south along the Mosquito Lake Road to the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west down Skookum Creek to its mouth; then northwest down the South Fork Nooksack River to Saxon Bridge; then west on the Saxon Bridge Road to Highway 9; then south along Highway 9 through Sedro Woolley to the town of Arlington and the Stillaguamish River; then down the Stillaguamish River through Stanwood and West Pass to Skagit Bay; then west and north through Skagit Bay, Deception Pass, Rosario Strait and Bellingham Channel to Samish Bay and Edison; then north along the shoreline to the Whatcom County line; then west and north along the Whatcom County line to the Canadian border; then east along the Canadian border to the point of beginning. (See Washington Atlas & Gazetteer; this description is not easily found on base maps. Contact the Region 4 office for more information.)

GMU 410—Islands (San Juan, Island counties): All islands in San Juan County as well as Whidbey and Camano islands and Cypress and Sinclair islands in Skagit County. (See Washington Atlas & Gazetteer)

GMU 418—Nooksack (Whatcom and Skagit counties): Beginning at the point where Jackman Creek meets State Highway 20 (east of Concrete); then northeast up Jackman Creek to the range line between Range 9 and 10E; then north along this range line to the boundary of the North Cascades National Park; then north along the North Cascades Park boundary to the Canadian border; then west along the Canadian border to the Silver Lake Road; then south along the Silver Lake Road to the Mount Baker Highway; then southwest along the Mount Baker Highway to the Mosquito Lake Road; then south along the Mosquito Lake Road to the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west down Skookum Creek to its confluence with the South Fork Nooksack River; then west down the South Fork Nooksack River to the Saxon Bridge; then west on the Saxon Bridge Road to Highway 9; then south along Highway 9 to its intersection with State Highway 20 (east of Sedro Woolley); then east along Highway 20 to Jackman Creek (east of Concrete) and the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 426—Diablo (Skagit and Whatcom counties): The Ross Lake National Recreation Area and the adjoining corridor between the Pasayten Wilderness Area and the northeast boundary of the south segment of North Cascades National Park. (See Washington Atlas & Gazetteer)

GMU 433—Cavanaugh (Skagit and Snohomish counties): Beginning at the intersection of State Highway 20 and State Highway 9 at Sedro Woolley; then south along State Highway 9 to Arlington; then east along the Arlington—Darrington Highway 530 to Darrington; then north along the Sauk Valley Road to Rockport; then west along the State Highway 20 to Sedro Woolley and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 440—Suiattle (Skagit and Snohomish counties): Beginning at the intersection of State Highway 20 and the Sauk Valley Road at Rockport; then south along the Sauk Valley Road to Darrington and the Sauk River to the Suiattle River; then along that river to the Glacier Peak Wilderness Area boundary; then north and east along that boundary to the line between Ranges 12 and 13 E.; then north on that

range line to the North Cascades National Park boundary; then west and north along the North Cascades Park boundary and the Ross Lake National Recreation Area boundary to the range line between range 9 and 10 E.; then south along this range line to the Jackman Creek drainage; then southwest down the Jackman Creek drainage to State Highway 20; then east along State Highway 20 to Rockport and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 442—Tulalip (Snohomish and King counties): Beginning at the mouth of the Stillaguamish River; then up the Stillaguamish River to Arlington; then northeast along the Arlington—Darrington Highway to the Trafton School at Trafton; then southeast along the Jim Creek—Trafton Road (242nd St. N.E.) to the City of Seattle power transmission line; then southwest along the transmission line to the point where it crosses the Jordan Road in Sec. 20, T31N, R6E; then southeast along the Jordan Road to Granite Falls; then south along the Menzel Lake—Lake Roesiger Roads to the Woods Creek Road; then south on Woods Creek Road to Monroe; then south on Highway 203 to the Snoqualmie River at Duvall; then north down the Snoqualmie River to the Snohomish River and down the Snohomish River to Puget Sound; then north along the shore of Puget Sound to the mouth of the Stillaguamish River and the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 448—Stillaguamish (Snohomish and Skagit counties): Beginning at Sultan; then east along U.S. Highway 2 to Stevens Pass; then north along the Cascade Crest Trail to the headwaters of the Rapid River originating in Sec. 34, T27N, R13E; then north and west down said river to its junction with Meadow Creek in Sec. 14, T27N, R12E; then north up that creek to its junction with the headwaters of Cady Creek in Sec. 36, T28N, R12E; then north and west down Cady Creek to its junction with an unnamed creek in Sec. 21, T28N, R12E; then north up that unnamed creek to its headwaters at Excelsior Mountain and the Quartz Creek Trail (#1050); then north up the Quartz Creek Trail to Curry Gap; then east along USFS Trail #650 along the crest between Sloan Creek and the North Fork Skykomish River drainages to June Mountain and the Glacier Peak Wilderness Area boundary; then north along that boundary to the Suiattle River; then along the river to the Sauk River; then south up the Sauk River to Darrington; then west along the Darrington—Arlington Highway to the Trafton School at Trafton; then southeast along the Jim Creek—Trafton Road (242nd St. N.E.) to the City of Seattle power transmission lines; then southwest along the transmission line to the point where it crosses the Jordan Road in Sec. 20, T31N, R6E; then southeast along the Jordan Road to Granite Falls; then south along the Menzel Lake—Lake Roesiger Roads to the Woods Creek Road; then south on Woods Creek Road to Highway 2 (Skykomish—Monroe Highway); then east along Highway 2 to Sultan to the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 450—Cascade (Skagit and Snohomish counties): That part of Skagit County east of the range line between Ranges 12 and 13 E. that is south and west of the North Cascades National Park; and, in addition, those lands west of the range line between Ranges 12 and 13 E. that lie within the Glacier Peak Wilderness Area. That part of Snohomish County commencing at the Skagit County line and the Glacier Peak Wilderness Area boundary; then south along said boundary to June Mountain; then west along the 650 trail along the crest between Sloan Creek and the North Fork of the Skykomish River drainages past Long John and Bald Eagle Mountains to Curry Gap; then south along the Quartz Creek Trail (No. 1050) and across the North Fork of the Skykomish River to Excelsior Mountain Trail (No. 1054); then south and east to the headwaters of an unnamed creek in Sec. 16, T28N R12E; then south along said creek through Sections 16 and 21 to West Cady Creek; then up (easterly) said creek to its junction with the headwaters of Meadow Creek in Sec. 36 T28N R12E; then south down Meadow Creek to its junction with the Rapid River in Sec. 14 T27N R12E; then east up the Rapid River to the headwaters of its south and east branch in Sec. 34 T27N R13E near the Cascade Crest and the Chelan County line. (See Washington Atlas & Gazetteer and Mt. Baker/Snoqualmie National Forest map)

GMU 454—Issaquah (King and Snohomish counties): Beginning at the mouth of the Snohomish River near Everett; then southeast up the Snohomish River to Duvall; then south along State Highway 203 to Fall City; then southwest along the Fall City—Preston Road to Interstate 90; then east on Interstate 90 to State Highway 18; then southwest along State Highway 18 to its intersection with the Raging River; then south up that river to its junction with the posted boundary of the

City of Seattle Cedar River Watershed; then along that posted boundary to its junction with the boundary of the City of Tacoma Green River Watershed (CTGRW); then south along the CTGRW posted boundary to Weyerhaeuser Road 5200 near Lynn Lake; then down the 5200 Road for approximately 7.6 miles to its junction with U.S. Highway 410; then west along U.S. Highway 410 and State Highway Nos. 164 and 18 through Auburn to U.S. Highway 99; then north along Highway 99 to the Redondo Beach junction; then due west to Puget Sound; then north along Puget Sound to the mouth of the Snohomish River and the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 460-Snoqualmie (King and Snohomish Counties): Beginning at the intersection of State Highway 203 and U.S. Highway 2; then east along U.S. Highway 2 to Stevens Pass and the Pacific Crest Trail; then south along the Pacific Crest Trail to its junction with the City of Seattle Cedar River Watershed posted boundary; then west along the posted boundary to its intersection with the headwaters of the Raging River; then down the Raging River to its intersection with State Highway 18; then along State Highway 18 to its junction with Interstate Highway 90 (I-90); then west along I-90 to its junction with the Preston-Fall City Road; then north along the Preston-Fall City Road to State Highway 203; then north on State Highway 203 to the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 466-Stampede (King County): Beginning at intersection of the Pacific Crest Trail (USFS Trail 2000) and the posted boundary for the City of Seattle Cedar River Watershed; then south along the Pacific Crest Trail to its junction with the Naches Pass Trail at Pyramid Peak; then west on the Naches Pass Trail to Twin Camps and USFS Road 7035; then along USFS Road 7035 to USFS Trail 1172 and its intersection with USFS Road 7012 (Champion Creek Rd.); then down Road 7012 to the posted boundary of the City of Tacoma Green River Watershed; then east and north along that boundary and the City of Seattle Cedar River Watershed posted boundary to the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 472-White River (King and Pierce counties): Beginning at the junction of State Highway 410 and the north boundary of Mount Rainier National Park; then west along the north park boundary to the Carbon River; then down the Carbon River to its intersection with the Bonneville Power Transmission line; then up the powerline to South Prairie Creek; then up South Prairie Creek to New Pond Creek; then up New Pond Creek to its intersection with Champion 923 Road; then north on Champion 923 Road to Champion 92 Road; then east on Champion 92 Road to Champion 93 Road; then northwest on Champion 93 Road to Champion 931 Road; then east on Champion 931 Road to Champion 9 Road; then northeast on Champion 9 Road to Champion 96 Road; then east on Champion 96 Road to Champion 9601 Road; then east on Champion 9601 Road to Old Pond Creek to the White River; then down White River to the second set of Bonneville Power Transmission lines; then up the powerline to where it intersects State Highway 410; then east along State Highway 410 to Weyerhaeuser Road 5200; then up that road for approximately 7.6 miles to its junction with the City of Tacoma Green River Watershed posted boundary; then east along that posted boundary and USFS Trail 1172 to USFS Road 7035; then east along that road to its intersection with the Naches Pass Trail at Twin Camps; then east along the Naches Pass Trail to the Pacific Crest Trail (USFS Trail 2000) near Pyramid Peak; then south along the Pacific Crest Trail to the Mount Rainier National Park boundary near Sourdough Gap; then north and west along the park boundary to the point of beginning. (See Washington Atlas & Gazetteer and Mt. Baker/Snoqualmie National Forest map)

GMU 478-Mashel (Pierce County): Beginning where State Highway 162 crosses the Carbon River (near Crocker); then southeast up the Carbon River to the west boundary of Mt. Rainier National Park; then south along the park boundary to the Nisqually River; then west down the Nisqually River to Alder Lake; then continuing west down Alder Lake and the Nisqually River to the Weyerhaeuser 1000 (Main) Line (Vail-Eatonville Truck Trail) Bridge; then east on the 1000 line to its junctions with Highway 7 (Mountain Highway) and Highway 161 (Eatonville-LaGrande Road); then east and north along Highway 161 through Eatonville to its junction with Orville Road E. (Kapowsin-Eatonville Road); then north along that road through Kapowsin to its junction with Highway 162 just east of Orting at Crocker; then east

along that highway to the Carbon River to the point of beginning. (See Mt. Baker/Snoqualmie National Forest map or Washington Atlas & Gazetteer)

GMU 480-South Islands (Pierce County): Anderson and Ketron Islands. Note special firearm restrictions in effect for these islands. Hunting is closed on McNeil Island. (See Washington Atlas & Gazetteer)

GMU 484-Puyallup (Pierce and King counties): Beginning at the mouth of the Nisqually River; then up the Nisqually River to its junction with the Weyerhaeuser 1000 line, then east along the Weyerhaeuser 1000 line to its intersection with State Highways 7 and 161; then north along State Highway 161 to its intersection with the Orville Road; then north along the Orville Road through the town of Kapowsin to the intersection of State Route 162; then northeast along State Route 162 to its intersection with the Carbon River; then east along the Carbon River to where it intersects the Bonneville Power Transmission line; then up the powerline to South Prairie Creek; then up South Prairie Creek to New Pond Creek; then up New Pond Creek to its intersection with Champion 923 Road; then north on Champion 923 Road to Champion 92 Road; then east on Champion 92 Road to Champion 93 Road; then northwest on Champion 93 Road to Champion 931 Road; then east on Champion 931 Road to Champion 9 Road; then northeast on Champion 9 Road to Champion 96 Road; then east on Champion 96 Road to Champion 9601 Road; then east on Champion 9601 Road to Old Pond Creek; then down Old Pond Creek to the White River; then down White River to the second set of Bonneville Power Transmission lines; then up the powerline to where it intersects State Highway 410; then east along State Highway 410 to where it intersects State Highway 164; then west along State Highway 164 through Auburn to Old Highway 99; then north along Old Highway 99 to Redondo Junction; then due west to Puget Sound; then south along the shoreline of Puget Sound to the mouth of the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 485-Green River (King County): Beginning at the junction of the Green River and the west boundary of the Tacoma Watershed; then south and east along the watershed boundary to the USFS 7012 Road (Champion Creek Road); then northwest along that road and the posted GMU 485 boundary to where it meets USFS Road 5063; then east, then north along that road to its junction with the USFS 5060 Road near the headwaters of Friday Creek; then north along that road to the Tacoma Watershed boundary; then west along the Tacoma Watershed boundary to the Green River and the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 490-Cedar River (King County): Beginning at the junction of the Cedar River and the western posted boundary of the City of Seattle Cedar River Watershed; then north and east along said posted boundary to Yakima Pass; then continue south and west along that posted boundary and to the point of beginning. Note that the City of Seattle enforces trespass on lands owned or controlled by the city. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

REGION FIVE

GMU 501-Lincoln (Lewis, Thurston, Pacific and Grays Harbor counties): Beginning at the intersection of Interstate 5 and State Highway 6, then west on State Highway 6 to the Stevens Road, then northwest on Stevens Road to Elk Creek Road (Doty), then west on Elk Creek Road to the 7000 Road, then west on the 7000 Rd. to the 7800 Rd., then west on the 7800 Rd. to the 720 Rd., then northeast on the 720 Rd. to Garrard Creek Road, then northeast on the Garrard Creek Road to Oakville and U.S. Highway 12, then east on U.S. 12 to Interstate 5, then south on Interstate 5 to State Highway 6 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 504-Stella (Cowlitz County): Beginning at the mouth of the Cowlitz River at the Columbia River, then west down the Columbia to the mouth of Germany Creek, then north up Germany Creek to State Highway 4, then east on Highway 4 to Germany Creek Road, then north on Germany Creek Road to IP 1000 Road, then north on IP 1000 to the IP 1050 Road, then east on IP 1050 Road to the 2200 Rd., then east and south to the 2000 Rd., then south on the 2000 Rd. to the Delameter Road (Woodside Road), then east on Delameter Road to State Highway 411, then north on Highway 411 to PH 10 Road (Four

Corners), then east to Cowlitz River, then south down the Cowlitz River to the Columbia River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 505-Mossyrock (Lewis County): Beginning on Interstate 5 and the Cowlitz River, then northeast up the Cowlitz River to Mayfield Lake and the U.S. Highway 12 bridge, then east on Highway 12 to Winston Creek Road, then south and east to Longbell Road and Perkins Road, then northeast on Perkins Road to Swofford Road, then north on Swofford Road to Ajlune Road, then east on Ajlune Road to Riffe Lake, then east along the south shore to the Cowlitz River and up the Cowlitz River to the USFS 23 Road (Cispus Road) Bridge, then south and east to the ~~(Cline)~~ C line Road, then east to the Bennet Road, then east to U.S. Highway 12, then west on Highway 12 to State Highway 7 (Morton), then north on State Highway 7 to State Highway 508, then west on Highway 508 to Centralia/Alpha Road, then west and north on Centralia/Alpha Road to Salzer Valley Road, then west to Summa Street and Kresky Road, then north on Kresky Road to Tower Street, then on Tower Street to State Highway 507, then west on Highway 507 Cherry, Alder and Mellen streets to Interstate 5, then south on Interstate 5 to the Cowlitz River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 506-Willapa Hills (Wahkiakum, Pacific, Lewis counties): Beginning in Cathlamet on the State Highway 407 bridge across the Cathlamet Channel (Columbia River), then west down the Columbia River to the mouth of Deep River, then up Deep River to State Highway 4, then northwest to Salmon Creek Road, then northeast on Salmon Creek Road to the Bonneville Powerline Road, then north on the Bonneville Powerline Road to State Highway 6, then east on State Highway 6 to the town of PeEll and the Muller Road, then south on Muller Road to the 1000 Road, then south on the 1000 Road to the 1800 Road, then south on the 1800 Road to the 500 Road, then southeast on the 500 Road to State Highway 407, then south on State Highway 407 to Cathlamet and point of beginning. (See Washington Atlas & Gazetteer)

GMU 510-Stormking (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek Bridge; then north up Silver Creek to Silverbrook Road, then east to USFS 47 Rd., then north on USFS 47 to USFS 85, then west on USFS 85 to Silver Creek, then southwest on Silver Creek to Lynx Creek, then north on Lynx Creek and its northern most tributary to USFS 85 Rd., then northwest on the USFS 85 Rd. to Catt Creek, then north on Catt Creek to the Nisqually River, then west down the Nisqually River to State Highway 7, then south on Highway 7 to U.S. Highway 12 (Morton), then east on Highway 12 to Silver Creek and point of beginning. (See Gifford Pinchot National Forest map)

GMU 512-Sawtooth (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek bridge, then north up Silver Creek to Silverbrook Road, then east to USFS 47 Rd., then north on USFS 47 Rd. to USFS 85 Rd., then west on USFS 85 to Silver Creek, then southwest on Silver Creek to Lynx Creek, then north on Lynx Creek and its northern most tributary to USFS 85 Rd., then north on 85 Rd. to Catt Creek, then northwest down Catt Creek to the Nisqually River, then east up the Nisqually River to Horse Creek, then east up Horse Creek to USFS 52 Rd. (Skate Creek Road), then southeast on USFS 52 to the Cowlitz River, then southwest down the Cowlitz River to Smith Creek, then up Smith Creek to U.S. Highway 12, then west on U.S. Highway 12 to Silver Creek and point of beginning. (See Gifford Pinchot National Forest map and/or Washington Atlas & Gazetteer)

GMU 514-Tatoosh (Lewis County): Beginning at USFS 52 Rd. (Skate Creek) and the Cowlitz River (at Packwood), then northwest on USFS 52 Rd. to Horse Creek, then down Horse Creek to the Nisqually River and the southern boundary of Mt. Rainier National Park, then north and east along the Nisqually River and south park boundary to the Cascade Crest Trail, then south along the Cascade Crest Trail to U.S. Highway 12, then northwest and southwest on Highway 12 to USFS 1270 Rd., then north on USFS 1270 to the Cowlitz River, then southwest down the Cowlitz River to the USFS 52 Rd. and point of beginning. (See Gifford Pinchot National Forest map)

GMU 516-Packwood (Lewis and Skamania counties): Beginning at the mouth of Cispus River, then east up the Cispus River to the USFS 56 Rd. (Midway G.S. Road), then east on the USFS 56 Rd. to the USFS 5603 Rd., then east on the USFS 5603 to the Yakima Indian Reservation boundary and the Cascade Crest; then north along the

Reservation boundary to Cispus Pass and the Cascade Crest Trail, then north along the Cascade Crest Trail to the U.S. Highway 12 (White Pass), then northwest and southwest on Highway 12 to USFS 1270 Rd. (Sec. 31, T14N, R10E), then north on USFS 1270 to the Cowlitz River, then southwest down the Cowlitz River to the mouth of Smith Creek, then south up Smith Creek to U.S. Highway 12, then southwest down Highway 12 to Bennet Road, then west on the Bennet Road to the ~~(Cline)~~ C line Road, then west to the USFS 23 Rd. (Cispus Road), then west and north to the Cowlitz River, then west down the Cowlitz River to the mouth of the Cispus River and point of beginning. (See Gifford Pinchot National Forest map)

GMU 520-Winston (Cowlitz, Lewis and Skamania counties): Beginning at the intersection of Interstate 5 and the Cowlitz River, then south down the Cowlitz River to the Toutle River, then east up the Toutle River to the North Fork Toutle River, then up the North Fork Toutle River to the Green River, then east up the Green River to USFS 2612 Rd., then east on 2612 to USFS 26 Rd. (Ryan Lake Road), then north on USFS 26 Rd. to the Cispus River, then west down the Cispus to the Cowlitz River, then west down the Cowlitz River to Riffe Lake, then west along the south shore to Ajlune Road, then west to Swofford Road, then south on Swofford Road to Perkins Road, then southwest and northwest on Perkins Road and Longbell Road to Winston Creek Road, then northwest on Winston Creek Road to State Highway 12, then west on State Highway 12 to the Mayfield Lake bridge, then southwest down Mayfield Lake and the Cowlitz River to Interstate 5 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 522-Loo-wit (Cowlitz and Skamania counties): Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek, then southeast up the North Fork Toutle River to the Weyerhaeuser 3001 Rd., then southeast along the 3001, 3000, and 3090 roads to the headwaters of the South Fork Castle Creek, then due south to the South Fork Toutle River, then east along South Fork Toutle to its headwaters and Mount St. Helens crater edge; then east along the crater edge to the headwaters of Ape Canyon, then down Ape Canyon to Smith Creek, then north along Smith Creek and following the eastern main branch to its headwaters, then due west to the USFS 99 Rd., then north along USFS 99 to USFS 26, then north to Strawberry Lake Creek, then west down Strawberry Lake Creek to the Green River, then across the Green River to Grizzly Creek, then up Grizzly Creek to Grizzly Lake, then west up the western inlet to its headwaters, then west to the headwaters of Coldwater Creek, then west down Coldwater Creek to Coldwater Lake, then southwest along the northwest shore to the old Weyerhaeuser 3500 Rd., then west along the 3500, 3530, 3540, 3130, 3120 roads to the intersection with Hoffstadt Creek, then down Hoffstadt Creek to the North Fork Toutle River and point of beginning. (See Gifford Pinchot National Forest map)

GMU 524-Margaret (Cowlitz, Skamania and Lewis counties): Beginning on the North Fork Toutle River at the mouth of the Green River, then southeast up the North Fork Toutle River to the mouth of Hoffstadt Creek, then up Hoffstadt Creek to the 3120 Rd., then east along the 3120, 3130, 3540, 3530 and 3500 roads to Coldwater Lake, then northeast along the northwest shoreline to Coldwater Creek, then up Coldwater Creek to its headwaters and east to the headwaters of Grizzly Lake, then east down the west inlet creek to Grizzly Lake, then down Grizzly Creek to the Green River and the mouth of Strawberry Lake Creek, then up Strawberry Lake Creek to the USFS 26 Rd. (Ryan Lake Road), then north on the USFS 26 Rd. to the USFS 2612 Rd., then west on USFS 2612 Rd. to the Green River, then down the Green River to its mouth and point of beginning. (See Gifford Pinchot National Forest map)

GMU 530-Ryderwood (Cowlitz, Lewis, Wahkiakum counties): Beginning in the town of PeEll (intersection of State Highway 6 and Muller Road), then south on Muller Road to the 1000 Rd., then south on the 1000 Rd. to the 1800 Rd., then south on the 1800 Rd. to the 500 Rd., then southeast on the 500 Rd. to State Highway 407, then south on State Highway 407 to the Columbia River Bridge (Cathlamet Channel), then east up the Columbia River to the mouth of Germany Creek, then north up Germany Creek to State Highway 4, then east on Highway 4 to Germany Creek Road, then north on Germany Creek Road to IP 1000 Road, then north on IP 1000 to IP 1050 Road, then east on IP 1050 Road to the 2200 Road, then east and south on the 2200 Road to the 2000 Road, then south on the 2000 Road to Delameter Road (Woodside Drive), then east on Delameter Road to State Highway 411, then north on State Highway 411 to PH 10 Road (4

Corners), then east to the Cowlitz River, then north up the Cowlitz River to the Interstate 5 bridge, then north on Interstate 5 to State Highway 6, then west on State Highway 6 to PeEll and point of beginning. (See Washington Atlas & Gazetteer)

GMU 550-Coweeman (Cowlitz County): Beginning at the mouth of the Cowlitz River, then north to the Toutle River, then east along the Toutle River to the South Fork Toutle River, then up the South Fork Toutle to the 4950 Rd., then south and east on the 4950 Rd. to the 235 Rd., then south on the 235, 200, 245, 134, 133, 130 and 1680 roads to the 1600 Rd., then southeast along the 1600 and 1400 roads to the Kalama/Coweeman summit, then south along the 1420 Rd. to the 1425 Rd., then southwest along the 1425 Rd. to the 6400 Rd., then southwest down the 6400 Rd. to the 6000 Rd., then east to the 6450 Rd., then southeast approximately one mile on the 6450 Rd. to the Arnold Creek Road, then southeast on Arnold Creek Road to Dubois Road, then to State Highway 503, then west on State Highway 503 to Cape Horn Creek, then down Cape Horn Creek to Merwin Reservoir and the Lewis River, then down the Lewis River to the Columbia River, then down the Columbia River to the mouth of the Cowlitz River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 554-Yale (Cowlitz County): Beginning on State Highway 503 at its crossing of Cape Horn Creek, then east on Highway 503 to 6690 Rd. (Rock Creek Road), then northeast on the 6690 and 6696 roads to West Fork Speelyai Creek, then down Speelyai Creek to State Highway 503, then northeast on Highway 503 to Dog Creek, then down Dog Creek to Yale Reservoir, then south and west down Yale Reservoir, Lewis River, and Merwin Reservoir to Cape Horn Creek, then up Cape Horn Creek to State Highway 503 and point of beginning.

GMU 556-Toutle (Cowlitz County): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Rd. (Merrill Lake Road) intersection, then north on USFS 81 Rd. to Weyerhaeuser 7200 Rd., then northeast on the 7200 Rd. to the 7400 Rd., then northwest on the 7400 Rd. to the 5500 Rd., then east and north on the 5500 and 5670 roads to the South Fork Toutle River, then east up the South Fork Toutle River to a point due south of the headwaters of the South Fork Castle Creek (Sec. 1, TWP 8N R4E), then north to the headwaters of South Fork Castle Creek, then down South Fork Castle Creek to Weyerhaeuser 3092 Rd., then west on the 3092 Rd. to 3090 Rd., then northwest on the 3090, 3000 and 3001 roads to the North Fork Toutle River, then down the North Fork Toutle River to the South Fork Toutle River, then south-east up the South Fork Toutle River to the 4950 Rd., then south on the 4950, 235, 200, 245, 243A, 134, 133, 130, and 1680 roads to the 1600 road, then southeast on the 1600 and 1400 roads to the Kalama/Coweeman summit, then south on the 1420 Rd. to the 1425 Rd., then southwest along the 1425 Rd. to the 6400 Rd., then southwest on the 6400 Rd. to the 6000 Rd., then east up the 6000 Rd. to the 6450 Rd., then southwest on the 6450 Rd. approximately one mile to the Arnold Creek Road, then southeast on Arnold Creek and Dubois roads to State Highway 503, then east on State Highway 503 to the 6690 Rd. (Rock Creek Road); then northeast on the 6690 and 6696 roads to the West Fork Speelyai Creek, then down Speelyai Creek to State Highway 503, then northeast on State Highway 503 to USFS 81 Rd. and point of beginning. (See Washington Atlas & Gazetteer)

GMU 558-Marble (Cowlitz and Skamania counties): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Rd. intersection, then north on USFS 81 Rd. to Weyerhaeuser 7200 Rd., then northeast on the 7200 Rd. to the 7400 Rd., then northwest on the 7400 Rd. to the 5500 Rd., then east and north on the 5500 and 5670 roads to the South Fork Toutle River, then east up the South Fork Toutle River to Mount St. Helens crater and along crater to headwaters of Ape Canyon, then east down Ape Canyon Creek to Smith Creek, then north up Smith Creek along the East Fork to its headwaters and USFS 99 Rd., then northeast on USFS 99 Rd. to USFS 25 Rd., then south on USFS 25 Rd. to the Muddy River, then south down the Muddy River to the North Fork Lewis River, then west down the North Fork Lewis River, Swift Reservoir to Yale Reservoir and Dog Creek, then north up Dog Creek to State Highway 503, then southwest to USFS 81 Rd. and point of beginning. (See Gifford Pinchot National Forest map)

GMU 560-Lewis River (Skamania, Klickitat, Yakima and Lewis counties): Beginning at Trout Lake, north to the USFS 80 Rd., then north to the USFS 82 Rd., then northeast on the USFS 82 Rd. to the Yakima Indian Reservation boundary, then north along boundary (Cascade Crest) to USFS 5603 Rd., then west to the USFS 56 Rd.,

then west to the Cispus River, then northwest down the Cispus River to the USFS 26 Rd. (Ryan Lake Road), then west and south on the USFS 26 Rd. to USFS 99 Rd., then northeast to the USFS 25 Rd., then south to Muddy River, then south down the Muddy River to the North Fork Lewis River, then west to the USFS 90 Rd. bridge (Eagle Cliff), then east on USFS 90 Rd. to USFS 51 Rd., then southeast to USFS 30 Rd., then northeast on the USFS 30 Rd. to USFS 24 Rd., then southeast to the State Highway 141, then northeast to Trout Lake and point of beginning. (See Gifford Pinchot National Forest map)

GMU 564-Battle Ground (Clark County): Beginning at Merwin Dam on the Lewis River, then on a southeast line to the power line, then southeast to County Rd. 20, then south to Pup Creek Road, then southeast to County Rd. 16, then southeast through Amboy and Yacolt to Moulton and County Rd. 12, then west to ((Hartwick)) Hartwick Road, south to Basket Flat Road, west to 197th Ave., south to 279th Street, west to 182nd Ave., south to 249th Street, and east to Crawford Road, then southeast on Allworth to 229th Street, then southeast on 229th Street to Berry Road, then southeast on Berry Road to DNR 1410 Rd., then southeast on the 1410 Road to DNR 1400 Rd., then west on 1400 Rd. to Rawson and Powell roads to 212th Ave., then south to 83rd Street, east to 217th Ave., south to 68th Street, east to 232nd Ave., and south to State Highway 500; then south and east to Blair Road, then southeast to State Highway 140, then north and east to State Highway 14 and Cape Horn Road, then south on Cape Horn Road to the Columbia River, then down the Columbia River to the Lewis River and up the Lewis River to Merwin Dam and point of beginning. (See Washington Atlas & Gazetteer)

GMU 568-Washougal (Clark and Skamania counties): Beginning at Merwin Dam on the Lewis River, then on a southeast line to the powerline crossing on County Rd. 20, then south to Pup Creek Road, then east to County Rd. 16, then southeast through Amboy and Yacolt to Moulton and County Rd. 12, then west to ((Hartwick)) Hartwick Road, south to Basket Flat Road, west to 197th Ave., south to 279th St., west to 182nd Ave., south to 249th St., and east to Crawford Road, then southeast on Allworth to 229th St., to Berry Road and the DNR 1410 Rd., to DNR 1400 Rd., then west to Rawson and Powell roads to 212th Ave., then south to 83rd St., east to 217th Ave., south to 68th St., east to 232nd Ave., and south to State Highway 500; then south and east to Blair Road, then southeast to State Highway 140, then north and east to State Highway 14, and Cape Horn Road, then south on Cape Horn Road to the Columbia River, then east up the Columbia to the mouth of Rock Creek Stevenson; then northwest up Rock Creek to the south boundary of Gifford Pinchot National Forest, then due west approximately 0.5 miles to USFS Rd. 406; then northwest on USFS Rd. 406 to USFS 41, then west to Sunset Work Center and Forest Rd. 42 (Green Fork Road), then east to USFS 4205 Rd., then north and east to the USFS 53 Rd., then northwest to the USFS 37 Rd., and USFS 54 Rd., then northwest on USFS 54 Rd. (N.E. Healy Rd.) to International Paper Road; then north to Canyon Creek, down Canyon Creek to Merwin Reservoir and west to Merwin Dam and point of beginning. (See Washington Atlas & Gazetteer)

GMU 572-Siouxon (Skamania and Clark counties): Beginning at the intersection of the Wind River Road and USFS 65 Rd. (Panther Creek Road); then north on the USFS 65 Rd., USFS 60 Rd. (Carson-Guler Road); then northwest to Peterson Prairie and USFS 24 Road, then north to the USFS 30, then southwest to the USFS 51 Rd. (Curly Creek Road), then northwest to the USFS 90 Rd. (Lewis River Road), then west to the Eagle Cliff bridge on the North Fork Lewis River; then down the North Fork Lewis River through Swift and Yale reservoirs to Merwin Reservoir and the mouth of Canyon Creek; then south up Canyon Creek to International Paper Road, then south to USFS 54 Rd. (N.E. Healy Road); then southeast to the USFS 37 Rd. and the USFS 53 Rd., then east and south to the USFS 4205 Rd., then south and west to the USFS 42 Rd. (Green Fork Road); then west to the USFS 41 Rd. at Sunset Falls; then east on the USFS 41 Rd. (Sunset Hemlock Road) to the U.S. Forest Service District Headquarters and the Hemlock Road; then east on the Hemlock Road to the Wind River Road (Stabler); then south on the Wind River Road to USFS 65 Rd. and point of beginning. (See Gifford Pinchot National Forest map)

GMU 574-Wind River (Skamania County): Beginning at the mouth of Rock Creek (Stevenson), then northwest up Rock Creek to the south boundary of Gifford Pinchot National Forest, then due west approximately 1/2 mile to USFS 406 Rd., then northwest on USFS 406

Rd. to USFS 41 Rd., then east to U.S. Forest Service District Headquarters (Wind River) and Hemlock Road, then east to the Wind River Road (Stabler), then south to USFS 65 Rd. (Panther Creek Road), then north to USFS 60 Rd. (Carson-Guler Road), then northeast to USFS 24 Rd. and 141 Rd. to USFS 86 Rd., then south on USFS 86 Rd. to USFS 1840 Rd. to the USFS 18 Rd. (Oklahoma Road) to Willard and the Little White Salmon River, then down the Little White Salmon River to the Columbia River, then west down the Columbia River to the mouth of Rock Creek and point of beginning. (See Gifford Pinchot National Forest map)

GMU 576-White Salmon (Klickitat, Yakima, and Skamania counties): Beginning at the mouth of the Klickitat River (Lyle) to the Fisher Hill Bridge, then north along the Fisher Hill Road (P-2000) to the Gravel Pit Road, then west to the B-Z Corners-Glenwood Road, then southwest to Highway 141 (B-Z Corners), then north to Trout Lake, then west on Highway 141 to USFS 86 Rd., then south to the USFS 1840 Rd., then south on the USFS 1840 Rd. to the USFS 18 Rd. (Oklahoma Road), then south on the 18 Rd. to Willard and the Little White Salmon River, then south down the Little White Salmon River to the Columbia River, then east up the Columbia River to the Klickitat River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 580-Sixprong (Klickitat and Yakima counties): Beginning on State Highway 14 at Sundale, then east to the Goldendale-Goodnoe Hills Road; then northwest along Goldendale-Goodnoe Hills Road to Dot Road; then north along the Dot Road to Cleveland; then along the Goldendale-Bickleton Road to the Yakima County line; then east along the Yakima County line to Alderdale Road; then southeast along the Alderdale Road to State Highway 14 and Columbia River; then west along the state line to Sundale and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 584-Goodnoe (Klickitat County): Beginning at the U.S. Highway 97 bridge on the Columbia River (Maryhill), then north on Highway 97 to Satus Pass and the Yakima Indian Reservation, then east along south Reservation boundary to the Yakima County line, then east to Goldendale/Bickleton Road, then southwest to Cleveland and Dot Road, then south to Goldendale/Goodnoe Hills Road, then southeast to State Highway 14, then west to Sundale and mouth of Chapman Creek, then west down the Columbia River to U.S. Highway 97 bridge and point of beginning. (See Washington Atlas & Gazetteer)

GMU 586-Glenwood (Klickitat County): Beginning at B-Z Corners and State Highway 141, then north to Trout Lake and the USFS 80 Rd., then to the USFS 82 Rd., then north to the Yakima Indian Reservation boundary, then east along the south Reservation boundary to Summit Creek Primary Road, then south to the Klickitat River and the Truck Cut Road, then west to the Glenwood/Goldendale Road, then northwest to the Gravel Pit Road, then south to the B-Z Corners/Glenwood Road, then southwest to B-Z Corners and point of beginning. (See Washington Atlas & Gazetteer)

GMU 588-Grayback (Klickitat County): Beginning at Highway 97 bridge across Columbia River (Maryhill), then west down the Columbia River to Lyle and the mouth of the Klickitat River, then up the Klickitat River to the Fisher Hill Bridge, then north along the Fisher Hill Road (P-2000) to the Gravel Pit Road, then north to the Glenwood/Goldendale Road, then east to the Truck Cut Road, then north to the Summit Creek Primary Road, then to the Yakima Indian Reservation boundary, then east along the southern boundary of the Reservation to Highway 97 (Satus Pass Highway), then south on Highway 97 to Maryhill and point of beginning. (See Washington Atlas & Gazetteer)

REGION SIX

GMU 601-Hoko (Clallam County): Beginning at the mouth of the Hoko River, then up the river to State Highway 112; then southeast along State Highway 112 to its junction with the Hoko-Ozette Road; then southeast along the Hoko-Ozette Road to the Olympic National Park boundary; then north along the Olympic National Park boundary to the Makah Indian Reservation boundary; then east and north along the Makah Indian Reservation boundary to the Strait of Juan de Fuca; then southeast along the shore of the Strait of Juan de Fuca to the mouth of the Hoko River and the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 602-Dickey (Clallam County): Beginning at the mouth of the Clallam River, then up the river to State Highway 112; then south along State Highway 112 to its junction with the Burnt Mountain Road; then southwest along the Burnt Mountain Road to its junction with U.S. Highway 101; then southwest along U.S. Highway 101 to the junction with the LaPush Road; then southwest along LaPush Road to the Olympic National Park boundary; then north along the Olympic National Park boundary to the Hoko-Ozette Road; then northeast along the Hoko-Ozette Road to its junction with State Highway 112; then northwest along State Highway 112 to the Hoko River; then down the Hoko River to its mouth and the Strait of Juan de Fuca; then east along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River and the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 603-Pysht (Clallam County): Beginning at the mouth of the Clallam River; then up the river to the State Highway 112; then south along State Highway 112 to its junction with the Burnt Mountain Road; then southwest along the Burnt Mountain Road to its junction with U.S. Highway 101; then east along U.S. Highway 101 to the point where the highway enters the Olympic National Park, about one mile west of Lake Crescent; then north and east along the Olympic National Park boundary to the Elwha River; then north down the Elwha River to its mouth and the Strait of Juan de Fuca; then west along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River and the point of beginning. EXCEPT that part of the Lower Elwha Indian Reservation within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 607-Soleduck (Clallam County): Beginning at Forks, then south along U.S. Highway 101 to the Bogachiel River; then east up the Bogachiel River to the Olympic National Park boundary; then north and east along the Olympic National Park boundary to its intersection with U.S. Highway 101; then west and south along U.S. Highway 101 to Forks to the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 612-Goodman (Jefferson and Clallam counties): Beginning at LaPush on the Pacific Ocean, then east along the LaPush Road to its junction with U.S. Highway 101 north of Forks; then south along U.S. Highway 101 to the Pacific Ocean below the mouth of the Hoh River; then north along the Pacific Ocean to LaPush and the point of beginning; EXCEPT that part of the Hoh Indian Reservation and the Olympic National Park within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 615-Clearwater (Jefferson County): Beginning at the junction of Bogachiel River and U.S. Highway 101, then east up the Bogachiel River to the Olympic National Park boundary; then south, east and west along the Olympic National Park boundary to where it meets the boundary of the Quinault Indian Reservation; then west along the Quinault Indian Reservation boundary to U.S. Highway 101; then north and east along U.S. Highway 101 to the Bogachiel River and point of beginning; EXCEPT that part of the Olympic National Park within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 618-Matheny (Jefferson and Grays Harbor counties): Those lands between the Queets and Quinault Rivers that are outside the Olympic National Park and outside the Quinault Indian Reservation. (See Olympic National Forest map)

GMU 621-Olympic (Jefferson, Clallam and Mason counties): Beginning at the junction of U.S. Highway 101 and the Elwha River, then south up the Elwha River to the Olympic National Park boundary; then east and south along Olympic National Park boundary to the North Fork of the Skokomish River; then south down the North Fork of the Skokomish River to Lake Cushman; then southeast along the west shore of Lake Cushman to Cushman Upper Dam; then east along the Power Dam Road to its intersection with Lake Cushman-Hoodspout Road; then southeast on Lake Cushman-Hoodspout Road to U.S. Highway 101 and Hood Canal; then north along Hood Canal to Dabob Bay and Quilcene Bay to East Quilcene Road at the north end of Quilcene Bay; then west along East Quilcene Road to its junction with Chimacum Center Road; then south along Chimacum Center Road to Quilcene and U.S. Highway 101; then north and west along

U.S. Highway 101 to the Elwha River and the point of beginning. EXCEPT that part of the Lower Elwha Indian Reservation within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 624-Coyle (Clallam and Jefferson counties): Beginning at the mouth of the Elwha River, then south up the Elwha River to U.S. Highway 101; then east and south along U.S. Highway 101 to Quilcene; then north on the Chimacum Center Road to its junction with East Quilcene Road; then east on the East Quilcene Road to Quilcene Bay; then south along the east shore of Quilcene Bay to Dabob Bay and Hood Canal; then north along the shore of Hood Canal to Puget Sound; then north through Admiralty Inlet to Port Townsend and Juan de Fuca Straits; then west along the south shore line of Juan de Fuca Straits to the mouth of the Elwha River and the point of beginning; EXCEPT all of Indian Island in Jefferson County. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 625-Indian Island (Jefferson County): Indian Island in Jefferson County. (See Washington Atlas & Gazetteer)

GMU 627-Kitsap (Kitsap, Mason, Pierce and King counties): Beginning at the town of Allyn on State Highway 3; then north along Highway 3 to Belfair; then north up the "Old Belfair Highway" to its junction with the Bear Creek-Dewatto Road; then west on Bear Creek-Dewatto Road to the Mason-Kitsap County line; then west along the Mason-Kitsap county line to Hood Canal; then north along the shoreline of Hood Canal to Puget Sound at Hansville; then south through Puget Sound to Nisqually Reach and Case Inlet; then north up Case Inlet to the town of Allyn and the point of beginning; also Vashon Island. (See Washington Atlas & Gazetteer)

GMU 633-Mason (Mason County): Beginning at the Mason-Thurston County Line on U.S. Highway 101 at Oyster Bay; then north and east through Oyster Bay, Totten Inlet-Dana Passage and Case Inlet to the town of Allyn on State Highway 3; then north along Highway 3 to Belfair; then north up the "Old Belfair Highway" to its junction with the Bear Creek-Dewatto Road; then west on the Bear Creek-Dewatto Road to its junction with the Dewatto-Holly Road; then west along the Mason-Kitsap County Line to Hood Canal; then south through Hood Canal to Hoodport and U.S. Highway 101; then south along Highway 101 to the Mason-Thurston County Line and the point of beginning. (See the Washington Atlas & Gazetteer)

GMU 636-Skokomish (Grays Harbor and Mason counties): Beginning at the junction of the Lake Cushman-Hoodport Road and U.S. Highway 101 at Hoodport; then south down U.S. Highway 101 to its junction with the Shelton Dayton-Matlock Road (County Road 9010); then west to the town of Matlock; then west on the Matlock-Deckerville Road and Middle Satsop Road to the Kelly Road (C-500 Line); then north on the Kelly Road to its junction with the L-600 Line (Canyon River Road, Road 2153); then west on the L-600 line to USFS Road 22 (Montesano-Grisdale Road); then north on USFS Road 22 through Grisdale; then west and south on USFS Road 22 to where it crosses the East Fork of the Humptulips River; then upstream on the East Fork Humptulips River to the most northern point crossed by the range line 7W.W.M. and 8W.W.M., then north on this range line to its junction with Road 2302 (USFS Road 2204-200); then east and north on Road 2302 to the Olympic National Park Boundary; then east along the Olympic Park boundary to the North Fork of the Skokomish River; then south down the North Fork of the Skokomish River to Lake Cushman; then southeast along the west shore of Lake Cushman to Cushman Upper Dam; then east along the Power Dam Road to its intersection with Lake Cushman-Hoodport Road; then southeast on Lake Cushman-Hoodport Road to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 638-Quinault Ridge (Grays Harbor and Jefferson counties): Beginning at the Olympic National Park boundary at the northwest corner of Lake Quinault; then southwest along the south shore of Lake Quinault to the boundary of the Quinault Indian Reservation; then southwest along this boundary to U.S. Highway 101; then south along U.S. Highway 101 to Quinault Ridge Road (Forest Service Road #2258); then northeast along the Quinault Ridge Road to the Forest Service Road #2280; then east along Forest Service Road #2280 to the Forest Service Road #2220; then north and south along that road to the Forest Service Road #2204; then northeast along Forest Service Road #2204 to the 2204-200 Spur Road; then north along this spur road to the boundary of the Olympic National Park; then west along

the Olympic National Park Boundary to Lake Quinault and the point of beginning. (See Olympic National Forest map)

GMU 639-Humtulpis (Grays Harbor County): Beginning at the junction of U.S. Highway 101 and the Quinault Ridge Road (Forest Service Road #2258); then northeast along Quinault Ridge Road to the Forest Service Road #2280; then east along Forest Service Road #2280 to the Forest Service Road #2220; then north and south along Forest Service Road #2220 to the Forest Service Road #2204; then northeast along Forest Service Road #2204 and the 2204-200 Spur Road to a point crossed by the range line between range 7W.W.M. and 8W.W.M.; then south on this range line to the most northern point crossed by the East Fork of the Humtulpis River; then downstream on the East Fork of the Humtulpis to the USFS 22 Road; then west and south along USFS 22 Road to its junction with the Donkey Creek Road; then southwest along the Donkey Creek Road (Forest Service Road #22) to its junction with U.S. Highway 101; then north along U.S. Highway 101 to its junction with the Quinault Ridge Road (Forest Service Road #2258) and the point of beginning. (See Olympic National Forest map)

GMU 642-Copalis (Grays Harbor County): Beginning at the U.S. Highway 101 bridge crossing the Hoquiam River in the City of Hoquiam; then north along U.S. Highway 101 to the boundary of the Quinault Indian Reservation; then southwest along the Quinault Indian Reservation boundary to the Pacific Ocean; then south along the shore of the Pacific Ocean to Grays Harbor; then east along the north shore of Grays Harbor to the mouth of the Hoquiam River; then north along the Hoquiam River to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 648-Wynoochee (Grays Harbor County): Beginning at the junction of U.S. Highway 101 and the Donkey Creek Road; then northeast along the Donkey Creek Road (Forest Service Road #22) to its junction with the Donkey Creek-Grisdale Road; continuing east on this road (Forest Service Road #22) to Camp Grisdale (south of Wynoochee Lake); then south along the Grisdale-Montesano Road (Forest Service Road #22) to the junction with the L-600 line (Canyon River Road, Road 2153); then east along the L-600 line to the concrete bridge over the West Fork of the Satsop River in Sec. 15, T.21N., R.7W.W.M.; then south down the West Fork and the main stream of the Satsop River to U.S. Highway 12; then west along U.S. Highway 12 to its junction with U.S. Highway 101 in Aberdeen; then west and north along U.S. Highway 101 to its junction with the Donkey Creek Road and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 651-Satsop (Grays Harbor, Mason and Thurston counties): Beginning at the U.S. Highway 12 Bridge on the Satsop River, then upstream on the Satsop River to its junction with the West Fork of the Satsop River; then up the West Fork of the Satsop to the concrete bridge on the L-600 Road (Canyon River Road, Road 2153); then east on the L-600 Line to its junction with the Kelly Road; then south on the Kelly Road to the Middle Satsop Road; then east on the Middle Satsop and Matlock-Deckerville Roads to the town of Matlock; then east on the Shelton-Matlock Road (County Road 9010) to its junction with U.S. Highway 101; then south on U.S. Highway 101 to its junction with State Route #8, then west on State Route 8 to its junction with U.S. Highway 12; then west along Highway 12 to the Satsop River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 658-North River (Grays Harbor and Pacific counties): Beginning at the U.S. Highway 101 bridge across the Chehalis River in Aberdeen; then west along the Chehalis River to the river mouth; then west along the southern shore of Grays Harbor to the Pacific Ocean; then south along the Pacific Ocean to Willapa Bay; then east in Willapa Bay to the mouth of the Willapa River; then east up the Willapa River to U.S. Highway 101 in the City of Raymond; then north along U.S. Highway 101 to the Chehalis River Bridge and the point of beginning; also Rennie Island. (See Washington Atlas & Gazetteer)

GMU 660-Minot Peak (Grays Harbor and Pacific counties): Beginning at the junction of U.S. Highway 101 and U.S. Highway 12 in Aberdeen; then south along U.S. Highway 101 to the Smith Creek Road; then east along the Smith Creek Road to its junction with the North River Road; then east along the North River Road through Brooklyn and continuing east along the Brooklyn-Oakville Road to the town of Oakville; then north along U.S. Highway 12 to Elma; then

west along U.S. Highway 12 to U.S. Highway 101 and the point of beginning; also Rennie Island. (See Washington Atlas & Gazetteer)

GMU 663—Capitol Peak (Grays Harbor and Thurston counties): Beginning at Elma; then southeast along U.S. Highway 12 to its junction with the Moon Road; then north on the Moon Road to the Gate-Mima Road; then northeast on Gate-Mima Road to Waddell Creek Road; then northeast and then northwest on Waddell Creek Road to Delphi Road; then north on the Delphi Road to U.S. Highway 101; then west on Highway 101 to Highway 8; then west on Highway 8 to Elma and Highway 12 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 666—Deschutes (Thurston County): Beginning at the mouth of the Nisqually River; then south on the Nisqually River to Pacific Highway; then southwest on Pacific Highway to Highway 510; then southeast on Highway 510 to Yelm Highway; then southwest and west on the Yelm Highway to Spurgeon Creek Road; then south on the Spurgeon Creek Road to Rainier Road; then northwest on Rainier Road to Stedman Road; then west and south on Stedman Road to Waldrick Road; then west on Waldrick Road to Pacific Highway; then north on Pacific Highway to McCorkle Road; then west on McCorkle Road to 113th Avenue; then west on 113th Avenue to Littlerock Road; then north on Littlerock Road to 110th Avenue (Bloom Road); then west on 110th Avenue to Delphi Road; then north on Delphi Road to U.S. Highway 101; then northwest on Highway 101 to the Mason-Thurston county Line at Oyster Bay; then northeast and southeast through Totten Inlet, Dana Passage and Nisqually Reach to the mouth of the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 667—Skookumchuck (Thurston and Lewis counties): Beginning at the Pacific Highway Bridge on the Nisqually River; then upstream on the Nisqually River to Alder Lake; then along the north shore of Alder Lake to the town of Elbe and Highway 7; then south on Highway 7 to Highway 508 at Morton; then west on Highway 508 to the Centralia-Alpha Road; then west on the Centralia-Alpha Road, Salzer and Summa Roads to Pearl Street; then north on Pearl Street to Highway 507; then northwest on Highway 507 to Interstate 5 then north on Interstate 5 to U.S. Highway 12; then west on Highway 12 to Moon Road; then north on Moon Road to the Gate-Mima Road; then northeast on the Gate-Mima Road to Waddell Creek Road; then northeast on the Waddell Creek Road to the Delphi Road; then south on the Delphi Road to 110th Avenue; then east on 110th Avenue to Littlerock Road; then south on Littlerock Road to 113th Avenue; then east on 113th Avenue to McCorkle Road; then east on McCorkle Road to Pacific Highway; then south on Pacific Highway to Waldrick Road; then east on Waldrick Road to Stedman Road; then north and east on Stedman Road to Rainier Road; then southeast on Rainier Road to Spurgeon Creek Road; then north on Spurgeon Creek Road to the Yelm Highway; then east and northeast on Yelm Highway to Highway 510; then northwest on Highway 510 to Pacific Highway; then northeast on Pacific Highway to the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 669—Palix (Pacific County): Beginning at the U.S. Highway 101 Bridge across the Willapa River in Raymond; then west along the Willapa River to Willapa Bay; then south along the east shore of Willapa Bay to the mouth of the North Nemah River; then northeast up the North Nemah River and Williams Creek to the North Nemah Road Crossing (or North Nemah A Line); then east on the North Nemah A Line to the Williams Creek A Line; then northeast on the Williams Creek A Line to the C2000 Line to the Trap Creek A Line; then east on the Trap Creek A Line (on the north side of the Trap Creek Lookout) to the Bonneville Power Line Road; then north on the Bonneville Powerline Road to its junction with State Highway 6; then northwest along Highway 6 to its junction with U.S. Highway 101 in the City of Raymond; then north along U.S. Highway 101 to the bridge across the Willapa River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 672—Fall River (Pacific, Lewis and Grays Harbor counties): Beginning at the junction of U.S. Highway 101 and State Highway 6 in Raymond; then east along State Highway 6 to Doty Road (Stevens Road); then northwest on Stevens Road to the Elk Creek Road (in Doty); then west on the Elk Creek Road to the 7000 Road; then west on the 7000 Road to the 7800 Road; then west on the 7800 Road to the 720 Road; then northeast on the 720 Road to Garrard Creek Road; then north on the Garrard Creek Road to the Brooklyn-Oakville Road; then east along the Brooklyn-Oakville Road, North River

Road, to the Smith Creek Road; then southwest along the Smith Creek Road to U.S. Highway 101; then south on U.S. Highway 101 to its junction with State Highway 6 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 678—Nemah (Pacific and Wahkiakum counties): Beginning at the mouth of the North Nemah River on Willapa Bay; then northeast up the North Nemah River and Williams Creek to the North Nemah Road Crossing (or North Nemah A Line); then east on the North Nemah A Line to the Williams Creek A Line to the C2000 line to the Trap Creek A Line; then east along the Trap Creek A Line (north side of Trap Creek Lookout) to the Bonneville Powerline Road; then south along the Powerline Road to the Salmon Creek Road; then southwest along the Salmon Creek Road to State Highway 4; then west along State Highway 4 to its junction with U.S. Highway 101 at Johnson's Landing and continuing west along U.S. Highway 101 to the Naselle River bridge; then down the Naselle River to Willapa Bay; then north along the shore of Willapa Bay to the mouth of the North Nemah River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 681—Bear River (Pacific and Wahkiakum counties): Beginning at the Deep River Bridge on State Highway 4; then down the Deep River to the Columbia River; then west along the Columbia River to the mouth of the Wallacut River; then up the Wallacut River to U.S. Highway 101; then northwest on U.S. Highway No. 101, north on Alternate U.S. Highway No. 101 and northeast on U.S. Highway 101 to the Bear River; then down the Bear River to Willapa Bay; then north along the shore of Willapa Bay to the mouth of the Naselle River and up the Naselle River to U.S. Highway 101; then east along U.S. Highway 101 to its junction with State Highway 4 at Johnson's Landing; then southeast along State Highway 4 to the Deep River Bridge and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 684—Long Beach (Pacific County): The Long Beach Peninsula and those lands west of the following line; beginning at the mouth of Bear River; then up the Bear river to U.S. Highway 101; then southwest along U.S. Highway 101 to Alternate U.S. Highway 101; then south along Alternate U.S. Highway 101 to U.S. Highway 101; then southeast along U.S. Highway 101 to the Wallacut River; then down the Wallacut River to the Columbia River. (See Washington Atlas & Gazetteer)

DEER AREA DESCRIPTIONS

Deer Area No. 001 Champion North (Pierce County): Beginning at the point where the Bonneville Power Transmission Line crosses the Carbon River (about 14 miles northwest of Carbonado); then south and west up the Carbon River to where it intersects State Highway No. 165; then south and east along State Highway No. 165 to where it intersects the Mt. Rainier National Park boundary; then south along said boundary to where it intersects the North Fork Puyallup River; then north and west down the North Fork Puyallup River and the Puyallup River to where it intersects the Bonneville Power Transmission Line (about three miles south of Orting); then north and east along said power transmission line to the point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 002 Champion South (Pierce County): Beginning at the point where Champion's 1 Road crosses the Puyallup River (approximately 1 1/2 miles NE of Kapowsin) then southeast up the Puyallup River to the confluence with Deer Creek; then south up Deer Creek to where it intersects the 243 Road; then northwest along the 243 Road to where it intersects the 24 Road; then southwest along the 24 Road to where it intersects the 3270 Road; then west along the 3270 Road to where it intersects the 327 Road; then southwest along the 327 Road to where it crosses Busy Wild Creek (near Lake Lorraine); then west down the Busy Wild Creek to its confluence with the North Fork Mashel River; then up the North Fork Mashel River (about 1 mile) to the point nearest the southernmost extension of the 311 Road (T16N, R6E, Sec. 19, SW 1/2 of SW 1/2); then in a line to the 311 Road; then along 311 Road to where it intersects the 3113 Road; then north along the 3113 Road to where it intersects the 843 Road; then along the 843 Road to where it intersects the 84 Road; then along the 84 Road to where it intersects the 8 Road; then north along the 8 Road to where it intersects the 82 Road; then along the 82 Road to where it intersects the township line between Townships 16 & 17 North, W.M.; then west on said line to where it intersects the range line between Ranges 4 & 5 East, W.M.; then north on said line to

northwest corner of Sec. 31, T17N, R5E; then east on section line between sections 30 and 31, T17N, R5E to 1/4 corner (Champion ownership); then north from said corner along ownership line to the point closest to the southernmost extension of the 0-100 Road (approx. 3/4 mile); then in a northwest line to the 0-100 Road, then along the 0-100 Road to where it intersects with Ohop Creek; then northwest along Ohop Creek to where it empties into Lake Kapowsin; then northeast along the east shore of Lake Kapowsin to the point closest to the start of the 1 Road; then along the 1 Road to point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 010 Pyramid (Chelan County): That part of GMUs 306 and 304 beginning at the Glacier Peaks Wilderness and Lake Chelan; then south along Lake Chelan to Corral Creek Campground; then west to the intersection of trail #1433 and Butte Trail #1440; then northwest along Butte Trail #1440 to South Pyramid Trail #1439; then southwest to intersection of trail #1437; then due west to Trail #1434; then northwest to Trail #1435; then south to Trail #1400; then southeast to Garland Creek; then west to Garland Peak; then north along trail #1408 to Trail #1515; then south to Trail #1530; then west to trail #1509; then south to Trail #1527; then north to Estes Butte and continuing along the Glacier Peaks Wilderness boundary to beginning. (See Wenatchee National Forest map)

Deer Area No. 040 Foss River (King County in the Alpine Lakes Wilderness Area): Beginning at the intersection of the Dingford Creek Trail (USFS Trail 1005) and the Alpine Lakes Wilderness Area boundary; then north along USFS Trail 1005 to Little Myrtle Lake; then in a northeast line approximately one-half mile to Marlene Lake; then down the tributary from Marlene Lake to its intersection with USFS Trail 1072 near Lake Dorothy; then north along USFS Trail 1072 to its intersection with the Alpine Lakes Wilderness Area boundary; then north and east along the wilderness boundary to the Pacific Crest Trail at Hope Lake; then south along the Pacific Crest Trail to the headwaters of Burntboot Creek about Iceberg Lake at Overcoat Peak; then down Burntboot Creek to the Alpine Lakes Wilderness Area boundary; then north and west along the wilderness area boundary to the point of beginning. (See Washington Atlas and Gazetteer)

Deer Area No. 060 Olympic Wilderness (Clallam, Jefferson, Grays Harbor and Mason counties): The Buckhorn, Colonel Bob, Mt. Skokomish, the Brothers and Wonder Mountain Wilderness areas of Olympic National Forest. (See Olympic National Forest map for these primitive roadless areas)

Deer Area No. 061 Marrowstone Island (Jefferson County): Marrowstone Island in Jefferson County. (See Washington Atlas and Gazetteer)

ELK AREA DESCRIPTIONS

Elk Area No. 001 Trinidad (Grant and Douglas counties): All of Douglas and Grant counties except closed in the corridor described as follows: Beginning at East Wenatchee and following a line parallel to and one-half mile north and east of Highway No. 28 from East Wenatchee to a point in Grant County one-half mile north of SR 28 on Road "U" N.W.; then south on Road "U" N.W. to Road "9" N.W.; then west on Road "9" N.W. to the Ancient Lake Road; then south on the Ancient Lake Road to the northwest corner of Sec. 8, T19N, R23E W.M. (yellow cattle guard); then west to midstream of the Columbia; then north up midstream of the Columbia River to East Wenatchee and the point of beginning. (See official road map of Douglas and Grant counties)

Elk Area No. 002 Caribou (Kittitas County): Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction at the USFS 3517 Road; then east and south along USFS 3517 Road and Lillard Hill Road to the Bonneville Powerlines; then east along the Bonneville Powerlines to the Colockum Pass-Brushy Road (cattle guard); then east along the Brushy Road to the Crossover Road; then south along the Crossover Road to the Perkins/Caribou junction; then east along the Perkins Road to the Beacon Ridge Road; then south along the Beacon Ridge Road to the Old Vantage Highway; then south along a county service road to Interstate #90; then west along Interstate #90 to the Highline Canal near the Stevens Road; then northwest along the Highline Canal to the point of beginning. (See Department of Wildlife map)

Elk Area No. 003 Kingsbury (Chelan, Kittitas counties): That portion of GMU 314 which lies east of the Stemilt Creek, Stemilt Creek Road,

Stemilt Hill Road, Stemilt Loop Road and Jump Off Ridge Road. (See Washington Atlas & Gazetteer)

Elk Area No. 004 Wenatchee (Chelan, Kittitas and Okanogan Counties): GMUs 300, 304, 306, 308, 316, that portion of 302 which lies in Chelan County; and that portion of 314 which lies west of the following boundaries: Beginning at the mouth of the Stemilt Creek at the Columbia River, south up Stemilt Creek to the Stemilt Creek Road to the Stemilt Hill Road; then east and south along the Stemilt Hill Road to the Stemilt Loop Road; then east along the Jump Off Road to the Jump Off Ridge Road (Bonneville Powerlines); then south along the Jump Off Ridge Road to the Naneum Ridge Road. (See Washington Atlas & Gazetteer)

Elk Area No. 025 Backbone (Lewis County): Beginning at State Highway No. 12 at the Pacific Crest Trail; then northwest and southwest along State Highway No. 12 to Coal Creek in Sec. 1, Twp. 13N., R 9 E.W.M.; then north along the range line between Ranges 9 and 10 E.W.M., across the Cowlitz River to the Gifford Pinchot National Forest boundary in the NE corner of Sec. 1, Twp. 13N., R 9 E.W.M.; then southwest along the National Forest Boundary to the Skate Creek Road (first contact) in Sec. 9, Twp. 13N., R 9 E.W.M.; then northwest along the Skate Creek Road to the mouth of Horse Creek and the south boundary of Mt. Rainier National Park; then east along the south Park boundary to the Pacific Crest Trail; then south along the Pacific Crest Trail to State Highway No. 12 and the point of beginning. (See Gifford Pinchot National Forest map)

Elk Area No. 029 Toledo (Lewis County): Beginning at the Cedar Creek Bridge along State Highway No. 505; then northeast up Cedar Creek approximately 4 miles to the Weyco 1970 line; then north and west along the Weyco 1970 line approximately 3.5 miles to the Weyco 1800 line; then north along the Weyco 1800 line approximately 1 mile to the Evans Road; then southwest along the Evans Road to the Layton Road; then south along the Layton Road to State Highway No. 505; then east and southeast along State Highway No. 505 to Cedar Creek Bridge and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 030 Reecer Creek (Kittitas County): Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction of the USFS 3517 Road; then east and south along the USFS 3517 Road and Lillard Hill Road to the Wilson Creek Road to the Highline Canal; then west along the Highline Canal to the point of beginning. (See Wenatchee National Forest map)

Elk Area No. 031 Shushuskin (Kittitas County): Beginning at Damon Road and the Yakima River; then west along Damon Road to Manastash Road; then west on Manastash Road to Cove Road; then south on Cove Road and Mellegaard Road to ((~~Umataneum~~)) Umtaneum Creek; then east (downstream) along ((~~Umataneum~~)) Umtaneum Creek to the Yakima River; then north along the Yakima River to the point of beginning. (See Washington Atlas and Gazetteer)

Elk Area No. 032 Malaga (Kittitas, Chelan Counties): Beginning at Powerlines on the Columbia River (approximately 3/4 mile downstream from Colockum Creek); then west and south along the Powerline Road #12 to Colockum Pass Road; then south along the Colockum Pass Road to the section line between Sections 8 and 9 (T20N, R21E); then west along the section line to the Mose Carr Road; then north and west on the Mose Carr Road to the Jump Off Road; then north and west on Jump Off Road to the Shaller Road and Upper Basin Loop Road; then north and east on the Upper Basin Loop Road and Wenatchee Heights Road; then northeast on the Wenatchee Heights Road and Squilchuck Road to the Columbia River; then down the west bank of the Columbia River to the point of beginning. (See Washington Atlas and Gazetteer)

Elk Area No. 033 Peshastin (Chelan County): Beginning at Crawford Street and the Columbia River in Wenatchee; then west on Crawford Street and Number Two Canyon Road to USFS #7101 Road (Peavine Canyon); then west on USFS #7101 to Mission Creek Road; then north on Mission Creek Road to USFS #7104 Road (Poison Canyon); then northwest on USFS #7104 Road and along the northeast edge of Camas Meadow; then west along this dirt road to the USFS #7200 Road to Highway #97; then north on Highway #97 to USFS #7300 Road (Mountain Home Road); then north on the USFS #7300 Road to the Wenatchee River at Leavenworth; then down the Wenatchee River and Columbia River to the point of beginning. (See Washington Atlas and Gazetteer)

Elk Area No. 039 Backbone (Lewis County): Legal description same as Elk Area No. 025 (Backbone) (See Gifford Pinchot National Forest map)

Elk Area No. 051 Doty (Lewis and Pacific Counties): Beginning on State Highway 6 at the town of Adna, then west on Highway 6 to Stevens Road, then northwest on Stevens Road to Elk Creek Road (Doty), then west on Elk Creek Road to the 7000 Road, then west on the 7000 Road to the 7800 Road, then west on the 7800 Road to the 720 Road, then northeast on the 720 Road to Garrard Creek Road, east on Garrard Creek Road to Manners Road, then south on Manners Road to Lincoln Creek Road, then east along Lincoln Creek Road to Ingalls Road, then south and east on Ingalls and Bunker Creek roads to the town of Adna and point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 052 Mayfield (Lewis County): Beginning at the junction of Highway 12 and the Winston Creek Road; then southeast and north along the Winston Creek Road, Longbell, Perkins, Green Mountain roads to Riffe Lake; then west and northwest along the shoreline of Riffe Lake to the Cowlitz River; then west along the Cowlitz River to Highway 12; then west along Highway 12 to the Winston Creek Road and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 053 Randle (Lewis County): Beginning at State Highway 12 and the Cispus Road in the town of Randle; then east along Highway 12 to the Bennett Road approximately one (1) mile east of Cora Bridge; then west on Bennett and (Cline) C line roads to the Cispus Road; then north on said road to the town of Randle and the point of beginning. (See Gifford Pinchot National Forest map)

Elk Area No. 054 Boistfort (Lewis County): Beginning at the town of Vader; then west along State Highway 506 to the Wildwood Road; then north along the Wildwood Road to the Abernathy 500 line gate (Sec. 20, T11N, R3W, Willamette Meridian); then northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; then northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Sec. 15, T12N, R4W[]); then west along the Pe Ell/McDonald Road to the Lost Valley Road; then northeast along the Lost Valley Road to the Boistfort Road; then north along the Boistfort Road to the King Road; then east along the King Road to the town of Winlock and State Highway 603; then south along Highway 603 to the Winlock/Vader Road; then south along said road to the town of Vader and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 055 East Valley (Wahkiakum County): Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; then west on East Valley Road to the junction with Middle Valley Road (4.5 miles); then north along Middle Valley Road to the junction of Oat Field Road (2.5 miles). (See Washington Atlas & Gazetteer)

Elk Area No. 057 Carlton (Lewis County): That part of unit 514 (Tatoosh) lying east of Highway No. 123 and north of Highway No. 12. (See Gifford Pinchot National Forest map)

Elk Area No. 058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Cascade Crest Trail. (See Gifford Pinchot National Forest map)

Elk Area No. 059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness (See Gifford Pinchot National Forest map)

Elk Area No. 061 Mt. Tebo (Mason County): Beginning at the junction of the North Fork and South Fork of the Skokomish River; then northwest along the South Fork to the boundary of Olympic National Park; then east along the National Park boundary to the North Fork of the Skokomish River; then southeast down the North Fork of the Skokomish River through Lake Cushman; then south down the North Fork of the Skokomish River to the South Fork of the Skokomish River and the point of beginning. (See Olympic National Forest Map)

Elk Area No. 065 Willapa Valley (Pacific County): That part of Pacific County within two miles of State Highway 6 between Menlo and the eastern most junction of Elk Prairie Road and State Highway 6. (See Washington Atlas & Gazetteer)

Elk Area No. 066 Twin Valley (Grays Harbor County): Beginning in the City of Hoquiam at the junction of U.S. Highway No. 101 and the East Hoquiam Road; then north on the East Hoquiam Road to its junction with the East Hoquiam Cutoff Road in Sec. 21, T19N, R9

W.W.M.; then east on the East Hoquiam Cutoff Road to its junction with the Wishkah Road; then south on the Wishkah Road to its junction with the Wishkah-Wynoochee Crossover Road in Sec. 35, T19N, R9 W.W.M.; then east on the Wishkah-Wynoochee Crossover Road to its junction with the Donovan Corkey A line; then north on the A line to its junction with the A 2200; then east on the A 2200 Road to its junction with the A 2210; then south on the A 2210 Road to a point crossed by the township line between Twp 20N and 19N; then east on the township line to its junction with the Wynoochee River Road; then south along the Wynoochee River Road to U.S. Highway No. 12; then west along U.S. Highway 12 to its junction with U.S. Highway No. 101 in the City of Aberdeen, then west on U.S. Highway 101 to the City of Hoquiam and junction with the East Hoquiam Road and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 067 South Willapa (Pacific County): Beginning in the City of South Bend at the junction of U.S. Highway 101 and the Skidmore Slough C-line; then south on the Skidmore Slough C-line to its junction with the B-line in Sec. 11, T13N, R9 W.W.M.; then southeast on the B-line to its junction with the A-line in Sec. 18, T13N, R8 W.W.M.; then east and north on the A-line to its junction with the South Fork Willapa Road; then east along the South Fork Willapa Road to State Highway No. 6, Sec. 10, Twp. [Twp.] 13 N., R. 8 W.W.M.; then northwest on State Highway No. 6 to its junction with U.S. Highway 101; then southwest on U.S. Highway 101 to its junction with the Skidmore Slough C-line and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 069 Chinook (Pacific County): Beginning at the junction of U.S. Highway 101 and the Prest Road (approximately 4 miles west of the town of Chinook); then northwest on Prest Road to its junction with Chinook Valley Road; then west on Chinook Valley Road to its intersection with the east branch of the Wallicut River; then north along the Wallicut River to its intersection with Highway 101; then west on Highway 101 to the junction of Highway 101 alternate; then south on Highway 101 alternate to Highway 101; then east on Highway 101 to Prest Road and the point of beginning. (See Washington Atlas & Gazetteer)

BOW AND ARROW AREA DESCRIPTIONS

Bow Area No. 802 Long Island (Pacific County): Long Island in Pacific County. (See Washington Atlas & Gazetteer map)

Bow Area No. 806 Rattlesnake (Yakima County): Beginning at the point where USFS Road #1500 crosses Little Rattlesnake Creek, near Hanging Tree Campground; then southwest up Little Rattlesnake Creek to USFS Road #1500; then north along Road #1500 to USFS Trail #1101 (MJB Trail); then northwest along MJB Trail to USFS Trail #1114; then north along Trail #1114 to USFS Trail #981; then west along Trail #981 to USFS Trail #982; then northeast along Trail #982 to USFS Trail #973; then northwest along Trail #973 to the North Fork of Rattlesnake Creek; then down the North Fork to the junction with South Fork of Rattlesnake Creek; then up the South Fork to USFS Road #1502; then east on Road #1502 to USFS Road #1500; then east on Road #1500 to Little Rattlesnake Creek and the point of beginning. (See Wenatchee National Forest map)

Bow Area No. 807 Ahtanum (Yakima County): That part of GMU 368 which lies west of the following boundary; beginning at the junction of the North and South fork of Ahtanum Creek; then northwest up North Fork of Ahtanum Creek to Nasty Creek; then north up Nasty Creek to the Nasty Creek-Cowiche Road (DNR Road #C1050); then north on Road #C1050 to South Fork of Cowiche Creek; then east down South Fork Cowiche Creek to the power line which crosses near the mouth of Reynolds Creek; then northwest along the powerline to Jump-off (USFS Road #1302). Except closed east of a north south line drawn between the South Fork and North Fork of Ahtanum Creek two miles west of the Tampico Store. (See Wenatchee National Forest map)

Bow Area No. 808 Acme (Whatcom County): Beginning at the town of Acme; then north on Highway No. 9 to the junction of the Strand Road; then east on the Strand Road and over the Van Zandt Dike following the south boundaries of Sections 21, 22 and 23 of Twp. 38 N, R 5 E to the Mosquito Lake Road; then south along the Mosquito Lake Road to the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west along Skookum Creek to the South Fork Nooksack River; then continue west along the South Fork Nooksack River to the mouth of Christy

Creek; then south along Christy Creek to its source; then west to Ennis Creek; then west along Ennis Creek to the Ennis Creek Road; then west along Ennis Creek Road to the Wickersham Road; then west along the Wickersham Road to Highway No. 9; then north along Highway No. 9 to Acme and the point of beginning. (See Washington Atlas & Gazetteer)

Bow Area No. 820 Malott (Okanogan County): Beginning south of the town of Riverside, then south down the Okanogan River to Highway 97 bridge at mouth of river, then west on Highway 97 through the town of Brewster to the Indian Dan Canyon Road, then north to Paradise Hill Road; then east and south along the Paradise Hill Road to the Hanford Cutoff (approximately 1/2 mile south of Rat Lake Road), then west on Hanford Cutoff to the North Star Road, then north on North Star Road to junction with Chiliwist Road then east on Chiliwist Road to junction with Olema/Cook Mt. Road, then north on Olema/Cook Mt. Road to its junction with Highway 20, then east on Highway 20 to the junction with Buzzard Lake Road, then north on Buzzard Lake Road to the junction with Windy Hill Road, then east on Windy Hill Road to its junction with Spring Coulee/Salmon Creek Road, then north on Spring Coulee/Salmon Creek Road to the junction with Green Lake Road, then north on Green Lake Road to the Conconully Highway then northwest on the Conconully Highway to the junction with the Riverside Cutoff Road, then northeast of the Riverside Cutoff Road to the town of Riverside and the Okanogan River and the point of beginning. (See Washington Atlas & Gazetteer)

Bow Area No. 831 Hamilton (Skagit County): Beginning at the point where State Highway No. 20 crosses Child's Creek approximately one mile west of Lyman; then east along Highway No. 20 to the Burpee Hill Road at Concrete; then north along said road to the Baker Lake Highway; then west along said highway to the DNR Road N. 2400; then continue west along said line to the DNR 2000 line; then north along said line to the DNR 2800 line; then west along said line to the DNR 2900 line; then west along said line to the Scott Paper Mainline; then north along said line to the Scott Paper 110 line; then continue west along said line to where it crosses Child's Creek; then south down said creek to State Highway No. 20 and point of beginning. (See Washington Atlas & Gazetteer)

MUZZLELOADER AREA DESCRIPTIONS

Muzzleloader Area No. 908 Acme (Whatcom County): Same as Bow Area No. 808. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 910 Cle Elum (Kittitas County): Beginning at Easton; then southeast along the main BPA Powerlines to the Fowler Creek Road (4517); southeast on Spur Road 117 to Granite Creek Trail #1326; then south on Trail #1326 to the top of South Cle Elum Ridge; then east along the ridge on Trail #1326 to Spur Road 119; then north on Road 119 to the Peoh Point Road (3350); then south on Road 3350 to the junction with Road 3352; then east on the 3352 Road to the Cedar Creek Road; then north on the Microwave Road to Sky Meadows and Casassa Road to the BPA Powerlines; then east along the BPA Powerlines to Highway 10; then east along Highway 10 to the junction with Highway 97; then north on Highway 97 to the Lower Green Canyon Road; then [the] north to Upper Green Canyon Road to the junction of the First Creek Road; then west on the First Creek Road to Highway 97; then north on Highway 97 to USFS 9738 (Blue Creek); then west on USFS 9738 to USFS 9702 (Dickey Creek); then west on USFS 9702 to the North Fork Teanaway Road; then south to the junction with West Fork Teanaway Road; then south on Middle Fork Road to Bible Camp; then south up #17 Canyon Road to Cle Elum Ridge Road; then west on Cle Elum Ridge Road to the bottom of #5 Canyon Road; then south to Highway 903 and Bullfrog Road; then south on Bullfrog Road to Interstate Highway 90; then west on Interstate Highway 90 to Easton and point of beginning. (See Wenatchee National Forest map)

Muzzleloader Area No. 921 Baleville (Pacific County): Beginning at the junction of the Hammond Road and U.S. Highway 105; then north on the Hammond Road to the radio towers; continue north on the D 2100 line to its junction with the D-line; then northwest along the D-line (also known as the Rayonier 2720) to its junction with the Rayonier 2700 line, then southwest on the Rayonier 2700 line to its junction with Highway 105; then east on Highway 105 to the Hammond Road and point of beginning. (See Washington Atlas & Gazetteer.)

Muzzleloader Area No. 925 Ritzville (Adams County): Beginning at the junction of Interstate 90 and S.R. 261 near the town of Ritzville,

then south along S.R. 261 to Washtucna, then east on S.R. 26 to the Whitman County line, then north along the Adams, Whitman County line to where it intersects the Lincoln, Adams County line, then north along the Adams, Lincoln County line to Interstate 90, then west along Interstate 90 to point of beginning. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 944 (~~Clemons Clemons~~) Cleman (Yakima County): That portion of GMU 346 beginning at the junction of Highway #410 and USFS Road #1701 (Big Bald Mountain Road); then north to USFS Road #1712; then east on USFS Road #1712 (~~Clemons Clemons~~) Cleman Ridge Road to the east edge of Meyster Canyon; then along the east side of Meyster Canyon to the elk fence; then west along the elk fence to Waterworks Canyon and Highway #410 and to point of beginning. (See Wenatchee National Forest map)

Muzzleloader Area No. 950 Toutle Mountain (Cowlitz County): Beginning at the confluence of the South Fork Toutle River and the North Fork Toutle River; then up the S.F. Toutle River to Johnson Creek; then up Johnson Creek to the Weyerhaeuser Company 4400 [440] Road; then northeast on the 440 [4400] Road to the 2421 Road; then north to the 2400 Road; then east on the 2400 Road to Alder Creek; then north down Alder Creek to the North Fork Toutle River; then west down the North Fork Toutle River to the confluence with the South Fork Toutle River and point of beginning. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 961 Hoko River (Clallam County): Within one mile of the Hoko County Road between Highway 112 and the Olympic National Park boundary near Lake Ozette. (See Olympic National Forest Map)

Muzzleloader Area No. 962 Elwha (Clallam County): Beginning at the U.S. Highway 101 Bridge on the Elwha River; then south on the Elwha River to the Olympic National Park boundary; then along Olympic National Park boundary to the section line between Sections 32 and 33 of T 30 N, R 7 W. W. M.; then north on the section lines to U.S. Highway 101; then east on U.S. Highway 101 to Elwha River and point of beginning. (See Washington Atlas and Gazetteer)

WSR 90-17-147

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed August 22, 1990, 2:52 p.m.]

Original Notice.

Title of Rule: [No information supplied by agency.]

Purpose: To implement the Certified Real Estate Appraiser Act, chapter 18.140 RCW.

Statutory Authority for Adoption: RCW 18.140.030.

Statute Being Implemented: Chapter 18.140 RCW.

Summary: To implement the Certified Real Estate Appraiser Act, chapter 18.140 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cleotis Borner, P.O. Box 9012, Olympia, (206) 753-1062.

Name of Proponent: Department of Licensing, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules will implement the real estate appraiser certification program established under chapter 18.140 RCW.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Cavanaugh's River Inn, North 700 Division, Spokane, WA 99202, on October 16, 1990, at

10:00 a.m.; and at the Seattle Airport Hilton, 17620 Pacific Highway South, Seattle, WA 98188, on October 18, 1990, at 10:00 a.m.

Submit Written Comments to: Cleotis Borner, P.O. Box 9012, Olympia, WA 98504, by 5:00 p.m., October 12, 1990.

Date of Intended Adoption: October 18, 1990.

August 22, 1990

Paul W. Browne

Assistant Attorney General

Chapter 308-125 WAC
REAL ESTATE APPRAISERS

NEW SECTION

WAC 308-125-010 DEFINITIONS. (1) Words and terms used in these rules shall have the same meaning as each has in the Certified Real Estate Appraiser Act, (chapter 18.140 RCW).

(2) "Appraisal" or "real estate appraisal" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate for or in expectation of compensation. An appraisal may be classified by subject matter into either a valuation or an analysis. A "valuation" is an estimate of the value of real estate or real property. An "analysis" is a study of real estate or real property other than estimating value.

(3) "Appraisal report" means any communication, written or oral, of an appraisal.

(4) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate. The term "appraisal assignment" may apply to valuation work and analysis work.

(5) "Certified appraisal" means an appraisal prepared or signed by a state-certified real estate appraiser. A certified appraisal represents to the public that it meets the appraisal standards defined in this chapter.

(6) "Department" means the department of licensing.

(7) "Director" means the director of the department of licensing.

(8) "Real estate" means an identified parcel or tract of land, including improvements, if any.

(9) "Real property" means one or more defined interests, benefits, or rights inherent in the ownership of real estate.

(10) "Specialized appraisal services" means all appraisal services which do not fall within the definition of appraisal assignment. The term "specialized appraisal service" may apply to valuation work and to analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not a specialized appraisal service.

(11) "State-certified real estate appraiser" means a person who develops and communicates real estate appraisals, and who holds a valid certificate issued to him/her for either general or residential real estate under this chapter. A state-certified real estate appraiser may designate or identify an appraisal rendered by him/her as a "certified appraisal" and indicate which type of certification is held.

(12) "Advisory committee" means a committee of seven real estate appraisers appointed by the director to provide technical assistance relating to real estate appraisal standards and real estate appraiser experience, education, and examination requirements that are appropriate for each classification of state-certified real estate appraiser.

(13) "College degree" means a degree awarded by a college or university which has been accredited by the Council on Postsecondary Accreditation or an accrediting body approved by the United States Department of Education. The college degree must be based upon a minimum four-year program.

(14) "Classroom hour" means fifty minutes out of each sixty minute hour.

(15) "Full-time" means any twelve-month period in which an applicant works at least one thousand five hundred hours in real estate appraisal.

(16) "Residential real estate appraiser" classification applies to those individuals qualified to appraise one to four residential units.

(17) "General real estate appraiser" classification applies to those individuals qualified to appraise all types of real property.

(18) "Associate college degree" means a degree awarded by a college or university which has been accredited by the Council on Postsecondary Accreditation or an accrediting body approved by the United States Department of Education. The associate degree must be based upon a minimum two-year program.

NEW SECTION

WAC 308-125-020 APPLICATION PROCESS TO TAKE EXAMINATION. (1) Any person desiring to take an examination for certification as a state-certified residential real estate appraiser, or as a state-certified general real estate appraiser, must submit a completed examination application with supporting documents to the department of licensing, professional licensing services, at its official address. After the qualifications for the examination have been verified by the department, the applicant shall submit the preapproved examination application, the request for examination and the appropriate fees for both to the testing service approved by the director.

(2) The applicant will be assigned to the first available examination subsequent to determination of eligibility. The cut-off date for eligibility for any specific examination is available to the applicant upon request.

(3) Dishonored checks will be considered as an incomplete application.

(4) An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has applied and does not take for any reason, other than through the fault or mistake of the department of licensing or the approved testing agency.

NEW SECTION

WAC 308-125-030 EXAMINATION PREREQUISITE GENERAL CLASSIFICATION. The general real estate appraiser classification applies to the appraisal of all types of real property.

(1) As a prerequisite to taking the examination for certification as a state-certified general real estate appraiser, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than one hundred sixty-five classroom hours of courses in subjects related to real estate appraisal approved by the director. Each applicant must have successfully completed not less than thirty classroom hours of study relating to the basic principles of real estate appraising and not less than fifteen classroom hours of study specifically relating to the uniform standards of professional appraisal practice and ethics and provisions of the state act.

(2) For purposes of this section, after July 1, 1992, an applicant shall present evidence satisfactory to the director that he/she has a college degree together with the required prerequisites in subsection (1) of this section. The one hundred sixty-five classroom hours of courses in subjects related to real estate appraisal may be included in the hours required for the college degree.

(3) An original certification as a state-certified general real estate appraiser shall not be issued to any person who does not possess two full years of actual experience as a full-time real estate appraiser in Washington or in another state having comparable certification requirements within the five years immediately preceding the filing of the application for examination and certification.

(4) To fulfill the experience requirement, a candidate must have at least seven hundred fifty hours per year of nonresidential appraisal experience.

(5) The content for courses required prerequisite to taking the examination for certification as a state certified general real estate appraiser should include coverage of real estate appraisal related topics, such as:

- (a) Influences on real estate value.
- (b) Legal considerations in appraisal.
- (c) Types of value.
- (d) Economic principles.
- (e) Real estate markets and analysis.
- (f) Valuation process.
- (g) Property description.
- (h) Highest and best use analysis.
- (i) Appraisal math and statistics.
- (j) Sales comparison approach.
- (k) Site value.
- (l) Cost approach.
- (m) Income approach.

- (n) Valuation of partial interests.
 - (o) Appraisal standards and ethics.
- Preexamination review seminars or examination preparation seminars will not be approved for clock hour credit.

NEW SECTION

WAC 308-125-040 EXAMINATION PREREQUISITE RESIDENTIAL CLASSIFICATION. The residential real estate appraiser classification applies to appraisals of one to four residential units.

(1) As a prerequisite to taking the examination for certification as a state-certified residential real estate appraiser, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than seventy-five classroom hours of courses in subjects related to real estate appraisal approved by the director. Each applicant must have successfully completed not less than thirty classroom hours of study relating to the basic principles of real estate appraising and not less than fifteen classroom hours of studies specifically relating to uniform standards of professional appraisal practice, and ethics and provisions of the state act.

(2) For purposes of this section, after July 1, 1992, an applicant shall present evidence satisfactory to the director that he/she has an associate degree together with the required prerequisite in subsection (1) of this section. The seventy-five classroom hours of courses in subjects related to real estate appraisal may be included in the hours required for the associate degree or college degree.

(3) An original certification as a state-certified residential real estate appraiser shall not be issued to any person who does not possess two years of actual experience as a full time real estate appraiser in Washington or in another state having comparable certification requirements within the five years immediately preceding the filing of the application for examination and certification.

(4) The content for courses required prerequisite to taking the examination for certification as a state-certified residential real estate appraiser should include coverage of real estate appraisal related topics, such as:

- (a) Influences on real estate value.
- (b) Legal considerations in appraisal.
- (c) Types of value.
- (d) Economic principles.
- (e) Real estate markets and analysis.
- (f) Valuation process.
- (g) Property description.
- (h) Highest and best use analysis.
- (i) Appraisal statistical concepts.
- (j) Sales comparison approach.
- (k) Site value.
- (l) Cost approach.
- (m) Income approach.
- (n) Valuation of partial interests.
- (o) Appraisal standards and ethics.

Preexamination review seminars or examination preparation seminars will not be approved for clock hour credit.

NEW SECTION

WAC 308-125-050 EDUCATIONAL COURSES—PREEXAMINATION. (1) In order for courses to be accepted under WAC 308-125-030(1) and 308-125-040(1), courses must:

- (a) Be a minimum of fifteen classroom hours in length;
- (b) Include an examination; and
- (c) Be directly related to real estate appraising.

(2) For purposes of this section, prior to July 1, 1992, there will be no time limit on when credit may be obtained.

(3) For the purposes of this section, after July 1, 1992, only those courses completed within the ten years immediately preceding the date of application will be accepted for meeting educational requirements.

(4) Copies of official transcript of college records or certificates of course completion will be considered as satisfactory evidence for education requirements.

NEW SECTION

WAC 308-125-060 ALTERNATE TO CLASSROOM HOURS, REQUIREMENT PREEXAMINATION. Achievement of a passing score on an examination that is identical to that administered upon completion of an educational offering approved by the director and offered by a state approved provider. This refers to those instances where

the examination is challenged without attendance at the offering. Credit for the examination must be obtained by July 1, 1990.

NEW SECTION

WAC 308-125-070 EXPERIENCE REQUIREMENTS. (1) A full-time year is defined as any twelve-month period in which an applicant works at least one thousand five hundred hours in real estate appraisal.

(2) The work product claimed for experience credit must be in conformity with the uniform standards of professional appraisal practice or shall be in compliance with generally accepted standards which were in effect at the time those appraisals were prepared.

(3) An appraiser applying for certification must verify his/her completion of the required experience via affidavit, under oath subject to penalty of perjury, and notarized on a form provided by the department.

To demonstrate experience the department may require submission of a log which details hours claimed for experience credit. The department may also require an affidavit from an employer concerning the applicant's length of experience.

(4) An appraiser performing appraisal work enabling the appraiser to apply for appraisal experience on an hourly basis, includes, but is not limited to, the following:

Fee and staff appraisal, ad valorem tax appraisal, review appraisal, appraisal analyst, real estate counseling, highest and best use analysis, feasibility analysis/study, market analysis/study, teacher of appraisal courses.

(5) The department reserves the right to contact an employer for confirmation of experience claimed. This will require an employer to confirm via affidavit the experience of an applicant.

(6) The department may request submission of written reports or file memoranda claimed by the applicant in the applicant's application for experience credit.

NEW SECTION

WAC 308-125-080 APPLICATION FOR CERTIFICATION. Upon receipt of notice of passage of the examination, applicants must submit a complete original certification application with the certification fee to the department of licensing, professional licensing services at its official address. The department will verify qualifications under chapter 18.140 RCW and the rules promulgated thereunder.

NEW SECTION

WAC 308-125-090 CONTINUING EDUCATION REQUIRED. (1) As a prerequisite to renewal of certification as a state-certified real estate appraiser, the holder of a certificate shall present evidence satisfactory to the director of successful completion of the continuing education requirements of this section.

(2) The continuing education requirements for renewal of certification shall be the completion by the applicant of twenty classroom hours of instruction in courses or seminars which have received the approval of the director. Courses must be completed within the two-year period immediately preceding renewal.

(3) In order for courses or seminars to be accepted under subsection (2) of this section, the course or seminar must be a minimum of four hours in length and be directly related to real estate appraising.

(4) An examination is not required for courses or seminars taken for continuing education classroom hours.

(5) The requirement under subsection (2) of this section may be met by participation other than as a student in educational process and programs approved by the director including teaching, program development, and authorship of textbooks and other written instructional materials.

(6) Courses or seminars taken to satisfy the continuing education requirement for general real estate appraisers, should include coverage of real estate appraisal related topics, such as:

- (a) Ad valorem taxation.
- (b) Arbitrations.
- (c) Business courses related to practice of real estate.
- (d) Construction estimating.
- (e) Ethics and standards of professional practice.
- (f) Land use planning, zoning, and taxation.
- (g) Management, leasing, brokerage, timesharing.
- (h) Property development.
- (i) Real estate appraisal (valuations/evaluations).

- (j) Real estate financing and investment.
- (k) Real estate law.
- (l) Real estate litigation.
- (m) Real estate related computer applications.
- (n) Real estate securities and syndication.
- (o) Real property exchange.
- (p) Real estate feasibility and marketability studies.
- (q) Such other presentations approved by the director.
- (7) Courses or seminars taken to satisfy the continuing education requirement for residential real estate appraisers should include coverage of real estate appraisal related topics, such as:
 - (a) Ad valorem taxation.
 - (b) Business courses related to practice of real estate.
 - (c) Construction estimation.
 - (d) Ethics and standards of professional practice.
 - (e) Land use planning, zoning, taxation.
 - (f) Property development.
 - (g) Real estate financing and investment.
 - (h) Real estate law.
 - (i) Real estate related computer applications.
 - (j) Real estate securities and syndication.
 - (k) Real property exchange.
 - (l) Real estate feasibility and marketability studies.
 - (m) Such other presentations approved by the director.

NEW SECTION

WAC 308-125-100 COURSE APPROVAL REQUIREMENTS.
 (1) For purpose of this section prior to July 1, 1992, the director will approve the following courses required prerequisite to sitting for the examination: PROVIDED, That courses must satisfy the requirements of WAC 308-125-050.

(a) Courses offered at college or universities, vocational-technical schools, community colleges, and other state or federal agencies will be accepted by the director;

(b) Courses offered by other providers such as real estate appraisal or real estate organizations or proprietary schools must be reviewed and approved by the director.

(2) For purposes of this section, after July 1, 1992, the director will approve the following courses required prerequisite to sitting for the examination and continuing education: PROVIDED, That courses must satisfy the requirements of WAC 308-125-030, 308-125-040, 308-125-050, and 308-125-090:

(a) Courses taken at colleges or universities, vocational-technical schools, community colleges, and state or federal agencies will be accepted by the director;

(b) Courses offered by other providers such as real estate appraisal or real estate organizations or proprietary schools must be reviewed and approved by the director: PROVIDED, That all courses offered by providers in this subdivision (b) after July 1, 1992, must be preapproved by the director in order to qualify.

(3) Copies of official transcripts of college records or certificates of completion will be considered as satisfactory evidence for education requirements.

NEW SECTION

WAC 308-125-110 ADDRESS CHANGE. It is the responsibility of each applicant and certified real estate appraiser to notify the department of licensing, real estate appraiser program unit, of a change of business address. Change of address notification shall be made within ten days of the change of address.

NEW SECTION

WAC 308-125-120 FEES AND CHARGES. The following fees shall be paid under the provisions of chapter 18.140 RCW:

Title of Fee	Fee
(1) Application for examination	\$175.00
(2) Examination	75.00
(3) Reexamination	75.00
(4) Original certification	100.00*
(5) Certification renewal	275.00*
(6) Late renewal penalty	35.00
(7) Duplicate certificate	25.00
(8) Certification history record	25.00

Title of Fee	Fee
(9) Application for reciprocity	175.00
(10) Original certification via reciprocity	100.00*
(11) Walk-in for examination	25.00

* Proposed fees for these categories marked with an asterisk include an estimated \$25.00 to be submitted by the state to Federal Government. Title XI, SEC. 1109 requires each state to submit a roster listing of state certified appraisers to the Appraiser Subcommittee "no less than annually." The state is also required to collect from such individuals who perform appraisals in federally related transactions, an annual registry fee of "not more than \$25," such fees to be transmitted by the state to the federal government on an annual basis.

NEW SECTION

WAC 308-125-130 REEXAMINATION. (1) An applicant who has failed the examination, or failed to appear for a scheduled examination, may apply for reexamination provided the required reexamination fee is submitted.

(2) An applicant who has failed the examination, or failed to appear for a scheduled examination, may walk into an examination upon payment of the reexamination and walk-in fees if there are adequate space and booklets and upon presentation of the failure notice or examination admission ticket. The failure notice or examination admission ticket shall be valid for walk-in testing for a period of no more than six months after date of issuance.

NEW SECTION

WAC 308-125-140 PASSING EXAM SCORE. A minimum scaled score of seventy is required to pass the state-certified real estate appraiser examination.

NEW SECTION

WAC 308-125-150 EXAMINATION PROCEDURES. (1) Each applicant will be required to present one piece of positive identification which bears a photograph of the applicant. In the event the applicant has no photo identification, the applicant will be required to make prior arrangements with the licensing unit not later than ten working days prior to the examination. Failure to produce the required identification will result in the applicant being refused admission to the examination.

(2) Applicants will be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a test monitor. Any applicant observed talking or attempting to give or receive information, using unauthorized materials during any portion of the examination, or removing test booklets and/or notes from the testing room will be subject to denial of a certification.

(3) Applicants who participate in disruptive behavior during the examination will be required to turn in their test materials to the test monitor and leave the examination site. Their opportunity to sit for the examination will be forfeited. Their answer sheet will be voided. A voided answer sheet will not be scored and the examination fee will not be refunded. A candidate must then reapply to take the examination.

NEW SECTION

WAC 308-125-160 WAIVER UNDER RCW 18.140.080. The director will not waive clock hour requirements as provided in RCW 18.140.080(3).

NEW SECTION

WAC 308-125-170 EXCEPTIONS TO CHAPTER 18.140 RCW. No exceptions will be allowed to the requirements of chapter 18.140 RCW except as provided by statute or rule.

NEW SECTION

WAC 308-125-180 RECIPROCITY. A person licensed or certified as a real estate appraiser under the rules or laws of another state may obtain certification in the state of Washington when the following condition is met:

The state in which the appraiser is licensed or certified has an appraiser licensure or certification program which meets federal guidelines and the state has a written reciprocal agreement with the state of Washington.

A person seeking certification under this section must provide a notarized statement from the state in which the person is licensed or certified establishing licensure or certification.

NEW SECTION

WAC 308-125-190 EXAMINATION REQUIRED—SCOPE. The director shall approve an examination for certification of real estate appraisers. This examination may be prepared and administered within a state agency, or the director may request bids for contracts to prepare and administer the exam. Such requests for proposals shall be done in accordance with the state law.

(1) The director will determine the scope of the examination and provide information concerning the scope of the examination to an individual upon request.

(2) If the director determines to seek proposals for testing services, the director will establish criteria for evaluating the proposals.

NEW SECTION

WAC 308-125-200 STANDARDS OF PRACTICE. The standard of practice governing real estate appraisal activities will be the uniform standards of professional appraisal practice of the appraisal subcommittee.

NEW SECTION

WAC 308-125-210 REQUIRED RECORDS—ACCESSIBILITY OF RECORDS TO THE DEPARTMENT OF LICENSING. All certified appraisers certified under chapter 18.140 RCW must retain records required by the uniform standards of professional appraisal practice for a minimum of five years. Such records will be subject to random audit by the department without notice and must be readily available for inspection by a representative of the department.

WSR 90-17-148
PERMANENT RULES
DEPARTMENT OF LICENSING
(Funeral Directors and Embalmers)

[Filed August 22, 1990, 2:58 p.m.]

Date of Adoption: August 7, 1990.

Purpose: Repealers would eliminate duplication of RCW provisions and conform rules to existing statutes. Amendments and new rules provide for improved regulation of prearrangement contracts including disclosures, trustee requirements and trust fund agreements. Telephone solicitation of preneed funeral services is also regulated for the protection of the public.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-48-165 and 308-49-160; and amending WAC 308-49-100, 308-49-130, 308-49-140 and 308-49-150.

Statutory Authority for Adoption: RCW 18.39.175(4).

Pursuant to notice filed as WSR 90-14-098 on July 5, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 308-49-200 is changed by deleting references to statutes not relevant to this rule and eliminating subsection (8) which was a policy statement not intended for inclusion in the rule.

Effective Date of Rule: Thirty-one days after filing.

August 7, 1990

Laurence C. Mathews
Chairman

AMENDATORY SECTION (Amending Order PL 420, filed 1/26/83)

WAC 308-49-100 PURPOSE. The purpose of this chapter is to implement the provisions of (~~chapter 66, Laws of 1982 1st ex. sess.~~) RCW 18.39.240 through 18.39.345 and 18.39.360, by establishing rules for the registration of funeral establishments which enter into prearrangement funeral service contracts and to establish uniform minimum requirements for such contracts and prearrangement trust funds.

AMENDATORY SECTION (Amending Order PL 420, filed 1/26/83)

WAC 308-49-130 DEFINITIONS. Unless the (~~context~~) text in this chapter clearly states or requires otherwise, (~~the following~~) definitions shall (~~apply throughout this chapter~~):

(1) ~~"Prearrangement funeral service contract" means any contract, other than a contract entered into by an insurance company, under which, for a specified consideration paid in advance in a lump sum or by installments, a funeral establishment promises upon the death of a beneficiary named or implied in the contract, to furnish funeral merchandise or services.~~

(2) ~~"Funeral merchandise or services" shall mean those services normally performed and merchandise normally provided by funeral establishments including the sale of burial supplies and equipment, but excluding the sale by a cemetery of lands or interests therein, services incidental thereto, markers, memorials, monuments, equipment, crypts, niches or vaults.~~

(3) ~~"Qualified public depository" means a depository defined by RCW 39.58.010 (state banks or trust companies, national banking associations, and certain branches of foreign banks), a credit union as governed by chapter 31.12 RCW, a mutual savings bank as governed by Title 32 RCW, a savings and loan association as governed by Title 33 RCW, or a federal credit union or a federal savings and loan association organized, operated and governed by any act of Congress, in which prearrangement funeral service contract funds are deposited by any funeral establishment.~~

(4) ~~"Funeral establishment" means a place of business licensed under RCW 18.39.145))~~ be as set forth in RCW 18.39.010.

AMENDATORY SECTION (Amending Order PM 737, filed 6/6/88)

WAC 308-49-140 REGISTRATION OF ESTABLISHMENTS. (1) Each funeral establishment entering into prearrangement funeral service contracts in which one or more of the following conditions exist must be registered with the board before entering into such contracts:

(a) The sales price of the contract, using either trust or insurance as a method of funding, guarantees a final price for merchandise and services. The guarantee assures the purchaser that there will be no additional charges for the merchandise and services disclosed within the agreement.

(b) The sales price of the contract using a trust as a method of funding plus accruals will be applied toward the cost of merchandise and services at the time of need. Should the cost of merchandise and services selected at the time of need exceed the sales price of the contract plus accruals, the purchaser will pay the difference. Should the cost of merchandise and services selected at the time of need be less than the sales price of the contract plus accruals, the purchaser will receive a refund for the difference.

(c) Insurance is used as a method of funding guaranteeing a final price for merchandise and services. Such guarantee assures the purchaser that there will be no additional charges for merchandise and services disclosed in the agreement.

(2) Before entering into any prearrangement funeral service contracts in this state, a funeral establishment shall first obtain a certificate of registration from the board. To apply for registration, a funeral establishment must file an application on forms approved by the board of funeral directors and embalmers, which includes:

(a) The name, address, and telephone number of the funeral establishment;

(b) ~~((The name and license number of the person at the funeral establishment responsible for supervising the sale of funeral merchandise or service on a prearrangement basis;~~

~~((c)) A statement of the establishment's current financial condition and an explanation of how the establishment plans to offer, market and service prearrangement contracts including:~~

(i) The type of business organization which operates the funeral establishment, e.g., sole proprietorship, partnership, or corporation and a list of all officers, directors, partners and managers by name and title, and any person owning more than ten percent of the business;

(ii) A balance sheet and a profit and loss statement for the most recently concluded fiscal year and/or other such fiscal documents as the board may require;

~~((d)) (c) The prearrangement funeral service contract forms the establishment proposes to use need not be in final printed form when submitted; however, a copy of the final printed form shall be filed with the board before the form is used;~~

~~((e) Identification of the qualified public depository the establishment will use with an explanation of the depository's manner of operating and managing the prearrangement funeral service contract trust fund, together with copies of any contract or trust agreement to be entered into in connection with such trust fund, and, if a single trust fund is to be established and maintained with respect to several prearrangement funeral service contracts, a complete explanation of the manner in which records will be maintained to allocate the interest, dividends, increases or accretions and the share of such fund to each contract.~~

~~((2)) (d) Identification of the trustee(s) of the prearrangement funeral service trust, including address and telephone number.~~

(e) A copy of the prearrangement funeral service trust agreement and the prearrangement funeral service trust depository agreement.

(3) Upon review of the application, the board may require additional information or explanation prior to registration or refusing to register the funeral establishment.

~~((3)) (4) The application shall be accompanied by a check payable to the state treasurer in the amount required by the director for issuance of the certificate of registration.~~

AMENDATORY SECTION (Amending Order PL 420, filed 1/26/83)

WAC 308-49-150 PREARRANGEMENT FUNERAL SERVICE CONTRACT FORM REQUIREMENTS. (1) The terms of prearrangement funeral service contracts are of substantial importance to both consumers and the establishment. Contracts therefore should be written in language that can be easily understood by all parties and printed or typed in easily readable type size and style.

(2) Every contract shall include the following information:

(a) The name of the purchaser and the beneficiary of the contract;

(b) A description of the services and merchandise to be provided, if specific merchandise and services are to be furnished, and a statement clearly setting forth whether the purchase price paid fully pays for such services and merchandise or if the purchase price is to be applied toward the cost of such services and merchandise when they are provided;

(c) The total purchase price to be paid under the contract and the manner and terms which will govern payment;

~~((Information about the prearrangement funeral service trust fund and the amount to be deposited in the trust fund, and either designate the particular qualified public depository which will be used or provide a means whereby a purchaser or beneficiary may ascertain the depository;~~

~~((c)) If a contract is to be funded through a prearrangement funeral service trust fund it shall also include the following information:~~

(i) That a prearrangement funeral service trust exists and of the amount to be deposited into the trust;

(ii) Identification of the trust to be used and information as to how the trustees may be contacted;

(iii) If the contract is revocable or not or if there are provisions to convert to an irrevocable status;

(iv) That all moneys paid are fully refundable if canceled by the purchaser within thirty days of signing;

(v) In the case of cancellation by purchaser or beneficiary after thirty days of signing that up to ten percent of the contract may be retained by the seller. That all funds placed in trust plus net accruals are subject to refund.

(vi) That reasonable fees as set forth by statute for the administration of the trust plus taxes paid or withheld shall be deducted from the interest, dividends and increases that the trust may earn.

(vii) That the board may terminate a contract if the establishment goes out of business, becomes insolvent or

bankrupt, makes an assignment for the benefit of creditors, has its prearrangement funeral service certificate of registration revoked, or for any other reason is unable to fulfill the obligations under the contract. That in such event, or upon demand of the purchaser or beneficiary of the prearrangement funeral service contract the funeral establishment shall refund to the purchaser or beneficiary all moneys deposited in trust and allocated to the contract unless otherwise ordered by a court of competent jurisdiction. That the purchaser or beneficiary may, in lieu of a refund, elect to transfer the prearrangement funeral service contract and all amounts in trust to another funeral establishment licensed by the board to enter into prearrangement funeral service contracts which will agree to endorse the contract and to be bound to the contract and to provide for the funeral merchandise or services.

(e) If a contract is to be funded through insurance, the contract shall also contain language which:

- (i) States the amount of insurance;
- (ii) Informs the purchaser of the name and address of the insurance company through which the insurance will be provided and the policy number;
- (iii) Informs the purchaser that amounts paid for insurance may not be refundable.

(f) A statement to the purchaser of the contract that the funds deposited under the contract, plus accruals thereon, shall be withdrawable from the ((depository)) trust under the following circumstances and conditions;

(i) If the funeral establishment files a verified statement with the ((depository)) trust that the prearrangement funeral merchandise and services covered by the contract have been furnished and delivered in accordance therewith; or

(ii) If the funeral establishment files a verified statement with the ((depository)) trust that the prearrangement funeral merchandise and services covered by the contract have been canceled in accordance with its terms;

~~((f) A statement that any purchaser or beneficiary who has entered into a prearrangement funeral service contract shall have the right to receive, on making such demand of the funeral establishment, a refund of the entire amount paid on the contract (including any amounts not deposited, interest charges paid under chapter 63.14 RCW), together with all interest, dividends, increases, or accretions to the fund;~~

~~(g) A statement that the contract will automatically terminate if the funeral establishment goes out of business, becomes insolvent or bankrupt, makes an assignment for the benefit of creditors, or for any other reason is unable to fulfill the obligations under the contract; and that, in such event, and upon demand by the purchaser or beneficiary of the contract, the depository of the contract funds will refund to the purchaser or beneficiary all funds deposited under the contract, unless otherwise ordered by a court of competent jurisdiction;)~~

(3) Such contract shall be dated and be executed by the purchaser and by the funeral establishment through its owner, officer or managing agent.

(4) If a retail installment transaction is involved, the contract shall comply with the requirements of chapter 63.14 RCW.

NEW SECTION

WAC 308-49-162 TRUSTEE AND MASTER TRUST REQUIREMENTS. (1) When a funeral establishment enters into a prearrangement funeral trust agreement, that establishment shall appoint a minimum of two trustees to administer the trust.

The establishment shall file with the board the name, address and phone number of each trustee and shall advise the board of any change in trustee status.

The duties and responsibilities of the trustee shall be set forth in the prearrangement funeral trust agreement.

(2) Master trusts created under RCW 18.39.250 shall have a minimum of two officers. The officers of the master trust shall act as trustees or shall appoint trustees.

(3) When two or more establishments which are registered to enter into prearrangement funeral service contracts affiliate for the purpose of establishing a master trust they shall enter into a master trust agreement. Such agreements shall contain language that:

(a) Sets forth the conditions under which the establishment will participate;

(b) Details the duties and responsibilities of the master trust;

(c) Details the duties and responsibilities of the participating establishment;

(d) Sets forth the duties and responsibilities of the master trust trustees;

(e) Sets forth the conditions under which deposits to and withdrawals from the master trust will occur;

(f) Provides for amendments to and termination of the master trust and notice to be given each establishment and the board.

(4) Master trusts are an integral part of the prearrangement funeral service contract agreement and shall be approved by the board prior to use. The board shall receive a notice of any change to the master trust or termination thereof thirty days prior to incorporation or termination.

NEW SECTION

WAC 308-49-164 PREARRANGEMENT FUNERAL SERVICE TRUST AGREEMENT REQUIREMENTS. (1) Each establishment entering into prearrangement funeral service contracts which does not use insurance as a method of funding shall establish one or more prearrangement funeral service trust agreements.

(2) Such prearrangement funeral service trust agreements shall be between the funeral establishment and trustees designated by the funeral establishment. The agreement shall include language that provides for:

(a) Number and appointment of trustees;

(b) Duties and responsibilities of the trustees;

(c) Method of removal of trustees;

(d) Selection of depository(ies);

(e) Procedures to be followed when the establishment deposits prearrangement funeral service contract moneys;

(f) Conditions under which moneys may be withdrawn from the trust and procedures to be followed in making withdrawals;

(g) Details as to investment and administration of the trust;

(h) Compensation of trustees and expenses to be incurred;

(i) Accounting methods to be used;

(j) Provisions for amendment and termination of the trust agreement.

(3) Such prearrangement funeral service trust agreements are an integral part of the prearrangement funeral service contract and shall be approved by the board prior to use. Amendments, changes to the trust agreement, or termination of the trust agreement shall receive prior approval from the board before incorporation of amendment or change, or implementation of termination.

NEW SECTION

WAC 308-49-168 TRUST FUND DEPOSITORY AGREEMENT REQUIREMENTS. (1) Each prearrangement funeral trust shall enter into an agreement with one or more depositories in which the responsibilities of the depository are set forth. The agreement shall contain language which:

(a) Sets forth the terms and conditions under which deposits and withdrawals are made;

(b) States that instruments of deposit shall be an insured account in a qualified public depository or shall be invested in instruments issued or insured by an agency of the federal government, and states that the trust shall be held in a public depository, and sets forth the conditions for termination and transfer of the prearrangement trust fund depository agreement.

(2) Prearrangement trust fund depository agreements are an integral part of the prearrangement funeral service contract agreement and shall be approved by the board prior to use. Amendments to or changes in the agreement shall be filed with the board prior to incorporation. The board shall be advised prior to termination of any depository agreement.

NEW SECTION

WAC 308-49-200 TELEPHONE SOLICITATION. (1) The use of telephones for solicitation of prearrangements is prevalent. This form of communication offers unique benefits, but entails special risks and poses potential for abuse. The board finds that any impropriety in telephone solicitation is a matter vitally affecting the public interest. For the general welfare of the public and in order to protect the integrity of the funeral industry, the use of telephones in solicitation of prearrangements must be defined by the board.

(2) Definitions:

(a) "Telephone solicitor" means any person who engages in telephone solicitation on behalf of a holder of an establishment license.

(b) "Telephone solicitation" means an unsolicited telephone call to a person and conversation for the purpose of inducing the person to make funeral prearrangements made without previous invitation, expressed or implied, by the person called.

(3) Time limits:

(a) No licensee may knowingly cause a telephone solicitation to be made to any person more often than once in every six months.

(b) A telephone solicitor shall not place calls which will be received before 8:00 a.m. or after 9:00 p.m.

(4) Unfair/deceptive practices. A telephone solicitor may not engage in any conduct the natural consequence of which is to harass, intimidate, or torment any person in connection with the telephone call.

(5) Identification. Within the first thirty seconds of the telephone call, a telephone solicitor or salesperson shall:

(a) Identify himself or herself, the company on whose behalf the solicitation is being made, the property, goods, or services being represented; and

(b) Terminate the telephone call within ten seconds if the purchaser indicates he or she does not wish to continue the conversation.

(6) Termination of contact. If at any time during the telephone contact, the purchaser states or indicates that he or she does not wish to be called again by the telephone solicitor or wants to have his or her name and individual telephone number removed from the telephone lists used by the telephone solicitor, the telephone solicitor shall not make any additional telephone solicitation of the called party at that telephone number within a period of at least one year.

(7) Enforcement. In the event that the board discerns a pattern of violation of these standards the board may act against the registrant's prearrangement registration as provided by chapter 18.39 RCW.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-49-160 REQUIREMENTS AS TO TRUST FUNDS.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-48-165 EXAMINATION SUBJECTS.

WSR 90-17-149
PROPOSED RULES
BUILDING CODE COUNCIL
 [Filed August 22, 1990, 3:14 p.m.]

Original Notice.

Title of Rule: Washington State Ventilation and Indoor Air Quality Code.

Purpose: To consider whether to adopt, or amend and adopt new chapter 51-13 WAC.

Statutory Authority for Adoption: Chapter 19.27A RCW.

Statute Being Implemented: Chapter 2, Laws of 1990.

Summary: The purpose of the proposed rule is to adopt the 1990 Indoor Air Quality Code in accordance with the chapter 2, Laws of 1990.

Reasons Supporting Proposal: Chapter 19.27A RCW and chapter 2, Laws of 1990.

Name of Agency Personnel Responsible for Drafting: Don Kaiser, Ninth and Columbia Building, Olympia, Washington, (206) 586-2251; Implementation: Linda Ramsey, Ninth and Columbia Building, Olympia, Washington, (206) 586-3423; and Enforcement: Local governments.

Name of Proponent: Washington State Building Code Council, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is intended to adopt the 1990 Washington State Ventilation and Indoor Air Quality Code in accordance with chapter 2, Laws of 1990. The new rule will include standards for formaldehyde emissions from structural building components, radon resistive construction standards, and ventilation systems in residential buildings.

Proposal Changes the Following Existing Rules: The proposed rule would adopt new air quality requirements for residential buildings.

Small Business Economic Impact Statement: As proposed, chapter 51-13 WAC, would adopt new ventilation standards for residential buildings. Chapter 51-13 WAC, will include standards for resisting radon entry into new homes and formaldehyde emission standards for structural materials.

Single family residential units ventilation requirements: Various ventilation systems may be installed in new single family residential units to satisfy the requirements of chapter 51-13 WAC including: Air-to-air heat exchangers; forced air heating/cooling system integrated designs; and integrated spot and whole house ventilation systems. Preliminary data from the residential construction demonstration program indicated that the median cost for these systems range from \$408 to \$1,015 per unit. More information can be obtained from the Washington State Energy Office report entitled "Super Good Cents Ventilation System Cost Report" (November 1989).

Radon resistive construction standards: Implementation and enforcement of the proposed radon resistive construction standards is only proposed as a requirement in those areas of the state where the average radon level exceeds 4 picocuries per liter. In those areas where the level is less than 4 picocuries per liter, local implementation and enforcement is optional. It is assumed that 70% of all new single family housing units are built over ventilated crawlspaces that already meet the proposed requirements. The remaining 30% are built on concrete slabs or over basements. In those units the following additional measures would be required: A four inch layer of gravel under the slab; a layer of 6 mil extruded polystyrene between the slab and gravel; sealing of all cracks

and penetrations through the slab that will not be exposed when the building is finished; a continuous sealed pipe run from under the concrete slab to a point outside the building; and an accessible area for future location of an in-line fan including a 110 volt power supply provided at a junction box near the fan location. It is expected that the costs of these measures may range from \$300 to \$500 per unit although no statewide analysis of the incremental costs has been completed.

Formaldehyde emission standards: It is assumed that the majority of structural elements already meet formaldehyde emission standards that have been established by the United States Department of Housing and Urban Development for mobile and manufactured housing. Therefore, no incremental costs are anticipated for meeting these proposed standards.

Multi-family residential units ventilation requirements: Multi-family residential units will also be required to install ventilation systems similar to those installed in single family buildings. Preliminary estimates indicate that depending on the system used, incremental costs may range from \$194 to \$795 per unit. No statewide analysis of incremental costs has been completed.

Radon resistive construction standards: It is assumed that the radon resistive construction standards for multi-family buildings will be similar to those for single family buildings. The cost per unit will be decreased somewhat since the required measures will be applied to the building as a whole, rather than each individual unit. No statewide analysis of incremental costs has been completed.

Formaldehyde emission standards: It is assumed that the majority of structural elements already meet formaldehyde emission standards that have been established by the United States Department of Housing and Urban Development for mobile and manufacturing housing. Therefore, no incremental costs are anticipated for meeting these proposed standards.

Additional analysis: For additional information related to the incremental costs of the 1990 State Energy Code see "Cost-Effectiveness of the 1986 State Energy Code and Proposed Improvements to the Energy Code" (WSEO, March 1989).

Hearing Location: Spokane City Hall, West 808 Spokane Falls Boulevard, Spokane, WA 99204, (509) 456-2612, on September 28, 1990, at 9:00 a.m.

Submit Written Comments to: Marc Sullivan, Chair, State Building Code Council, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504, by September 28, 1990.

Date of Intended Adoption: November 9, 1990.

July 13, 1990
Marc J. Sullivan
Chair

Chapter 51-13 WAC
VENTILATION AND INDOOR AIR QUALITY

NEW SECTION

WAC 51-13-100 CHAPTER 1 ADMINISTRATION AND ENFORCEMENT.

NEW SECTION**WAC 51-13-101 SCOPE AND GENERAL REQUIREMENTS.** 101.1 Title:

This Code shall be known as the Washington State Ventilation and Indoor Air Quality Code. It is herein referred to as "this Code".

101.2 Intent:

The purpose of this Code is to provide minimum standards for the design and installation of mechanical ventilation systems, the selection of structural materials used within the conditioned space, and the construction of radon mitigation systems for new construction.

It is intended that these provisions provide flexibility to permit the use of innovative approaches and techniques. These provisions are structured to permit compliance with the intent of this Code by demonstration of performance through on site testing or through engineered design. This Code is not intended to abridge any safety or health requirements required under any other applicable codes or ordinances.

101.3 Scope:

This Code sets forth minimum requirements for ventilation in all occupancies, including the design of new construction.

101.3.1 Application to Existing Buildings:

101.3.1.1 Additions to Existing Buildings:

Additions to existing buildings or structures may be made without making the entire building comply, provided that the new addition shall conform to the provisions of this Code.

Exceptions 1. Additions that do not include kitchens, bathrooms, water closets, indoor swimming pools, spas, and other areas where excess water vapors are produced and are less than 500 square feet are exempt from section 304.1.

2. Additions or alterations to existing buildings which do not require the construction of foundations, crawlspaces, slabs, or basements shall not be required to meet the requirements for radon protection.

101.3.1.2 Alterations and Repairs:

All substantial alterations and repairs may be made to existing buildings or moved buildings built or permitted prior to the enforcement of this Code without making the entire building comply with the provisions of this Code, provided the alterations or repairs comply with this Code.

101.3.1.3 Historic Buildings:

Buildings which are designated as historical landmarks are exempt from this Code only to the extent necessary to preserve those features essential to their historical appearance or function.

NEW SECTION**WAC 51-13-102 ALTERNATE SYSTEMS AND MATERIALS METHOD OF DESIGN, CONSTRUCTION AND INSTALLATION.** 102.1 Alternate Materials and Methods of Construction:

The provisions of this Code are not intended to prevent the use of any material, method of construction, design or ventilation system not specifically prescribed herein, provided that such construction, design, or ventilation system has been approved by the building official.

The building official may approve any such alternate, provided that the proposed design is satisfactory and complies with the provisions of this Code and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in suitability, effectiveness, safety, and indoor air quality.

When required by the building official plans and specifications shall be submitted in support of an application for a building permit. Plans and specifications shall be stamped and authenticated by a registered design professional currently licensed in the state of Washington. The details of any action granting approval of an alternate shall be recorded and entered in the files of the affected agency.

NEW SECTION**WAC 51-13-103 PLANS AND SPECIFICATIONS.** 103.1 General:

With each application for a building permit, and when required by the building official, plans and specifications demonstrating compliance with this Code shall be submitted. The building official may require that plans and specifications be prepared by an engineer, architect, or other qualified professional licensed to practice in the state.

103.2 Details:

The plans and specifications shall show in sufficient detail pertinent data and features of the materials, equipment and systems as herein governed, including, but not limited to: design criteria, structural panel materials, size and type of apparatus and equipment, systems and equipment controls, provisions for combustion air to fuel burning appliances, and other pertinent data to indicate conformance with the requirements of this Code.

NEW SECTION**WAC 51-13-104 ENFORCEMENT AND INSPECTIONS.** 104.1 General:

Pertinent data and features of the building and the materials, equipment and/or systems as herein governed shall be subject to inspection by the building official.

104.2 Approvals Required:

No materials, equipment, systems, or portions thereof, shall be concealed without first obtaining approval from the building official.

104.3 Tests:

Whenever there is insufficient evidence of compliance with any of the provisions in this Code or evidence that any material or construction does not conform to the requirements of this Code, the building official may require tests as proof of compliance to be made at no expense to the local jurisdiction.

Test methods shall be as specified by this Code or by other recognized test standards. If there are no recognized or accepted test methods for the proposed alternate, the building official shall determine test procedures.

104.4 Final Inspection:

All materials, equipment, and systems herein governed shall be inspected and approved before the building shall be deemed ready for occupancy.

NEW SECTION**WAC 51-13-105 VALIDITY.** 105.1 Validity:

If a section, subsection, sentence, clause, or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Code.

NEW SECTION**WAC 51-13-106 CONFLICTS WITH OTHER CODES.** 106.1 Conflicts with Other Codes:

In addition to the requirements of this Code, buildings must conform to the provisions of the State Building Code (Chapter 19.27 RCW and Chapter 51-16 WAC). In case of conflicts between the Uniform Building, Uniform Plumbing, Uniform Mechanical, and Uniform Fire Codes as adopted and amended in Chapter 51-16 Washington Administrative Code, the provisions of Chapter 51-13 shall govern.

106.2 Authority:

Local legislative authorities are authorized and directed to enforce this Code. Local legislative authorities are authorized to promulgate, adopt, and issue those rules and regulations necessary for the effective and efficient administration of this Code.

NEW SECTION**WAC 51-13-107 VIOLATIONS.** 107.1 Violations:

It shall be unlawful for any persons, firm, or corporation to erect or construct any building, or remodel or rehabilitate any existing building or structure in the state, or allow the same to be done, contrary to or in violation of any of the provisions of this Code.

NEW SECTION

WAC 51-13-108 LIABILITY. 108.1 Liability:

Nothing contained in this Code is intended to be nor shall be construed to create nor form the basis for any liability on the part of any city or county or its officers, employees, or agents for any injury or damage resulting from the failure of a building to conform to the provisions of this Code.

NEW SECTION

WAC 51-13-200 DEFINITIONS.

NEW SECTION

WAC 51-13-201 GENERAL. 210.1 General:

For the purposes of this Code, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified in this section. Words used in the masculine gender include the feminine and feminine, the masculine.

Where terms are not defined in this section, the definitions shall be taken from Chapter 4 of the Uniform Building Code.

Where terms are not defined in either this section or Chapter 4 of the Uniform Building Code, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third International Dictionary of the English Language, Unabridged, copyrighted 1981, shall be considered as providing ordinarily accepted meanings.

NEW SECTION

WAC 51-13-202 DEFINITIONS. ACCESSIBLE (as applied to equipment): Allowing close approach, not guarded by locked doors, elevation or other effective means. (See READILY ACCESSIBLE)

AGGREGATE: Crushed stone, stone, or other inert material, or combinations thereof having hard, strong, durable pieces.

AIR BARRIER: A continuous material or system of materials utilized for the purpose of minimizing the movement of air across a defined boundary, and capable of withstanding the maximum pressure developed across it, without failing by becoming significantly more leaky.

AIR, EXHAUST: Air removed from a space and not reused therein.

AIR, OUTDOOR: Air taken from the external atmosphere and, therefore, not previously circulated through the HVAC system or the conditioned space.

AIR, SUPPLY: That air delivered to the conditioned space and used for ventilation, heating, cooling, humidification, or dehumidification.

AIR, TRANSFER: The movement of indoor air from one space to another.

AIR, VENTILATION: That portion of supply air that is outdoor air plus any recirculated air that has been treated for the purpose of maintaining acceptable indoor air quality.

AMCA: Air Movement and Control Association, Inc.

APPROVED: Approved by the building official as the result of investigation and tests conducted by him, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

ASHRAE: American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc.

AUTOMATIC: Self-acting, operating by its own mechanism when actuated by some impersonal influence, as for example, a change in current strength, pressure, temperature, or mechanical configuration.

BACK-DRAFT DAMPER: (See BAROMETRIC DAMPER)

BAROMETRIC DAMPER: Shall be any listed non-manual device that freely allows the flow of air in one direction, but does not allow conditioned air to escape. Any installed combustion air damper shall meet the installation requirements of the manufacturer.

BUILDING, EXISTING: A building erected or which has been issued a legal building permit prior to the adoption of this Code.

BUILDING OFFICIAL: The officer or other designated authority charged with the administration and enforcement of this Code, or his duly authorized representative.

CFM: Cubic feet per minute.

CONDITIONED FLOOR AREA: The floor area within the conditioned space.

CONTAMINANT: An unwanted airborne constituent that may reduce acceptability of air.

CONDITIONED SPACE: That part of a building that is heated or cooled or both for the comfort of occupants.

DEHUMIDISTAT: An automatic control device which measures changes in humidity and controls a device(s) for maintaining a maximum specified humidity range or level.

ECONOMIZER CYCLE: A control sequence of a fan system that modulated the amount of outside air for the purpose of space cooling without using mechanical cooling.

EXFILTRATION: The uncontrolled outward air leakage through cracks and concealed spaces in any building element and around sole plates, wall outlets, duct systems, windows, and doors of a building, caused by the pressure effect of wind and/or the effect of differences in the indoor and outdoor air density.

FIREPLACE: (See SOLID FUEL BURNING APPLIANCE)
GRAVEL: A type of aggregate.

HABITABLE SPACE (ROOM): Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage, or utility space and similar areas, are not considered habitable space. For the purpose of this Code, a single habitable space may consist of adjoining rooms when one half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or twenty five square feet, whichever is greater.

HEAT RECOVERY VENTILATION SYSTEM: A device or combination of devices applied to provide the outdoor air for ventilation in which energy is transferred between the intake and exhaust airstream.

HUMIDISTAT: An automatic control device which measures changes in humidity and controls a device(s) for maintaining a minimum specified humidity range or level.

HVAC: Heating, ventilating, and air conditioning.

HVI: Home Ventilating Institute of America, Inc.

INFILTRATION: The uncontrolled inward air leakage through cracks and concealed spaces in any building element and around sole plates, wall outlets, duct systems, windows, and doors of a building, caused by the pressure effect of wind and/or the effect of differences in the indoor and outdoor air density.

"J" DEFINITIONS: (Reserved)

"K" DEFINITIONS: (Reserved)

"L" DEFINITIONS: (Reserved)

MANUAL: Capable of being operated by human intervention.

MITIGATE: To design, select, apply, and install systems, materials, and processes that reduce radon concentrations in the indoor air of a building, and/or prevent entry of radon into the indoor air of a building, so that the average indoor radon concentration is reduced to an acceptable level.

NEW CONSTRUCTION: Any building, addition or change in occupancy permitted on or after the effective date of this Code.

OCCUPIED ZONE: The region within an occupied space between planes 3 and 72 inches (75 and 1800 mm) above the floor and more than 2 feet (600 mm) from the walls of fixed air-conditioning equipment (see ASHRAE Standard 55-1981, Ref. 1).

PERM: A measurement of permeability for a particular material with a specific thickness. One perm equals the transfer of one grain of water vapor through one square foot of material in one hour with a one inch of mercury vapor pressure difference from one side of the material to the other.

PICOCURIE, pCi: A measure of radioactive activity equal to one trillionth of a curie. A curie is the amount of any radionuclide that undergoes 37 billion nuclear disintegrations per second, hence a picocurie is .037 nuclear disintegrations per second.

PICOCURIE PER LITER, pCi/L: A common unit of measurement of the concentration of radioactivity in a gas. One pCi/L corresponds to 2.22 radioactive disintegrations per minute per liter of air.

"Q" DEFINITIONS: (Reserved)

R VALUE: (See THERMAL RESISTANCE (R))

READILY ACCESSIBLE: Capable of being reached quickly for operation, renewal, or inspections, without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders, chairs, etc. (See ACCESSIBLE)

RECOVERED ENERGY: Energy utilized which would otherwise be wasted from an energy utilization system.

REGISTERED ENGINEER: A professional engineer licensed to practice in the state of Washington and knowledgeable and skilled in the use of the methods and practices associated with the specific engineering discipline being practiced.

SLAB ON GRADE (in a heated space): Any portion of a slab poured in contact with the ground where the top of the finished slab is less than 12 inches below the final elevation of the nearest exterior grade.

SOIL DEPRESSURIZATION SYSTEM (SDS): A radon control technique that depressurizes the space below a concrete slab or other soil gas retarder relative to the space above it. The purpose of SDS is to maintain a slightly lower pressure in the soil gas under the slab or other soil gas retarder, compared to the indoor pressure above it, to ensure that flows are from the indoors to the soil, thus preventing mass transport of radon contaminated soil gas to the indoor air.

SOIL GAS RETARDER MEMBRANE: A flexible sheet material placed between the soil and the indoor air for the purpose of reducing the flow of soil gas into the building.

SOLID FUEL BURNING APPLIANCE: Any factory-built or site built appliance designed to provide heat for a structure by burning solid fuels.

SOURCE SPECIFIC VENTILATION SYSTEM: A mechanical ventilation system including all fans, controls, and ducting, which is dedicated to exhausting contaminant-laden air to the exterior of the building from the room or space in which the contaminant is generated.

SYSTEM: A combination of equipment and/or controls, accessories, interconnecting means, and terminal elements by which air is transferred.

TERMINAL ELEMENT: The means by which the transferred air from a system is finally delivered; i.e., registers, diffusers, through-the-wall vents, roof caps, etc.

THERMAL RESISTANCE (R): The resistance of a material to heat flow, measured as the inverse of heat flow per unit area, per unit time, per unit temperature difference across the thickness of material considered. In this Code, R has units of sq.ft./hr./°F/Btu.

THERMOSTAT: An instrument which measures changes in temperature and control device(s) for maintaining a desired temperature.

UNCONDITIONED SPACE: (See CONDITIONED SPACE)

VAPOR BARRIER: (See VAPOR RETARDER)

VAPOR RETARDER: A vapor retarder is a material, or a system of components within a building element, which restricts the transfer of water vapor from one side of the retarder to the other side with a rating of 1.0 perm dry cup or less.

VENTILATION: The process of supplying and removing air by natural or mechanical means to and from any space. Such air may or may not be conditioned.

VENTILATION, MECHANICAL: The introduction and distribution of outdoor air and the removal of indoor air by mechanical means.

VENTILATION, NATURAL: Ventilation other than by mechanical means.

WHOLE HOUSE VENTILATION SYSTEM: A mechanical ventilation system, including fans, controls, and ducts, which replaces, by direct or indirect means, air from the habitable rooms with outdoor air.

WOOD STOVE: (See SOLID FUEL BURNING APPLIANCE)

NEW SECTION

WAC 51-13-300 CHAPTER 3 DESIGN CONDITIONS.

NEW SECTION

WAC 51-13-301 DESIGN CRITERIA. 301.1 General:

The criteria of this chapter establish the design conditions upon which the minimum ventilation systems are to be based for all occupancies.

NEW SECTION

WAC 51-13-302 MINIMUM VENTILATION CRITERIA FOR ALL GROUP R OCCUPANCIES. 302.1 General:

Compliance with this section shall be demonstrated through engineering calculations or performance testing. Documentation of calculations shall be submitted to the building official. Performance testing shall be conducted in accordance with recognized test methods.

302.2 Minimum Ventilation Performance:

Each dwelling unit shall be equipped with source specific and whole house ventilation systems designed and installed to satisfy the ventilation requirements of this chapter.

Exception: All public corridors shall meet the ventilation requirements in Section 1205 (c) of the Uniform Building Code.

302.2.1 Source Specific Ventilation:

Source specific exhaust ventilation shall be required in each kitchen, bathroom, water closet, laundry facility, indoor swimming pool, spa, and other rooms where excess water vapor or cooking odor is produced.

The minimum source specific ventilation effective exhaust capacity shall be not less than levels specified in Table 3-1.

302.2.2 Whole House Ventilation Systems:

Each dwelling unit shall be equipped with a whole house ventilation system which shall be capable of providing at least 0.35 air changes per hour, but not less than 15 cubic feet per minute per bedroom plus an additional 15 cubic feet per minute. Whole house ventilation systems shall supply outdoor air to all habitable rooms through individual outdoor air inlets, forced-air heating system, ducting or equivalent means. Doors and operable lites in windows are deemed not to meet the outdoor air supply intake requirements.

302.3 Controls:

All ventilation system controls shall be readily accessible. Controls for whole house ventilation systems shall be capable of operating the ventilation system without energizing other energy-consuming appliances.

302.3.1 Source Specific Ventilation Systems:

Source specific ventilation systems shall be controlled by manual switches, dehumidistats, timers, or other approved means.

302.3.2 Continuously Operated Whole House Ventilation Systems:

Continuously operated whole house ventilation systems switch shall not be readily accessible by the occupant.

302.3.3 Intermittently Operated Whole House Ventilation Systems:

The intermittently operated whole house ventilation systems shall be constructed to have the capability for continuous operation, and shall have a manual control and an automatic control, such as a clock timer.

302.4 Noise:

Provision shall be made to limit noise transmission to the living area of the structure from the whole house ventilation system.

Exception: Whole house ventilation systems which are integrated with a forced-air heating system are exempt from the noise provisions of this subsection.

302.4.1 Whole House Fans:

Whole house fans located four feet or less from the interior grille shall have a sone rating of 1.5 or less. Fans mounted more than four feet from the interior grille shall be acoustically isolated from the structural elements of the building and from attached duct work using insulated flexible duct or other approved material.

302.5 Ventilation Ducts:

All ducts shall terminate outside the building. Exhaust ducts in systems which are designed to operate intermittently shall be equipped with back-draft dampers. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4. All supply ducts in the conditioned space shall be insulated to a minimum of R-4.

302.6 Outdoor Air:

A mechanical system shall supply outdoor air as required in section 302.1.2. The mechanical system may consist of exhaust fans, supply fans, or both.

302.6.1 Outdoor Air Inlets:

Inlets shall be screened or otherwise protected from entry by insects, leaves, or other material. Outdoor air inlets shall be located so as not to take air from the following areas:

1. Closer than 10 feet from an appliance vent outlet, unless such vent outlet is 3 feet above the outdoor air inlet.
2. Where it will pick up objectionable odors, fumes, or flammable vapors.
3. A hazardous or unsanitary location.
4. A room or space having any fuel-burning appliances therein.
5. Closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.
6. Attic, crawl spaces, or garages.

302.6.2 Individual Room Outdoor Air Inlets:

Individual room outdoor air inlets shall have a controllable and secure opening and be capable of a total opening area of not less than 4 square inches and located so as to avoid drafts.

302.6.3 Ventilation Integrated with Forced-Air Systems:

Ventilation integrated with forced-air heating systems shall be equipped with an automatically actuated damper. The outdoor air connection to the return air stream shall be located to prevent thermal shock to the heat exchanger.

302.6.4 Distribution:

Outdoor air shall be distributed to each habitable room by individual inlets, separate duct systems, or a forced-air system. Where outdoor air supplies are separated from exhaust points by doors, provisions shall be made to ensure air flow by undercutting doors, installation of grilles, transoms, or similar means where permitted by the Uniform Building Code.

NEW SECTION

WAC 51-13-303 MECHANICAL VENTILATION CRITERIA AND MINIMUM VENTILATION PRESCRIPTIVE REQUIREMENTS FOR ALL GROUP R OCCUPANCIES. 303.1 General:

This chapter establishes minimum prescriptive design requirements for intermittently operated systems. Continuously operated systems shall comply with section 302. System characteristics not addressed in the following sections shall comply with section 302. A system which meets the requirements of this section shall be deemed to satisfy the requirements of this chapter.

303.1.1 Source Specific:

Exhaust fans providing source specific ventilation shall have minimum fan flow rates not less than 50 cfm at 0.3 inches water gauge for

bathrooms, laundries, or similar rooms and 100 cfm at 0.3 inches water gauge for kitchens. Manufacturers' fan flow ratings shall be determined as per HVI 916 (July 1989) or AMCA 210.

303.1.2 Whole House:

Whole house ventilation systems may consist of whole house exhaust, integration with forced-air systems or dedicated heat recovery systems. Whole house exhaust systems shall meet the following requirements:

1. Exhaust fans providing whole house ventilation shall have minimum flow rates at 0.3 inches water gauge as specified in Table 3-2. Manufacturer's fan flow ratings shall be determined as per HVI 916 (July 1989) or AMCA 210.

2. Integrated forced-air systems shall have a 4 inch diameter or equivalent outdoor air inlet duct connecting a terminal element on the outside of the building to the return plenum of the forced-air system, with an automatically actuated damper.

3. Heat recovery systems: all duct work in heat recovery systems shall be not less than 6 inch diameter. Balancing dampers shall be installed on the inlet and exhaust side. Flow measurement grids shall be installed on the supply and return. System minimum flow rates shall be not less than that specified in Table 3-2.

303.2 Controls:

Ventilation systems shall meet the control requirements in section 302.2.

303.3 Noise:

Ventilation systems shall meet all requirements in section 302.3 for noise reduction.

303.4 Source Specific and Whole House Exhaust Ducts:

Exhaust ducts shall meet all requirements of section 302.4. Duct diameter shall not be less than four inches and duct length shall not exceed levels specified in Table 3-3. Terminal elements shall have at least the equivalent net free area of the duct work.

303.5 Outdoor Air:

Outdoor air shall meet the requirements in section 302.5.

NEW SECTION

WAC 51-13-304 MECHANICAL VENTILATION CRITERIA AND MINIMUM VENTILATION PERFORMANCE FOR ALL OTHER OCCUPANCIES.

304.1 Ventilation:

The outdoor air quantities specified in Table 3-4 for each type of occupancy shall be used as the minimum for design. These quantities are for 100 percent outdoor air ventilating systems, but a reduction to 33 percent of the specified values for recirculating HVAC systems is permitted. In no case shall the outdoor air quantities be less than 5 cfm per person.

The minimum requirements for operable area to provide natural ventilation are specified in the Uniform Building Code (UBC) as adopted by the state of Washington.

Where a mechanical ventilation system is installed, the mechanical ventilation system shall be capable of supplying ventilation air to each zone with the minimum outdoor air quantities specified in Table No. 3-4 based upon the greater of the occupant densities in that Table or the design occupant density. The outdoor air shall be ducted directly to every air handling unit in each zone not provided with sufficient operable area for natural ventilation. The maximum outdoor air quantities used as the basis for calculating the heating and cooling design loads shall not exceed three times the quantities specified in Table No. 3-4.

In all parking garages, other than open parking garages as defined in UBC 709 (b), used for storing or handling of automobiles operating under their own power and on all loading platforms in bus terminals, ventilation shall be provided at 1.5 cfm per square foot of gross floor area. The building official may approve an alternate ventilation system designed to exhaust a minimum 14,000 cfm for each operating vehicle. Such system shall be based on the anticipated instantaneous movement rate of vehicles but not less than 2.5 percent (or one vehicle) of the

garage capacity. Automatic carbon monoxide sensing systems may be submitted for approval.

In all buildings used for the repair of automobiles, each repair stall shall be equipped with an exhaust extension duct, extending to the outside of the building, which if over 10 feet in length, shall mechanically exhaust 300 cfm. Connecting offices and waiting rooms shall be supplied with conditioned air under positive pressure.

Combustion air requirements shall conform to the requirements of Chapter 6 of the UMC.

Mechanical refrigerating equipment and rooms storing refrigerates shall conform to the requirements of Chapter 15 of the UMC.

Exception: If outdoor air quantities other than those specified in Table No. 3-4 are used or required because of special occupancy or process requirements, source control of air contamination, health, and safety or other standards, the required outdoor air quantities shall be used as the basis for calculating the heating and cooling design loads.

MINIMUM SOURCE SPECIFIC VENTILATION CAPACITY REQUIREMENTS
TABLE 3-1

	Bathrooms	Kitchens
Intermittently operating	50 cfm	100 cfm
Continuous operation	20 cfm	25 cfm

WHOLE HOUSE EXHAUST FAN PRESCRIPTIVE REQUIREMENTS
TABLE 3-2

Bedrooms	cfm
3 or less	50
4	80
5 or more	100

PRESCRIPTIVE EXHAUST DUCT SIZING
TABLE 3-3

Minimum Duct Diameter
(or rectangular equal)

Fan Tested CFM @ 0.3 W.G	Flex	Length	Smooth	Length	Maximum Elbows*
50	4 inch	25	4 inch	70	3
50	5 inch	90	5 inch	100	3
50	6 inch	100 +	6 inch	100 +	3
80	4 inch	--	4 inch	20	3
80	5 inch	15	5 inch	100	3
80	6 inch	90	6 inch	100 +	3
100	5 inch	--	5 inch	50	3
100	6 inch	45	6 inch	100 +	3
125	6 inch	15	6 inch	100 +	3
125	7 inch	70	7 inch	100 +	3

*For each additional elbow subtract 10 feet from length.

AIR QUANTITIES FOR VENTILATION IN OTHER THAN GROUP R OCCUPANCY
TABLE NO. 3-4

COMMERCIAL

	Estimated Occupancy, ² persons per 1000 ft. ² . Use only when design occupancy is not known	Outdoor Air Requirements cfm/person
Ballrooms		
Public	100	25
Banks		
Vaults	5	15
Barber, Beauty and Health Services		
Beauty shops (hair dressers)	25	25
Reducing salons (exercise rooms)	20	15
Sauna baths and steam rooms	-	5
Barber shops	25	15
Bowling Alleys		
Seating area	70	15
Communication		
TV/radio broadcasting booths, radio studios ⁸	20	30
Motion picture and TV stages	20	30
Pressrooms	100	15
Composing rooms	30	7
Engraving shops	30	7
Telephone switchboard rooms (manual)	50	7
Telephone switch gear rooms (automatic)	-	7
Teletypewriter/facsimile rooms	-	5
Dry Cleaners and Laundries		
Commercial ^{6,7}	10	25
Storage/pickup areas	30	35
Coin-operated ⁷	20	15
Drug Stores		
Pharmacists' work rooms	8	15
Food Markets, Supermarkets, etc.		
Meat processing rooms ³	10	5

TABLE NO. 3-4 Cont.
AIR QUANTITIES FOR VENTILATION
IN OTHER THAN GROUP R OCCUPANCY

COMMERCIAL

	Estimated Occupancy, persons per 1000 ft. ² . Use only when design occupancy is not known	Outdoor Air Requirements cfm/person
Food Services		
Dining rooms	70	10
Kitchens ⁶	20	30
Cafeterias, short-order, drive-ins, seating areas, and queuing areas	100	30
Bars (predominantly stand-up)	150	30
Cocktail lounges	100	30
Garages, Auto Repair Shops, Service Stations		
		cfm/ft ² floor
Parking garages (enclosed)	-	1.5
Auto repair workrooms (general) ⁹	-	1.5
Service station offices	20	7
Gymnasiums and Arenas		
Playing floors - minimal or no seating	70	20
		cfm/locker
Locker rooms	20	30
		cfm/person
Spectator areas	150	20
Ramps, foyers and lobbies	150	10
Hotels, Motels, Resorts		
Bedrooms (single, double)	5	7
Living rooms (suites)	20	10
Baths, toilets (attached to bedrooms) ²	-	20
Corridors	5	5
Lobbies	30	7
Conference rooms (small)	70	20
Assembly rooms (large)	140	15
Public rest rooms	100	15
Cottages (treat as single-unit dwellings)	-	-
Ice-skating and Curling Rinks ¹¹	70	10

TABLE NO. 3-4 Cont.
AIR QUANTITIES FOR VENTILATION
IN OTHER THAN GROUP R OCCUPANCY

COMMERCIAL

	Estimated Occupancy, persons per 1000 ft. ² . Use only when design occupancy is not known	Outdoor Air Requirements cfm/person
Merchandising		
Sales floors and showrooms (basement and street floors)	30	7
Sales floors and showrooms (upper floors)	20	7
Storage areas (serving sales floors and storerooms)	5	5
Dressing rooms	-	7
Malls and arcades	40	7
Shipping and receiving areas	10	15
Warehouses	5	7
Offices		
General office space	10	15
Conference rooms	60	25
Drafting rooms, art rooms	20	7
Doctor's consultation rooms	-	10
Waiting rooms (doctors, employ- ment agencies, etc.)	30	10
Lithographing rooms	20	7
Diazo printing rooms	20	7
Computer rooms	20	5
Keypunching rooms	30	7
Public rest rooms	100	15
Photo Studios		
Camera rooms, stages ⁸	10	5
Darkrooms	10	10
Pool Rooms	25	20
Roller Rinks ¹¹	70	10
Shoe Repair Shops	10	10
Specialty Shops		
Pet shops	-	cfm/ft ² floor 1.0
Florists ⁴	10	cfm/person 5
Greenhouses ^{4,5}	1	5

TABLE NO. 3-4 Cont.
AIR QUANTITIES FOR VENTILATION
IN OTHER THAN GROUP R OCCUPANCY

COMMERCIAL

	Estimated Occupancy, persons per 1000 ft. ² . Use only when design occupancy is not known	Outdoor Air Requirements cfm/person
Swimming Pools (indoor) ¹¹	25	15
Tennis, Squash, Handball Courts (indoor)	-	cfm/person 20
Theatres		
Ticket booths	-	5
Lobbies (foyers and lounges)	150	20
Auditoriums (in motion picture theatres, legitimate theatres, lecture, concert, and opera halls - no smoking)	150	5
Auditoriums (smoking permitted)	150	10
Stages (with proscenium and curtains) ^{8,10}	70	10
Green rooms and workrooms	20	10
Public rest rooms	100	15
Transportation		
Waiting rooms	50	15 cfm/ft ² floor
Garages	-	1.5
Ticket and baggage areas, corridors, and gate areas	50	cfm/person 15
Control towers	50	15
Hangers ¹²	2	10
Public rest rooms	100	15
Platform	150	10
Concourses	150	10
Repair shops	-	10

1990 EDITION

3-4

TABLE NO. 3-4 Cont.
AIR QUANTITIES FOR VENTILATION

INSTITUTIONS

	Estimated Occupancy, ² persons per 1000 ft. ² . Use only when design occupancy is not known	Outdoor Air Requirements cfm/person
Hospitals, Nursing, and Convalescent Homes		
Foyers	50	20
Hallways	50	20
Single, dual bedrooms	15	10
Wards	20	10
Food service centers	20	35
Operating rooms, delivery rooms¹⁴		
Ready rooms, recovery rooms ¹⁴	-	20
Amphitheaters	100	15
Physical therapy areas	20	10
Autopsy rooms	20	15
Incinerator service areas ¹⁵	10	30
	-	5
Military and Naval Installations		
Barracks	20	7
Toilets/washrooms	100	10
Shower rooms	100	10
Drill halls	70	15
Ready rooms, MP stations	40	7
Indoor target ranges ¹⁶	70	20
Museums		
Exhibit halls	70	7
Workrooms	10	10
Warehouses	5	5
Prisons		
Cell blocks	20	7
Eating halls	70	15
Guard stations	40	7
Research Institutes		
Laboratories (light-duty, nonmechanical) ¹³	50	15
Laboratories (chemical) ¹³	50	15
Laboratories (heavy-duty) ¹³	50	15
Laboratories (radioisotope, chemically, and biologically toxic) ¹³	50	10
Machine shops	50	15

TABLE NO. 3-4 Cont.
AIR QUANTITIES FOR VENTILATION

INSTITUTIONS

	Estimated Occupancy, persons per 1000 ft. ² . Use only when design occupancy is not known	Outdoor Air Requirements cfm/person
Darkrooms, spectroscopy rooms	50	10
Animal rooms ¹⁵	20	40
Schools		
Classrooms	50	10
Multiple use rooms	70	10
Laboratories ¹³	30	10
Craft shops, vocational training shops ¹³	30	10
Music, rehearsal rooms	70	10
Auditoriums	150	5
Gymnasiums	70	20
Libraries	20	7
Common rooms, lounges	70	10
Offices	10	7
Lavatories	100	15
Locker rooms	20	cfm/locker 30
Lunchrooms, dining halls	100	cfm/person 10
Corridors	50	15
Utility rooms	3	5
Dormitory bedrooms	20	7
Veterinary Hospitals		
Kennels, stalls ¹⁴	20	25
Operating rooms ¹⁴	20	25
Reception rooms	30	10

TABLE NO. 3-4 Cont.
AIR QUANTITIES FOR VENTILATION

ORGANIZATIONAL

	Estimated Occupancy persons per 1000 ft. ² . Use only when design occupancy is not known	Outdoor Air Requirements cfm/person
Churches, Temples (see Theaters, Schools and Offices)	-	-
Legislative Halls		
Legislative chambers	70	20
Committee rooms and conference rooms	70	20
Foyers, corridors	50	20
Offices	10	10
Press lounges	20	20
Press/radio/TV booths	20	20
Public rest rooms	20	15
Private rest rooms	-	20
Police and Fire Stations (see Prisons and Military Installations)	-	-
Survival Shelters ¹⁴	-	5

FOOTNOTES TABLE 3-4

1. Derived from ASHRAE Standard 62-73, alphabetized for ease of use.
2. Independent of room size; installed capacity for intermittent use.
3. Spaces maintained at low temperatures (-10°F. to +50°F.) are not covered by these requirements unless the occupancy is continuous. Ventilation from adjoining spaces is permissible. When the occupancy is intermittent, infiltration will normally exceed the ventilation requirement.
4. Maximum allowable concentration (MAC) for sulfur dioxide = 30 micrograms/meters³.
5. Ventilation to optimize plant growth may dictate requirements.
6. Exhaust to outside; source control as required.
7. Installed equipment must incorporate positive exhaust & control (as required) of undesirable contaminants (toxic or otherwise).
8. Thermal effects probably determine requirements.
9. Distribution must consider worker location and concentration of running engines; stands where engines are run must incorporate systems for positive engine exhaust withdrawal.
10. Special ventilation will be needed to eliminate special stage effects (e.g., dry ice vapors, mists, etc.).
11. The same for air supported structures.
12. Special solvent and exhaust problems handled separately.
13. Special contaminant control systems may be required.
14. Special requirements or codes may determine requirements.
15. Special exhaust systems required.
16. Floor area behind firing line only.

NEW SECTION

WAC 51-13-400 CHAPTER 4 INDOOR AIR QUALITY.

NEW SECTION

WAC 51-13-401 POLLUTANT SOURCE CONTROL. 401.1 Formaldehyde Reduction Measures:

All structural panel components of the house such as softwood plywood, particle board, wafer board, and oriented strand board shall be identified as "EXPOSURE 1", "EXTERIOR" or "HUD-APPROVED".

NEW SECTION

WAC 51-13-402 SOLID FUEL BURNING APPLIANCES AND FIREPLACES. 402.1 General:

Solid fuel burning appliances and fireplaces shall satisfy one of the following criteria.

402.2 Solid Fuel Burning Appliances:

Solid fuel burning appliances shall be provided with the following:

1. Tight fitting glass or metal doors.

2. An outside source of combustion air directly connected to the fire box, or tested and listed to the performance requirements of the carbon monoxide test required by the Department of Housing and Urban Development Mobile Home Construction and Safety Standards.

Exception: If existing construction prohibits the introduction of outside combustion air directly to the appliance or the solid fuel burning appliance is part of the central heating system and is installed in an unconditioned space, combustion air may be supplied to the room in which the solid fuel burning appliance is located in lieu of direct ducting. The combustion air terminus shall be located as close to the solid fuel burning appliance as possible and shall be provided with a barometric damper or equivalent. The combustion air source shall be no less than four (4) inches in diameter or the equivalent in area.

402.3 Fireplaces:

Fireplaces shall be provided with each of the following:

1. Tightly fitting flue dampers, operated by a readily accessible manual or approved automatic control.

2. An outside source for combustion air ducted into the firebox. The duct shall be at least six square inches, and shall be provided with an operable outside air duct damper.

3. Tightly fitting glass or metal doors, flue draft induction fan, or as approved for minimizing back-drafting.

Exception: Fireplaces with gas logs shall be installed in accordance with the Uniform Mechanical Code Chapter 803.

NEW SECTION

WAC 51-13-500 CHAPTER 5 RADON RESISTIVE CONSTRUCTION STANDARDS.

NEW SECTION

WAC 51-13-501 SCOPE. 501.1 General:

The criteria of this chapter establishes minimum radon resistive construction requirements for low-rise Group R Occupancies. These requirements are adopted pursuant to the ventilation requirements of Section 7, of Chapter 2 of the Session Laws of 1990.

501.2 Alternate Materials and Methods of Construction:

The provisions of this chapter are not intended to prevent the use of any material or method of construction not specifically prescribed in this code, provided any alternate has been approved and its use authorized by the building official.

The building official may approve any such alternate, provided he finds that the proposed design is satisfactory and complies with the provisions of this Code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in radon control.

501.3 Application:

The requirements of this chapter shall be adopted and enforced by local jurisdictions in counties of the state according to the following criteria:

Average Measured
Radon Level in Low
Rise Residential
Occupancies
(pCi/L):

0 to 4
Over 4

Requirement:

Minimum measures optional.
Minimum measures required.

NEW SECTION

WAC 51-13-503 PRESCRIPTIVE APPROACH. 503.1 Scope:

This section establishes prescriptive construction requirements for reducing the potential for radon entry into residential buildings, and for preparing the building for future mitigation if desired.

503.2 Floors in Contact with the Earth:

503.2.1 General:

Concrete slabs that are either within or enclosed below the building envelope shall comply with the requirements of this section.

503.2.2 Aggregate:

A layer of aggregate of 4-inch-minimum thickness shall be placed beneath concrete slabs. The aggregate shall be continuous to the extent practical.

503.2.3 Gradation:

Aggregate shall:

1. Comply with Uniform Building Standard No. 26-2 and shall be No. 67 or larger size aggregate as listed in Table 26-2-A, Grading Requirements for Concrete Aggregates; or

2. Meet the 1988 Washington State Department of Transportation specification 9-03.1 (3) "Coarse Aggregate for Portland Cement Concrete", or any equivalent successor standards. Aggregate size shall be of Grade 5 or larger as listed in section 9-03.1 (3) C, "Grading".

3. Be screened, washed, and free of deleterious substances in a manner consistent with UBC Standard No. 26-2 with 100 percent of the gravel passing a one inch sieve and less than 2 percent passing a 4 sieve. Sieve characteristics shall conform to those acceptable under UBC Standard 26-2.

Exception: Aggregate shall not be required if a substitute material or system, with sufficient load bearing characteristics, and having approved capability to provide equal or superior air flow, is installed.

503.2.4 Soil-Gas Retarder Membrane:

A soil-gas retarder membrane, consisting of at least one layer of virgin polyethylene with a thickness of at least 6 mil, or equivalent flexible sheet material, shall be placed directly under all concrete slabs. The flexible sheet shall extend to the foundation wall or to the outside edge of the monolithic slab. Seams shall overlap at least 12 inches.

503.2.5 Sealing of Penetrations and Joints:

All penetrations and joints in concrete slabs or other floor systems and walls below grade, that will not remain accessible after completion of the building, shall be sealed by an approved sealant to create an air barrier to limit the movement of soil-gas into the indoor air.

Sealants shall be approved by the manufacturer for the intended purpose. Sealant joints shall conform to manufacturer's specifications. The sealant shall be placed and tooled in accordance with manufacturer's specifications. There shall be no gaps or voids after the sealant has cured.

503.2.6 Radon Vent:

One continuous sealed pipe shall run from a point within the aggregate under each concrete slab to a point outside the building. Joints and connections shall be gas tight.

The continuous sealed pipe shall terminate no less than 12 inches above the eave, and more than 10 horizontal feet from a woodstove or fireplace chimney, or operable window. The continuous sealed pipe shall be labeled "Radon Vent". The label shall be placed so as to remain visible to an occupant.

The minimum pipe diameter shall be 3 inches unless otherwise approved. Acceptable sealed plastic pipe shall be smooth walled, and may include either PVC schedule 40 or ABS schedule of equivalent wall thickness.

The entire sealed pipe system shall be sloped to drain. The exterior pipe opening shall be protected from blockage by snow accumulation.

The sealed pipe system may pass through an unconditioned attic before exiting the building; but to the extent practicable, the sealed pipe shall be located inside the thermal envelope of the building in order to enhance passive stack venting.

503.2.7 Fan Circuit and Wiring and Location:

An accessible area for possible future location of an in-line fan shall be provided. The location shall be as close as practicable to the radon vent pipe's point of exit from the building, or shall be outside the building shell; and shall be located so that the fan and all downstream piping is isolated from the indoor air.

Provisions shall be made to allow future activation of an in-line fan on the radon vent pipe without the need to place new wiring. A 110 volt power supply shall be provided at a junction box near the fan location.

503.2.8 Separate Aggregate Areas:

If the 4 inch aggregate area underneath the concrete slab is not continuous, but is separated into distinct isolated aggregate areas by a footing or other barrier, a minimum of one radon vent pipe shall be installed into each separate aggregate area.

Exception: Separate aggregate areas may be considered a single area if a minimum 3 inch diameter connection joining the separate areas is provided for every 30 feet of barrier separating those areas.

503.2.9 Concrete Block Walls:

Concrete block walls connected to below grade areas shall be considered unsealed surfaces. All openings in concrete block walls that will not remain accessible upon completion of the building shall be sealed at both vertical and horizontal surfaces, in order to create a continuous air barrier to limit the transport of soil-gas into the indoor air.

503.3 Crawlspace:

503.3.1 General:

All crawlspaces within or below the conditioned envelope of the building shall comply with the requirements of this section.

503.3.2 Ventilation:

All crawlspaces shall be continuously ventilated as specified in Section 2516 (c) 6 of the Uniform Building Code.

If the installed ventilation in a crawlspace is less than 1 square foot for each 300 square feet of crawlspace area, or if the crawlspace is not to be continuously ventilated, a radon vent shall be installed from a point between the ground cover and soil. The radon vent shall be installed in accordance with sections 503.2.6 and 503.2.7.

503.3.3 Crawlspace Plenum Systems:

In crawlspace plenum systems used for providing supply air for an HVAC system, aggregate, a soil-gas retarder membrane and a radon vent pipe shall be installed in accordance with section 503.2.

In crawlspace plenum systems used for providing return air for an HVAC system, concrete slab, aggregate, a soil-gas retarder membrane, and a radon vent pipe shall be installed in accordance with section 503.2.

In addition, a radon vent fan shall be installed and activated. The fan shall be rated for continuous use. The fan shall be located as specified in section 503.2.7. The fan shall be capable of providing at least 150 cfm at one inch water column static pressure.

WSR 90-17-150
PROPOSED RULES
BUILDING CODE COUNCIL
[Filed August 22, 1990, 3:19 p.m.]

Original Notice.

Title of Rule: Washington State Energy Code.

Purpose: To consider whether to adopt, or amend and adopt new chapter 51-11 WAC and to repeal chapter 51-12 WAC.

Statutory Authority for Adoption: Chapter 19.27A RCW.

Statute Being Implemented: Chapter 2, Laws of 1990.

Summary: The purpose of the proposed rule is to repeal the 1989 Washington State Energy Code, and adopt the 1990 Washington State Energy Code in accordance with chapter 2, Laws of 1990.

Reasons Supporting Proposal: Chapter 19.27A RCW and chapter 2, Laws of 1990.

Name of Agency Personnel Responsible for Drafting: Don Kaiser, Ninth and Columbia Building, Olympia, Washington, (206) 586-2251; Implementation: Linda Ramsey, Ninth and Columbia Building, Olympia, Washington, (206) 586-3423; and Enforcement: Local governments.

Name of Proponent: Washington State Building Code Council, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is intended to adopt the 1990 Washington State Energy Code in accordance with chapter 19.27A RCW and chapter 2, Laws of 1990.

Proposal Changes the Following Existing Rules: The proposed rule adopts more stringent insulation requirements for new residential buildings; and the proposed rule adopts more stringent thermal requirements for glazing in new residential buildings.

Small Business Economic Impact Statement: As proposed, chapter 51-11 WAC, would increase the thermal performance standards for new residential buildings.

Electrically heated residential buildings: The standards would require more efficient windows, doors, and floors in new electrically heated residential buildings, built in Climate Zone 1. The standards would require more efficient windows, doors, floors, and walls in new electrically heated residential buildings built in Climate Zone 2. The Washington State Energy Office, in its report "Cost-Effectiveness of the 1986 State Energy Code and Proposed Improvements to the Energy Code" (March 1989) has analyzed the additional costs related to compliance with the new Energy Code. The report found that the incremental cost would range from \$775 to \$1635 per unit for electrically heated single family homes in Climate Zone 1. The incremental cost is estimated to range from \$1418 to \$2624 per unit for electrically heated single family homes in Climate Zone 2. It is expected that required incentive payments of \$900 per home would offset some, if not all, of the additional costs. Although no analysis has been completed, an incentive of \$390 per unit will be provided

for new electrically heated multi-family buildings. The incentive is expected to offset all of the additional costs of compliance with the Energy Code. The new standards also include provisions for increased furnace efficiencies although no determination of additional costs have been made.

Residential buildings heated with other fuels: The standards would require more efficient windows and basement walls in new residential buildings, built in Climate Zone 1 and heated with other fuels. The standards would require more efficient windows, floors, and basement walls in new residential buildings built in Climate Zone 2 and heated with other fuels. The Washington State Energy Office, in its report "Cost-Effectiveness of the 1986 State Energy Code and Proposed Improvements to the Energy Code" (March 1989) has analyzed the additional costs related to compliance with the new energy code. The report found that the incremental cost would range from \$275 to \$1285 per unit for single family homes in Climate Zone 2 that are heated with other fuels. The incremental cost is estimated to range from \$868 to \$2124 per unit for single family homes in Climate Zone 2 that are heated with other fuels. No analysis has been completed on the incremental costs of Energy Code compliance for multi-family buildings heated with other fuels. The new standards also include provisions for increased furnace efficiencies although no determination of additional costs have been made.

Additional analysis: The incremental costs per unit will be more than offset by the energy savings that will be provided by the improved thermal requirements over the lifetime of the unit. Incremental costs may be decreased by the utilization of advanced framing techniques which may reduce the number of structural framing members by up to 20%. For additional information related to the incremental costs of the 1990 State Energy Code see "Cost-Effectiveness of the 1986 State Energy Code and Proposed Improvements to the Energy Code" (WSEO, March 1989).

Hearing Location: Spokane City Hall, West 808 Spokane Falls Boulevard, Spokane, WA 99204, on September 28, 1990, at 9:00 a.m.

Submit Written Comments to: Marc Sullivan, Chair, State Building Code Council, Ninth and Columbia Building, Olympia, Washington 98504-4151, by September 28, 1990.

Date of Intended Adoption: November 9, 1990.

July 13, 1990
Marc J. Sullivan
Chair

Chapter 51-11 WAC
WASHINGTON STATE ENERGY CODE

NEW SECTION

WAC 51-11-0100 CHAPTER 1 ADMINISTRATION AND ENFORCEMENT.

NEW SECTION

WAC 51-11-0101 SECTION 101. SCOPE AND GENERAL REQUIREMENTS. 101.1 TITLE.

This Code shall be known as the "Washington State Energy Code" and may be cited as such; and will be referred to herein as "this Code."

101.2 INTENT.

The purpose of this Code is to provide minimum standards for new or altered buildings and structures or portions thereof to achieve efficient use and conservation of energy.

It is intended that these provisions provide flexibility to permit the use of innovative approaches and techniques to achieve efficient use and conservation of energy. These provisions are structured to permit compliance with the intent of this Code by any one of the following three paths of design:

1. A systems analysis approach for the entire building and its energy-using sub-systems which may utilize renewable energy sources, Chapter 4.

2. A component performance approach for various building elements and mechanical systems and components, Chapter 5.

3. A prescriptive requirements approach, Chapter 6.

Compliance with any one of these approaches meets the intent of this Code. This Code is not intended to abridge any safety or health requirements required under any other applicable codes or ordinances.

The provisions of this Code do not consider the efficiency of various energy forms as they are delivered to the building envelope. A determination of delivered energy efficiencies in conjunction with this Code will provide the most efficient use of available energy in new building construction.

101.3. SCOPE.

This Code sets forth minimum requirements for the design of new buildings and structures that provide facilities or shelter for public assembly, educational, business, mercantile, institutional, storage and residential occupancies, as well as those portions of factory and industrial occupancies designed primarily for human occupancy by regulating their exterior envelopes and the selection of their HVAC, service water heating, electrical distribution and illuminating systems and equipment for efficient use and conservation of energy.

Buildings shall be designed to comply with the requirements of either Chapter 4, 5, or 6 of this Code.

101.3.1 Exempt Buildings. Buildings and structures or portions thereof meeting any of the following criteria shall be exempt from the building envelope requirements of Sections 502 and Sections 602 and 605, but shall comply with all other requirements for building mechanical systems, service water heating and lighting systems.

101.3.1.1 Buildings and structures or portions thereof whose peak design rate of energy usage is less than three and four tenths (3.4) Btu/h per square foot or one point zero (1.0) watt per square foot of floor area for space conditioning requirements.

101.3.1.2 Buildings and structures or portions thereof which are neither heated according to the definition of heated space in Chapter 2, nor cooled by a non-renewable energy source, provided that the non-renewable energy use for space conditioning complies with requirements of 101.3.1.1.

101.3.1.3 Greenhouses isolated from any conditioned space and not intended for occupancy.

101.3.2 Application to Existing Buildings. The Building Official may approve designs of alterations or repairs which do not fully conform with all of the requirements of this Code where in his/her opinion full compliance is physically impossible and/or economically impractical and:

1. The alteration or repair improves the energy efficiency of the building; or

2. The alteration or repair is energy efficient and is necessary for the health, safety, and welfare of the general public.

In no case, shall building envelope requirements or mechanical system requirements be less than those requirements in effect at the time of the initial construction of the building.

101.3.2.1 Additions to Existing Buildings. Additions to existing buildings or structures may be made to such buildings or structures without making the entire building or structure comply, provided that the new additions shall conform to the provisions of this code.

101.3.2.2 Historic Buildings. The Building Official may modify the specific requirements of this Code for historic buildings and require in lieu thereof alternate requirements which will result in a reasonable degree of energy efficiency. This modification may be allowed for those buildings which have been specifically designated as historically significant by the state or local governing body, or listed in "The National Register of Historic Places" or which have been determined to be eligible for listing.

101.3.2.3 Change of Occupancy or Use

A. Any Other than Group R Occupancy which is presently unconditioned where the occupancy or use is changed to require conditioning shall be required to be brought into full compliance with this code.

B. The use or occupancy of any Other than Group R Occupancies which are presently conditioned may be changed without complying with this code, provided additional heat or cooling is not added.

C. Any Other than Group R Occupancy which is converted to Group R Occupancy shall be brought into full compliance with this code.

D. Any Group R Occupancy which is converted to Other than Group R Occupancy shall be required to comply with all of the provisions of this code if either new or increased heating or cooling is provided.

E. All Occupancies, which are converted from a Group R Occupancy or an Other than Group R Occupancy or use, to a new Other than Group R Occupancy or use shall comply with the lighting standards set forth in this code unless the existing lighting is not altered.

101.3.3 Mixed Occupancy. When a building houses more than one occupancy, each portion of the building shall conform to the requirements for the occupancy housed therein. Where approved by the building official, where minor accessory uses do not occupy more than 10 percent of the area of any floor of a building, the major use may be considered the building occupancy.

101.3.4 Alterations and Repairs. All alterations and repairs to buildings or portions thereof originally constructed subject to the requirements of this Code shall conform to the provisions of this Code without exception. For all other existing buildings, initial tenant alterations shall comply with the new construction requirements of this Code. Other alterations and repairs may be made to existing buildings and moved buildings without making the entire building comply with all of the requirements of this Code for new buildings, provided the following requirements are met:

101.3.4.1 Building Envelope. The result of the alterations or repairs both:

1. Improves the energy efficiency of the building, and
2. Complies with the overall average thermal transmittance values of the elements of the exterior building envelope in Table 5-1 or 5-2 of Chapter 5 or the nominal R-values and glazing requirements of the reference case in Tables 6-1 to 6-6 or 6-7.

EXCEPTIONS:

1. Untested storm windows may be installed over existing glazing for an assumed U-value of 0.90, however, where glass and sash are being replaced in Group R Occupancy, glazing with a maximum area weighted average U-value of 0.40 shall be installed where there is an electric resistance space heating system and glazing with a maximum U-value of 0.65 (Climate Zone I) and 0.60 (Climate Zone II) shall be installed where there is any other space heating system.

2. Where the structural elements of the altered portions of roof/ceiling, wall or floor are not being replaced, these elements shall be deemed to comply with this Code if all existing framing cavities which are exposed during construction are filled to the full depth with batt insulation or insulation having an equivalent nominal R-value while, for roof/ceilings, maintaining the required space for ventilation. Existing walls and floors without framing cavities need not be

insulated. Existing roofs shall be insulated to the requirements of this Code if

a. The roof is uninsulated or insulation is removed to the level of the sheathing, or

b. All insulation in the roof/ceiling was previously installed exterior to the sheathing or non-existent.

101.3.4.2 Building Mechanical Systems. Those parts of systems which are altered or replaced shall comply with Section 503 of this Code.

101.3.4.3 Service Water Heating. Those parts of systems which are altered or replaced shall comply with Section 504.

101.3.4.4 Lighting. Those parts of systems which are altered or replaced in buildings initially constructed subject to the requirements of this Code shall comply with Section 505. Other remodels or replacements of lighting systems which are part of a substantial remodel shall comply with Sections 505. In addition, other remodels or replacements which affect the lighting system of an entire floor or tenant space shall comply with Sections 505. For all other remodels or replacements which affect the lighting system of less than an entire floor or tenant space those parts of systems which are altered or replaced shall comply with the switching requirements of Section 505.2 and, unless they comply with the lighting power budgets of Section 505, shall either maintain or reduce the watts per square foot of installed lighting.

NEW SECTION

WAC 51-11-0102 MATERIALS AND EQUIPMENT. 102.1 Identification.

All materials and equipment shall be identified in order to show compliance with this Code.

102.2 Maintenance Information.

Required regular maintenance actions shall be clearly stated and incorporated on a readily accessible label. Such label may be limited to identifying, by title or publication number, the operation and maintenance manual for that particular model and type of product. Maintenance instructions shall be furnished for any equipment which requires preventive maintenance for efficient operation.

NEW SECTION

WAC 51-11-0103 ALTERNATE MATERIALS—METHOD OF CONSTRUCTION, DESIGN OR INSULATING SYSTEMS. The provisions of this Code are not intended to prevent the use of any material, method of construction, design or insulating system not specifically prescribed herein, provided that such construction, design or insulating system has been approved by the Building Official as meeting the intent of this Code. The Building Official may approve any such alternate provided he finds the proposed alternate meets or exceeds the provisions of this code and that the material, method, design or work offered is for the purpose intended, at least the equivalent of that prescribed in this Code, in quality, strength, effectiveness, fire-resistance, durability, safety, and efficient use and conservation of energy. The Building Official may require that sufficient evidence of proof be submitted to substantiate any claims that may be made regarding performance capabilities.

NEW SECTION

WAC 51-11-0104 PLANS AND SPECIFICATIONS. 104.1 General.

When required by the Building Official, plans and specifications shall be submitted with each application for a building permit. The Building Official may require plans and specifications be prepared by an engineer or architect licensed to practice by the state. All energy calculations submitted under the provisions of Chapter 4 for other than Group R Occupancy shall be prepared by an engineer or architect licensed to practice by the state. All plans and specifications, together with supporting data, shall be submitted to the Building Official prior to issuance of a building permit.

104.2 Details.

The plans and specifications shall show in sufficient detail all pertinent data and features of the building and the equipment and systems as herein governed including, but not limited to: design criteria, exterior envelope component materials, U-values of the envelope systems, R-values of insulating materials, size and type of apparatus and equipment, equipment and systems controls and other pertinent data to indicate compliance with the requirements of this Code.

The Building Official may accept the professional stamp of an architect or engineer licensed to do business by the state in lieu of a plan and specification check if the engineer or architect stipulates to the best of his knowledge, understanding and belief, the design meets the requirements of this Code.

NEW SECTION

WAC 51-11-0105 INSPECTIONS AND ENFORCEMENT. 105.1 General

Construction or work for which a permit is required shall be inspected by the building official.

105.2 Approvals Required

No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the building official. No construction shall be concealed without inspection approval.

105.3 Final Inspection

There shall be a final inspection and approval for buildings when completed and ready for occupancy.

105.4 Reinspection

The building official may require a structure to be reinspected.

NEW SECTION

WAC 51-11-0106 VIOLATIONS. It shall be unlawful for any person, firm, or corporation to erect or construct any building, or remodel or rehabilitate any existing building or structure in the state, or allow the same to be done, contrary to or in violation of any of the provisions of this Code.

NEW SECTION

WAC 51-11-0107 LIABILITY. Nothing contained in this Code is intended to be nor shall be construed to create or form the basis for any liability on the part of any city or county or its officers, employees or agents for any injury or damage resulting from the failure of a building to conform to the provisions of this Code.

NEW SECTION

WAC 51-11-0108 CONFLICTS WITH OTHER CODES. In addition to the requirements of this Code, all occupancies shall conform to the provisions included in the State Building Code (Chapter 19.27 RCW and Chapter 51-16 WAC). In case of conflicts between the Codes listed in Chapter 51-16 WAC and this Code, the provisions of the Codes listed in Chapter 51-16 WAC shall govern. Provided, in the case of conflict between the duct insulation requirements of this Code and the duct insulation requirements of Section 1005 of the Uniform Mechanical Code, the duct insulation requirements of this Code, or where applicable, a local jurisdiction's energy code shall govern.

NEW SECTION

WAC 51-11-0109 SEVERABILITY. If any provision of this Code or its application to any person or circumstance is held invalid, the remainder of this Code or the application of the provision to other persons or circumstances is not affected.

NEW SECTION

WAC 51-11-0200 CHAPTER 2 DEFINITIONS.

NEW SECTION

WAC 51-11-0201 GENERAL DEFINITIONS. 201.1 Application of Terms

For the purposes of this Code, certain abbreviations, terms, phrases, words and their derivatives, shall be as set forth in this chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International dictionary of the English Language, Unabridged, copyright 1981, shall be considered as providing ordinarily accepted meanings.

AAMA. American Architectural Manufacturers Association

ACCEPTED ANALYSIS METHODS. Heating/cooling and lighting load calculations performed in accordance with the most current procedures developed by a nationally recognized professional organization and approved by the Building Official.

ACCESSIBLE (as applied to equipment). Admitting close approach because not guarded by locked doors, elevation or other effective means. (See READILY ACCESSIBLE.)

ADVANCED FRAMED CEILING. Framing techniques used to minimize tapering at the eaves.

ADVANCED FRAMED WALLS. Framing techniques used to minimize the amount of uninsulated area that is not required for proper structural support.

AFUE. ANNUAL FUEL UTILIZATION EFFICIENCY. Unlike steady state conditions, this rating is based on average usage including on and off cycling as set out in the standardized Department of Energy Test Procedures.

AIR CONDITIONING, COMFORT. The process of treating air to control simultaneously its temperature, humidity, cleanliness and distribution to meet requirements of the conditioned space.

AIR TRANSPORT FACTOR. The ratio of the rate of useful sensible heat removal from the conditioned space to the energy input to the supply and return fan motor(s), expressed in consistent units and under the designated operating conditions.

ASHRAE. American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.

ASTM. American Society for Testing and Materials

AUTOMATIC. Self-acting, operating by its own mechanism when actuated by some impersonal influence, as for example, a change in current strength, pressure, temperature or mechanical configuration. (See MANUAL.)

BASEMENT WALL. The opaque portion of a wall which encloses a basement and is partially or totally below grade.

BELOW GRADE WALLS. Walls or the portion of walls which extend two feet or more below the finish grade.

BOILER CAPACITY. The rate of heat output in Btu/h measured at the boiler outlet, at the design inlet and outlet conditions and rated fuel/energy input.

BUILDING ENVELOPE. The elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior or to or from spaces exempted by the provisions of Section 101.3.1.

BUILDING OFFICIAL. The official authorized to act in behalf of a jurisdiction code enforcement agency or its authorized representative.

BUILDING PROJECT. A building or group of buildings, including on-site energy conversion or electric-generating facilities, which utilize a single submittal for a construction permit or are within the boundary of a contiguous area under one ownership.

CLERESTORY. A window placed in a wall projecting from a roof plane at sixty (60) degrees or more from the horizontal to admit daylight into the interior of a building. (See Skylight.)

COMFORT ENVELOPE. The area on a psychrometric chart enclosing all those conditions described in Standard RS-4, Figure No. 1, as being comfortable.

CONDITIONED SPACE. All spaces which are provided with heated and/or cooled air or which are capable of being maintained at temperatures over 50° F during the heating season, including adjacent connected spaces separated by an uninsulated component (e.g., basements, utility rooms, garages, corridors).

CONTINUOUS AIR BARRIER. A system of materials installed during construction that is designed to effectively minimize the transfer of air to or from the conditioned space through unintentional openings in the building envelope.

COOLED SPACE. Space within a building which is provided with a positive cooling supply.

COP. COEFFICIENT OF PERFORMANCE. See the following paragraphs in Chapter 5 for the definitions of COP as appropriate:

Electrically Operated HVAC System Equipment—Cooling 503.4.5.2

Applied HVAC System Components—Cooling 503.4.6.1

Heat Pump—Heating 503.4.2.2

DEADBAND. The temperature range in which no heating or cooling is used.

DEGREE DAY, HEATING. A unit, based upon temperature difference and time, used in estimating fuel consumption and specifying nominal heating load of a building in winter. For any one day when the mean temperature is less than 65° F there exist as many degree days as there are Fahrenheit degrees difference in temperature between the mean temperature for the day and 65° F.

DOOR AREA. Total area of door measured using the rough opening and including the door and frame.

DWELLING UNIT. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this Code, for not more than one family.

EER. ENERGY EFFICIENCY RATIO. The ratio of net equipment cooling capacity in Btu/h to total rate of electric input in watts under designated operating conditions.

EFFICIENCY, HVAC SYSTEM. The ratio of useful energy (at the point of use) to the energy input for a designated time period, expressed in percent.

ENERGY. The capacity for doing work; taking a number of forms which may be transformed from one into another, such as thermal (heat), mechanical (work), electrical and chemical; in customary units, measured in kilowatt-hours (kWh) or British thermal units (Btu). (See NEW ENERGY.)

ENERGY, RECOVERED. (See RECOVERED ENERGY.)

EXTERIOR ENVELOPE. (See BUILDING ENVELOPE.)

FLOOR OVER UNCONDITIONED SPACE. A floor which separates a conditioned space from an unconditioned space which is buffered from exterior ambient conditions including vented crawlspaces and unconditioned basements or other similar spaces, or exposed to exterior ambient conditions including open parking garages and enclosed garages which are mechanically ventilated.

F-VALUE. The perimeter heat loss factor expressed in Btu/hr-ft-°F.

GLAZING. All areas, including the frames, in the shell of a conditioned space that let in natural light including windows, clerestories, skylights, sliding or swinging glass doors and glass block walls.

GLAZING AREA. Total area of the glazing measured using the rough opening, and including the glazing, sash, and frame. For doors where the daylight opening area is less than fifty percent of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the door area.

GROSS CONDITIONED FLOOR AREA. The horizontal projection of that portion of interior space which is contained within

exterior walls and which is conditioned directly or indirectly by an energy-using system, and which has an average height of five feet or greater, measured from the exterior faces.

GROSS EXTERIOR WALL AREA. The normal projection of the building envelope wall area bounding interior space which is conditioned by an energy-using system; includes opaque wall, window and door areas. The gross area of walls consists of all opaque wall areas, including foundation walls, between floor spandrels, peripheral edges of floors, window areas including sash, and door areas, where such surfaces are exposed to exterior ambient conditions and enclose a conditioned space including interstitial areas between two such spaces.

GROSS FLOOR AREA. The sum of the areas of the several floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls or from the center line of walls separating buildings, but excluding: Covered walkways, open roofed-over areas, porches and similar spaces. Pipe trenches, exterior terraces or steps, chimneys, roof overhangs and similar features.

GROSS ROOF/CEILING AREA. The sum of the areas of the roof/ceiling assembly, consisting of the total interior surface area of all elements, including skylights, which enclose a conditioned space.

HEAT. The form of energy that is transferred by virtue of a temperature difference.

HEAT STORAGE CAPACITY. The physical property of materials (mass) located inside the building envelope to absorb, store, and release heat.

HEATED SLAB. A slab on grade containing heated pipes, ducts, or electric heating cables that constitute a radiant slab or portion thereof for a complete or partial heating of the structure.

HEATED SPACE. Space within a building which is provided with a positive heat supply to maintain a temperature of greater than 50° F. Finished living space within a basement or registers or heating devices designed to supply heat to a basement space shall automatically define that space as heated space.

HEATING SEASON PERFORMANCE FACTOR (HSPF). The total heating output (in Btu) of a heat pump during its normal annual usage period for heating divided by the total (watt hour) electric power input during the same period, as determined by test procedures consistent with the U.S. Department of Energy "Test Procedure for Central Air Conditioners, Including Heat Pumps" published in the December 27, 1979, Federal Register, Vol 44, No. 24, IOCFR. 430. When specified in Btu per watt hour an HSPF of 6.826 is equivalent to an HSPF of 2.0 watt hour per watt hour.

HUMIDISTAT. A regulatory device, actuated by changes in humidity, used for automatic control of relative humidity.

HVAC. Heating, ventilating and air conditioning.

HVAC SYSTEM COMPONENTS. HVAC system components provide, in one or more factory-assembled packages, means for chilling and/or heating water with controlled temperature for delivery to terminal units serving the conditioned spaces of the buildings. Types of HVAC system components include, but are not limited to, water chiller packages, reciprocating condensing units and water source (hydronic) heat pumps. (See HVAC SYSTEM EQUIPMENT.)

HVAC SYSTEM EFFICIENCY. (See EFFICIENCY, HVAC SYSTEM.)

HVAC SYSTEM EQUIPMENT. HVAC system equipment provides, in one single package) or more (split system) factory-assembled packages, means for air circulation, air cleaning, air cooling with controlled temperature and dehumidification; and optionally, either alone or in combination with a heating plant, the functions of heating and humidifying. The cooling function may be either electrically or heat operated and the refrigerant condenser may be air, water or evaporatively cooled. Where the equipment is provided in more than one package, the separate packages shall be designed by the manufacturer to be used together. The equipment may provide the heating function as a heat pump or by the use of electric elements. (The word "equipment" used without modifying adjective may, in accordance with common industry usage, apply either to HVAC system equipment or HVAC system components.)

ILLUMINATION. The density of the luminous flux incident on a surface; it is the quotient of the luminous flux by the area of the surface when the latter is uniformly illuminated.

INFILTRATION. The uncontrolled inward air leakage through cracks and interstices in any building element and around windows and doors of a building caused by the pressure effects of wind and/or the effect of differences in the indoor and outdoor air density.

LOW-RISE BUILDING. A building not exceeding three stories in height.

LUMINAIRE. A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the electric power supply.

MANUAL. Capable of being operated by personal intervention. (See AUTOMATIC.)

NEW ENERGY. Energy, other than recovered energy, utilized for the purpose of heating or cooling. (See ENERGY.)

NOMINAL R-VALUE. The thermal resistance of insulation as specified by the manufacturer according to recognized trade and engineering standards.

NON-RENEWABLE ENERGY SOURCES. Energy sources including natural gas, oil, coal, wood, liquified petroleum gas, and any utility-supplied electricity.

OCCUPANCY. The purpose for which a building, or part thereof, is used or intended to be used.

OPAQUE ENVELOPE AREAS. All exposed areas of a building envelope which enclose conditioned space, except openings for windows, skylights, doors, glazing and building service systems.

OPEN BLOWN. Loose fill insulation pneumatically installed in an unconfined attic space.

OUTDOOR AIR. Air taken from the outdoors and, therefore, not previously circulated through the system.

PACKAGED TERMINAL AIR CONDITIONER. A factory-selected combination of heating and cooling components, assemblies or sections intended to serve a room or zone. (For the complete technical definition, see Standard RS-10.)

PACKAGED TERMINAL HEAT PUMP. A factory-selected combination of heating and cooling components, assemblies or sections intended for application in an individual room or zone. (For the complete technical definition, see Standard RS-21.)

PERMEANCE (perm). The ability of a material of specified thickness to transmit moisture in terms of amount of moisture transmitted per unit time for a specified area and differential pressure (grains per hour-ft²-in.HG). Permeance may be measured using ASTM E-96-72 or other approved dry cup method as specified in RS-1.

POOL COVER. A vapor-retardant cover which lies on or at the surface of the pool.

POSITIVE COOLING SUPPLY. Mechanical cooling deliberately supplied to a space, such as through a supply register. Also, mechanical cooling indirectly supplied to a space through uninsulated surfaces of space cooling components, such as evaporator coil cases and cooling distribution systems which continually maintain air temperatures within the space of 85° F, or lower during normal operation. To be considered exempt from inclusion in this definition, such surfaces shall comply with the insulation requirements of this code.

POSITIVE HEAT SUPPLY. Heat deliberately supplied to a space by design, such as a supply register, radiator or heating element. Also, heat indirectly supplied to a space through uninsulated surfaces of service water heaters and space heating components, such as furnaces, boilers and heating and cooling distributions systems which continually maintain air temperature within the space of 50° F or higher during normal operation. To be considered exempt from inclusion in this definition, such surfaces shall comply with the insulation requirements of this Code.

POWER. In connection with machines, the time rate of doing work. In connection with the transmission of energy of all types, the rate at which energy is transmitted; in customary units, it is measured in watts (W) or British Thermal Units per hour (Btu/h).

PUBLIC FACILITY REST ROOM. A rest room used by the transient public on a regular (rather than casual) bases. Examples include rest rooms in service stations, airports, train terminals and convention halls. Rest rooms incorporated with private guest rooms in hotels, motels or dormitories and rest room facilities intended for the use of employees and not usually used by the general public are not considered public facility rest rooms.

READILY ACCESSIBLE. Capable of being reached quickly for operation, renewal or inspections, without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders, chairs, etc. (See Accessible.)

RECOOLING. The removal of heat by sensible cooling of the supply air (directly or indirectly) that has been previously heated above the temperature to which the air is to be supplied to the conditioned space for proper control of the temperature of that space.

RECOVERED ENERGY. Energy utilized which would otherwise be wasted (i.e. not contribute to a desired end use) from an energy utilization system.

REHEAT. The application of sensible heat to supply air that has been previously cooled below the temperature of the conditioned space by either mechanical refrigeration or the introduction of outdoor air to provide cooling.

RENEWABLE ENERGY SOURCES. Renewable energy sources of energy (excluding minerals) are derived from: (1) incoming solar radiation, including but not limited to, natural daylighting and photosynthetic processes; (2) energy sources resulting from wind, waves and tides, lake or pond thermal differences; and (3) energy derived from the internal heat of the earth, including nocturnal thermal exchanges.

RESET. Adjustment of the set point of a control instrument to a higher or lower value automatically or manually to conserve energy.

ROOF/CEILING ASSEMBLY. A roof/ceiling assembly shall be considered as all components of the roof/ceiling envelope through which heat flows, thus creating a building transmission heat loss or gain, where such assembly is exposed exterior ambient conditions to and encloses a conditioned space. The gross area of a roof/ceiling assembly consists of the total interior surface of such assembly, including skylights.

ROOF ELEMENT. A roof element shall be considered as a component of the roof/ceiling envelope, excluding clerestories, through which heat flows, thereby creating a building transmission heat loss or gain, where such an assembly is exposed to outdoor air and encloses a heated or mechanically cooled space.

ROOM AIR CONDITIONER. A packaged assembly designed as a unit primarily for mounting in a window or through a wall, or as a console, and designed to provide free delivery of conditioned air to an enclosed space, room or zone. It includes a prime source of refrigeration for cooling and dehumidification and means for circulating and cleaning air, and may also include means for ventilating and heating.

SEQUENCE. A consecutive series of operations.

SERVICE SYSTEMS. All energy-using systems in a building that are operated to provide services for the occupants or processes housed therein, including HVAC, service water heating, illumination, transportation, cooking or food preparation, laundering or similar functions.

SERVICE WATER HEATING. Supply of hot water for domestic or commercial purposes other than comfort heating.

SERVICE WATER HEATING DEMAND. The maximum design rate of energy withdrawal from a service water heating system in a designated period of time (usually an hour or a day).

SHADED. Glazed area which is externally protected from direct solar radiation by use of devices permanently affixed to the structure or by an adjacent building, topographical feature, or vegetation.

SHALL. Denotes a mandatory code requirement.

SINGLE FAMILY. One and two family residential dwelling units with no more than two units in a single building.

SKYLIGHT. A glazing surface that has a slope of less than 60° F. from the horizontal plane.

SLAB-ON-GRADE, EXTERIOR. Any portion of a slab floor in contact with the ground which is less than or equal to 24 inches below the final elevation of the nearest exterior grade.

SLAB-BELOW-GRADE. Any portion of a slab floor in contact with the ground which is more than 24 inches below the final elevation of the nearest exterior grade.

SOLAR ENERGY SOURCE. Source of natural daylighting and of thermal, chemical or electrical energy derived directly from conversion of incident solar radiation.

STANDARD FRAMING. All framing practices not defined as "intermediate" or "advanced" shall be considered standard.

SUBSTANTIAL CONTACT. A condition where adjacent building materials are placed in a manner that proximal surfaces are contiguous, being installed and supported as to eliminate voids between materials, without compressing or degrading the thermal performance of either product.

SUBSTANTIALLY REMODELED OR REHABILITATED. Any alteration or restoration of a building or structure within any 12 month period, the cost of which exceeds 60 percent of the current replacement value of the particular building or structure.

SYSTEM. A combination of central or terminal equipment or components and/or controls, accessories, interconnecting means, and terminal devices by which energy is transformed so as to perform a specific function, such as HVAC, service water heating or illumination.

TAPERING. Installation of a reduced level of ceiling insulation at the eaves, due to reduced clearance.

TERMINAL ELEMENT. The means by which the transformed energy from a system is finally delivered; i.e. registers, diffusers, lighting fixtures, faucets and similar elements.

THERMAL BY-PASS. An area where the envelope surrounding the conditioned space is breached, or where an ineffective application compromises the performance of a thermal or infiltration barrier, increasing the structure's energy consumption by exposing finished surfaces to ambient conditions and additional heat transfer.

THERMAL CONDUCTANCE (C). Time rate of heat flow through a body (frequently per unit area) from one of its bounding surfaces to the other for a unit temperature difference between the two surfaces, under steady conditions (Btu/hr-ft²-°F.).

THERMAL RESISTANCE (R). The reciprocal of thermal conductance (hr-ft²-°F/Btu).

THERMAL TRANSMITTANCE (U). The coefficient of heat transmission (air to air). It is the time rate of heat flow per unit area and unit temperature difference between the warm side and cold side air films (Btu/hr-ft²-°F). The U-value applies to the fractional combinations of different materials used in series along the heat flow path.

THERMAL TRANSMITTANCE, OVERALL (U^o). The overall (average) heat transmission of a gross area of the exterior building envelope (Btu/hr-ft²-°F). The U^o-value applies to the combined effect of the time rate of heat flows through the various parallel paths, such as windows, doors and opaque construction areas, comprising the gross area of one or more exterior building components, such as walls, floors or roof/ceiling.

THERMOSTAT. An automatic control device actuated by temperature and designed to be responsive to temperature.

TRANSMISSION COEFFICIENT. The ratio of the solar heat gain through a glazing system to that of an unshaded single pane of double strength window glass under the same set of conditions.

U-VALUE. See thermal transmittance.

UNIFORM BUILDING CODE. The Uniform Building Code as adopted by the Washington State Building Code Council.

UNIFORM MECHANICAL CODE. The Uniform Mechanical Code as adopted by the Washington State Building Code Council.

UNITARY COOLING AND HEATING EQUIPMENT. One or more factory-made assemblies which include an evaporator or cooling coil, a compressor and condenser combination, and may include a heating function as well. Where such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

UNITARY HEAT PUMP. One or more factory-made assemblies which include an indoor conditioning coil, compressor(s) and outdoor coil or refrigerant-to-water heat exchanger, including means to provide both heating and cooling functions. When such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

VAPOR RETARDER. A layer of low moisture transmissivity material (not more than 1.0 perm dry cup) placed over the warm side (in winter) of insulation, over the exterior of below grade walls, and under floors as ground cover to limit the transport of water and water vapor through exterior walls, ceilings, and floors. Vapor retarding paint, listed for this application, also complies with this Code.

VAULTED CEILINGS. All ceilings where enclosed joist or rafter space is formed by ceilings applied directly to the underside of roof joists or rafters.

VENTILATION. The process of supplying or removing air by natural or mechanical means to or from any space. Such air may or may not have been conditioned.

VENTILATION AIR. That portion of supply air which comes from outside (outdoors) plus any recirculated air that has been treated to maintain the desired quality of air within a designated space.

WALLS (exterior): Any member or group of members which defines the exterior boundaries or courts of a building and which have a slope of 60 degrees or greater with the horizontal plane, and separates conditioned from unconditioned space. Band joists between floors are to be considered a part of exterior walls.

WATER-CHILLING PACKAGE OF ABSORPTION. A factory-designed and prefabricated assembly (not necessarily shipped as a single package) of one or more condensers, evaporators (water coolers), absorbers and generators with interconnections and accessories used for chilling water.

WATER-CHILLING PACKAGE, CENTRIFUGAL OR ROTARY. A factory-designed and prefabricated assembly (not necessarily shipped as one package) or one or more centrifugal or rotary compressors, condensers and water coolers (evaporators) with interconnections and accessories used for chilling water.

WATER-CHILLING PACKAGE, RECIPROCATING. A factory-designed and prefabricated assembly, self-contained or condenserless, of one or more reciprocating compressors, condenser (self-contained only), water coolers (evaporator) and interconnections and accessories used for chilling water. The condenser may be air, evaporatively or water cooled.

ZONE. A space or group of spaces within a building with heating and/or cooling requirements sufficiently similar so that comfort conditions can be maintained throughout by a single controlling device. Each dwelling unit in residential buildings shall be considered a single zone.

NEW SECTION

WAC 51-11-0300 CHAPTER 3 DESIGN CONDITIONS.

NEW SECTION

WAC 51-11-0301 DESIGN CRITERIA. 301.1 General

The criteria of this chapter establish the design conditions upon which the minimum thermal design requirements of the building envelope and the design of the HVAC system are to be based.

301.2 Heating and Cooling

A building that is designed to be both heated and cooled shall meet the more stringent of the heating or cooling requirements as required in this code when requirements of the exterior envelope differ. The design shall not create conditions of accelerated deterioration from moisture condensation.

NEW SECTION

WAC 51-11-0302 THERMAL DESIGN PARAMETERS. 302.1 Exterior Design Conditions

The heating or cooling outdoor design temperatures shall be selected from 0.6 percent column for winter and 0.5 percent column for summer from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE." (See also Washington State Energy Code Manual.)

302.2 Interior Design Conditions

302.2.1 Indoor Design Temperature. Indoor design temperature shall be 70° F for heating and 78° F for cooling.

EXCEPTION: Other design temperatures may be used for equipment selection if it results in a lower energy usage.

302.2.2 Humidification. If humidification is provided during heating, it shall be designed for a maximum relative humidity of 30 percent. When comfort air conditioning is provided, the actual design relative humidity within the comfort envelope as defined in Standard RS-4, listed in Chapter 7, shall be selected for minimum total HVAC system energy use.

302.3 Climate Zones.

All buildings shall comply with the requirements of the appropriate climate zone as defined herein.

ZONE 1 Climate Zone 1 shall include all counties not included in Climate Zone 2.

ZONE 2 Climate Zone 2 shall include: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

NEW SECTION

WAC 51-11-0303 MECHANICAL VENTILATION. For all Occupancies, the minimum requirements for ventilation shall comply with the Washington State Ventilation Code and Indoor Air Quality Code. (WAC 51-13)

NEW SECTION

WAC 51-11-0400 CHAPTER 4 BUILDING DESIGN BY SYSTEMS ANALYSIS.

NEW SECTION

WAC 51-11-0401 SCOPE. 401.1 General

This chapter establishes design criteria in terms of total energy use by a building, including all of its systems. Analysis of design for all Group R Occupancy shall comply with Section 402.1 to 402.6. Analysis of design for other buildings shall comply with Sections 402.2 to 402.6.

NEW SECTION

WAC 51-11-0402 SYSTEMS ANALYSIS. 402.1 Special Requirements for all Group R Occupancy

402.1.1 Energy Budgets. Proposed buildings designed in accordance with this section shall be designed to use no more energy from non-renewable sources for space heating, and domestic hot water heating than a standard building whose enclosure elements and energy consuming systems are designed in accordance with Section 502.2 of this Code for the appropriate climate zone, and heating system type. Energy derived from renewable sources may be excluded from the total annual energy consumption attributed to the alternative building.

402.1.2 Calculation of Energy Consumption. The application for a building permit shall include documentation which demonstrates, using an approved calculation procedure as listed in Appendix A, that the proposed building's annual space heating energy use does not exceed

the annual space heating and water heating energy use of a standard building conforming to Chapter 5 of this Code for the appropriate climate zone. The total calculated annual energy consumption shall be shown in units of kWh/ft²/year or Btu/ft²/year of conditioned area.

402.1.3 Input Values. The following standardized input values shall be used in calculating annual space heating budgets:

PARAMETER	VALUE
Thermostat set point, heating	65° F
Thermostat set point, cooling	78° F
Thermostat night set back	65° F
Thermostat night set back period	0 hours
Internal gain	
R-3 units	3000 Btu/hr
R-1 units	1500 Btu/hr
Domestic Hot Water Heater Setpoint	120° F
Domestic Hot Water Consumption	20 gallons/person/day.
Minimum heat storage	Calculated using standard engineering practice for the actual building or as approved.
Site weather data	Typical meteorological year (TMY) or ersatz TMY data for the closest appropriate TMY site or other sites as approved.
Heating equipment efficiency	
Electric resistance heat	1.00
Heat Pumps	6.80 HSPF.
Other Fuels	0.78 AFUE.

The standard building shall be modeled with glazing area distributed equally among the four cardinal directions. Parameter values that may be varied by the building designer to model energy saving options include, but are not limited to, the following:

1. Overall thermal transmittance, U^o, of building envelope or individual building components.
2. Heat storage capacity of building;
3. Glazing orientation; area; and shading coefficients;
4. Heating system efficiency;

402.1.4 Solar Shading and Access. Building designs using passive solar features with 8 percent or more south facing equivalent glazing to qualify shall provide to the Building Official a sun chart or other approved documentation depicting actual site shading for use in calculating compliance under this section. The building shall contain at least 45 Btu/°F for each square foot of south facing glass.

402.1.5 Infiltration. Infiltration levels used shall be set at 0.35 air changes per hour for thermal calculation purposes only.

402.1.6 Heat Pumps. The heating season performance factor (HSPF) for heat pumps shall be calculated using procedures consistent with Section 5.2 of the U.S. Department of Energy Test Procedure for Central Air Conditioners, including heat pumps published in the December 27, 1979 Federal Register Vol. 44, No. 24.10 CFR 430. Climate data as specified above, the proposed buildings overall thermal performance value (Btu/°F) and the standardized input assumptions specified above shall be used to model the heat pumps HSPF.

402.2 Energy Analysis

Compliance with this chapter will require an analysis of the annual energy usage, hereinafter called an annual energy analysis.

EXCEPTION: Chapters 5, and 6 of this Code establish criteria for different energy-consuming and enclosure elements of the building which, will eliminate the requirement for an annual systems energy analysis while meeting the intent of this Code.

A building designed in accordance with this chapter will be deemed as complying with this Code if the calculated annual energy consumption is not greater than a similar building (defined as a

"standard design") whose enclosure elements and energy-consuming systems are designed in accordance with Chapter 5.

For an alternate building design to be considered similar to a "standard design", it shall utilize the same energy source(s) for the same functions and have equal floor area and the same ratio of envelope area to floor area, environmental requirements, occupancy, climate data and usage operational schedule.

402.3 Design

The standard design, conforming to the criteria of Chapter 5 and the proposed alternative design shall be designed on a common basis as specified herein:

The comparison shall be expressed as kBtu or kWh input per square foot of conditioned floor area per year at the building site.

402.4 Analysis Procedure

The analysis of the annual energy usage of the standard and the proposed alternative building and system design shall meet the following criteria:

a. The building heating/cooling load calculation procedure used for annual energy consumption analysis shall be detailed to permit the evaluation of effect of factors specified in Section 402.4.

b. The calculation procedure used to simulate the operation of the building and its service systems through a full-year operating period shall be detailed to permit the evaluation of the effect of system design, climatic factors, operational characteristics, and mechanical equipment on annual energy usage. Manufacturer's data or comparable field test data shall be used when available in the simulation of systems and equipment. The calculation procedure shall be based upon 8760 hours of operation of the building and its service systems.

402.5 Calculation Procedure

The calculation procedure shall cover the following items:

a. Design requirements—Environmental requirements as required in Chapter 3.

b. Climatic data—Coincident hourly data for temperatures, solar radiation, wind and humidity of typical days in the year representing seasonal variation.

c. Building data—Orientation, size, shape, mass, air, moisture and heat transfer characteristics.

d. Operational characteristics—temperature, humidity, ventilation, illumination, control mode for occupied and unoccupied hours.

e. Mechanical equipment—Design capacity, part load profile.

f. Building loads—Internal heat generation, lighting, equipment, number of people during occupied and unoccupied periods.

EXCEPTION: Group R Occupancy shall comply with requirements in Appendix A.

402.6 Documentation

Proposed alternative designs, submitted as requests for exception to the standard design criteria, shall be accompanied by an energy analysis comparison report. The report shall provide technical detail on the two building and system designs and on the data used in and resulting from the comparative analysis to verify that both the analysis and the designs meet the criteria of Chapter 4 of this Code.

NEW SECTION

WAC 51-11-0500 CHAPTER 5 BUILDING DESIGN BY COMPONENT PERFORMANCE APPROACH.

NEW SECTION

WAC 51-11-0501 SCOPE. 501.1 General

Buildings that are heated or mechanically cooled shall be constructed so as to provide the required thermal performance of the various components. A building that is designed to be both heated and cooled shall meet the more stringent of the heating or cooling requirements as provided in this Code when requirements of the exterior envelope differ.

NEW SECTION

WAC 51-11-0502 BUILDING ENVELOPE REQUIREMENTS. 502.1 General

502.1.1 The stated U- or F-value of any component assembly, listed in Table 5-1 or 5-2, such as roof/ceiling, opaque wall or opaque floor may be increased and the U-value for other components decreased, provided that the total heat gain or loss for the entire building envelope does not exceed the total resulting from compliance to the U-values specified in this Section.

The U-values for typical construction assemblies are included in Appendix C. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Appendix C, values shall be calculated in accordance with Chapters 19-27 in Standard RS-1 listed in Chapter 7, using the framing factors listed in Appendix C.

For envelope assemblies containing metal framing, the U-value shall be determined by one of the following methods:

- 1. Results of laboratory or field measurements.
2. Standard RS-25, listed in Chapter 7, where the metal framing is bonded on one or both sides to a metal skin or covering,
3. The zone method as provided in Chapter 22 of Standard RS-1, listed in Chapter 7.
4. Effective framing/cavity R-values as provided from the following table for metal stud walls:

Table with 3 columns: WALL FRAMING, CAVITY INSULATION R-11, CAVITY INSULATION R-19. Rows include 2 x 4 @ 16" o.c., 2 x 4 @ 24" o.c., 2 x 6 @ 16" o.c., 2 x 6 @ 24" o.c.

502.1.2 For consideration of thermal mass effects, see Section 402.4.

502.1.3 When return air ceiling plenums are employed, the roof/ceiling assembly shall:

- a. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and
b. For gross area purposes, be based upon the interior face of the upper plenum surface.

502.1.4 Insulation:

502.1.4.1. General. All insulating materials shall comply with sections 1712 and/or 1713 of the Uniform Building Code. Substantial contact of the insulation with the surface being insulated is required. All insulation materials shall be installed according to the manufacturer's instructions to achieve proper densities, and maintain uniform R-values. To the maximum extent possible, insulation shall extend over the full component area to the intended R-value.

502.1.4.2 Insulation Materials. All insulation materials including facings such as vapor barriers or breather papers installed within floor/ceiling assemblies, roof/ceiling assemblies, walls, crawl spaces, or attics shall have a flame spread rating of less than 25 and a smoke density not to exceed 450 when tested in accordance with UBC Standard 42-1.

EXCEPTIONS:

- 1. Foam plastic insulation shall comply with Section 1712 of the Uniform Building Code.
2. When such materials are installed in concealed spaces of Types III, IV, and V construction, the flame spread and smoke developed limitations do not apply to facing, provided that the facing is installed in substantial contact with the unexposed surface of the ceiling, floor, or wall finish.
3. Cellulose insulation shall comply with Section 1713 of the Uniform Building Code.

502.1.4.3 Clearances. Where required, insulation shall be installed with clearances according to manufacturers specifications. Insulation shall be installed so that required ventilation is unobstructed.

For blown or poured loose fill insulation clearances shall be maintained through installation of a permanent retainer.

502.1.4.4 Access Hatches and Doors. Access doors from conditioned spaces to unconditioned spaces (e.g., attics and crawl spaces) shall be weatherstripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all equipment which prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer must be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the attic access is opened, and to provide a permanent means of maintaining the installed R-value of the loose fill insulation.

502.1.4.5 Roof/Ceiling. Open-Blown or poured loose-fill insulation may be used in attic spaces where the slope of the ceiling is not more than 3 feet in 12 and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation. Baffles shall be in place prior to the framing inspection and shall be made of weather resistant, rigid material. Requirements for baffles for ceiling insulation shall meet the Uniform Building Code section 3205(c) for minimum ventilation requirements. The baffles shall be installed from the top of the outside of the exterior wall, extending inward, to a point three inches above the height of non-compressed insulation.

502.1.4.6 Wall Insulation. Insulation installed in exterior walls shall comply with the provisions of this section. All wall insulation shall fill the entire cavity. Exterior wall cavities isolated during framing shall be fully insulated to the levels of the surrounding walls. All faced insulation shall be face stapled to avoid compression.

502.1.4.7 Floor Insulation. Floor insulation shall be installed in a permanent manner in substantial contact with the surface being insulated. Insulation supports shall be installed no more than 24 inches on center. Foundation vents shall be placed so that the top of the vent is below the lower surface of the floor insulation.

Exception. Insulation may be omitted from floor areas over heated basements, heated garages, or underfloor areas used as HVAC supply plenums. See Uniform Mechanical Code section 1008 for underfloor supply plenum requirements. When foundation walls are insulated, the insulation shall be attached in a permanent manner. The insulation shall not block the airflow through foundation vents when installed. When foundation vents are not placed so that the top of the vent is below the lower surface of the floor insulation, a permanently attached baffle shall be installed at an angle of 30 from horizontal, to divert air flow below the lower surface of the floor insulation. The nominal installed R-Value of the insulation shall be reduced by a factor of _____* when baffles are installed for Chapter 5 component performance approach. For Chapter 6 prescriptive requirements, the nominal insulation R-Value should be increased according to the footnote in Table 6-1 to 6-6, as applicable.

* (This factor subject to thermal modeling as approved by SBCC)

502.1.4.8 Slab-On-Grade. Slab-on-grade insulation, installed inside the foundation wall, shall extend downward from the top of the slab for a minimum distance of 24 inches or downward and then horizontally beneath the slab for a minimum combined distance of 24 inches. Insulation installed outside the foundation shall extend downward to a minimum of 24 inches or to the frostline. Above grade insulation shall be protected.

EXCEPTION: For monolithic slabs, the insulation shall extend downward from the top of the slab to the bottom of the footing.

502.1.4.9 Radiant Slabs. The entire area of a Radiant Slab shall be thermally isolated from the soil, with a minimum of R-10 insulation. The insulation shall be an approved product for its intended use. If a soil gas control system is present below the radiant slab, which results in increased convective flow below the radiant slab, the radiant slab shall be thermally isolated from the sub-slab gravel layer.

502.1.4.10 Below-Grade Walls:

a. Below grade exterior wall insulation used on the exterior (cold) side of the wall shall extend from the top of the below-grade wall to the top of the footing and shall be approved for below-grade use. Above grade insulation shall be protected.

b. Insulation used on the interior (warm) side of the wall shall extend from the top of the below-grade wall to the below-grade floor level.

502.1.5 Glazing and Door U-Values. For Group R Occupancy, glazing and door U-values shall be determined in accordance with section 502.1.5.1. For other occupancies, glazing and door U-values shall be determined in accordance with either Section 502.1.5.1 or 502.1.5.2.

502.1.5.1 Standard Procedure for Determination of Glazing and Door U-Values.

U-values for glazing and doors, including all fire doors, shall be the tested U-values for thermal transmittance due to conduction resulting from either the AAMA 1503.1-88 test procedure or the ASTM C236-87 or C976-82 test procedures, provided that testing shall be conducted under established winter horizontal heat flow test conditions using fifteen mile per hour wind speed directed perpendicular to the exterior surface of the glazing as specified under AAMA 1503.1-88.

AAMA 1503.1-88 testing shall be conducted by a laboratory accredited by AAMA to perform that test. ASTM C236-87 or C976-82 testing shall be conducted by an independent laboratory accredited by a nationally recognized accreditation program, independent of that laboratory. All testing performed after January 1, 1991 shall include verification of the insulated glass gas content claimed by the glazing manufacturer.

Product sample sizes tested shall be in accordance with AAMA 1503.1-88, except that skylights shall be tested with a nominal two foot by four foot size, or a nominal four foot by four foot size. The installation of the test sample shall be in accordance with AAMA 1503.1-88 Section 8.4. All testing performed after January 1, 1991 shall not include screens. All glazing and doors shall be identified with a label that states a U-value that is no less than the actual tested U-value. The labeled U-value shall be used in all calculations to determine compliance with this Code. Sealed insulating glass shall conform to, or be in test for, ASTM E-774-81 level A.

EXCEPTIONS:

1. The exterior frame dimensions of the product sample size tested shall not deviate by more than three inches from the height and width specified, except that skylights are allowed to be tested in the closest production line size to that specified above.

2. Passive air inlet or exhaust ports are not required to be part of the tested assembly.

3. Products tested prior to December 31, 1990, to AAMA 1503.1-80, ASTM C236-80 or C976-82 which are not in compliance with the test size requirement above, and which are in compliance with the product sample sizes in AAMA 1503.1-80, shall be acceptable until December 31, 1994.

4. Untested glazing and doors shall be assigned the default U-values listed in Appendix C. The default values for the opaque portions of doors shall be those listed in Appendix C, provided that the U-value listed for a door with a thermal break shall only be allowed if both the door and the frame have a thermal break.

502.1.5.2 Alternate Glazing and Door U-Values for Other than Group R Occupancy.

Glazing U-values for other than Group R Occupancy are also allowed to be taken from Table 13 of Chapter 27 of Standard RS-1 listed in Chapter 7 or calculated in accordance with the procedures of Chapter 27 of Standard RS-1 listed in Chapter 7 and door U-values are also allowed to be taken from Table 6 in Chapter 22 of Standard RS-1 listed in Chapter 7.

502.1.6 Moisture Control

502.1.6.1 Vapor retarders shall be installed on the warm side (in winter) of insulation as specified in the following cases.

EXCEPTION: Vapor retarder installed with not more than 1/3 of the nominal R-value between it and the conditioned space.

502.1.6.2 Floors. Floors separating conditioned space from unconditioned space shall have a vapor retarder installed. The vapor retarder shall have a one perm dry cup rating or less.

502.1.6.3 Roof/Ceiling assemblies where the ventilation space above the insulation is less than an average of twelve (12) inches shall be provided with a vapor retarder. Faced batt insulation where used as a vapor retarder shall be face stapled.

502.1.6.4 Vapor retarders shall not be required in roof/ceiling assemblies where the ventilation space above the insulation averages twelve (12) inches or greater.

502.1.6.5 Vapor retarders shall not be required where all of the insulation is installed between the roof membrane and the structural roof deck.

502.1.6.6 Wall Insulation. Walls separating conditioned space from unconditioned space shall have a vapor retarder installed. Faced batt insulation shall be face stapled.

502.1.6.7 Ground Cover. A ground cover of 6 mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped twelve (12) inches minimum at the joints and shall extend to the foundation wall.

EXCEPTION: The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of 3 1/2 inches.

502.2 Thermal Criteria for Group R Occupancy.

502.2.1 The proposed UA as calculated using Equations 2 and 3 shall not exceed the Target UA as calculated using Equation 1. For the purpose of determining equivalent thermal performance, the glazing area for the target UA shall be calculated using figures in Table 5-1, and all the glazing shall be located in the wall area. The opaque door area shall be the same in the target UA and the proposed UA.

502.2.4 Space Heat Type. The following two categories comprise all space heating types:

1. Electric Resistance. Space heating systems which include baseboard units, radiant units, and forced air units as either the primary or secondary heating system.

EXCEPTIONS: Electric resistance systems for which the total electric heat capacity in each individual dwelling unit does not exceed the greater of: 1) 1,000 watts per dwelling unit, or; 2) 1.0 watt per square foot of the gross floor area.

2. Other. All gas, wood, oil, propane, and heat pump space heating systems, unless electric resistance is used as a secondary heating system. (See EXCEPTIONS, Electric Resistance, Section 502.2.4 above.)

502.3 THERMAL PERFORMANCE CRITERIA FOR OTHER THAN GROUP R OCCUPANCIES.

502.3.1 The overall thermal transmittance value (U^0) of the gross area of elements of the exterior building envelope of all buildings other than low-rise residential buildings shall not exceed the values given in Tables 5-2. Equations 2, 4 and 5 shall be used to determine acceptable combinations of building components and thermal properties to meet this requirement for heating. U^0 and U^w are specified in units of:

$$\frac{\text{Btu}}{\text{hr.}\cdot\text{ft}^2\cdot^{\circ}\text{F}}$$

502.3.2 Slab on Grade Floors. For slab on grade floors the thermal resistance of the insulation around the perimeter of the floor shall not be less than the value given in Table 5-2.

502.3.3 Alternative Wall Allowance for Other Than Group R Occupancies.

1. For other than Group R Occupancies, three stories or less, the maximum allowed value for average thermal transmittance (U^0) of the exterior walls may be increased to the values given in Table 5-2 provided that at least one of the following criteria is also met:

A. Mechanical supply of outside air and mechanical exhaust of building air shall be automatically shut off and the duct closed for at least eight hours per day during hours of nonoccupancy, or

B. The primary source of heating for the building shall be one or more heat pumps meeting the provisions of Section 503.4.2 or gas or oil combustion heating equipment with a minimum combustion efficiency of 85 percent for central heating plants and 80 percent for room

and space heaters. This efficiency shall be determined in accordance with the provisions of Section 503.4.3.

PROVIDED FURTHER: That if both criteria are met, the maximum allowed value for thermal transmittance (U^0) of the exterior walls used in Table 5-2 may be increased by 0.05 in determining compliance with the provisions of the Code.

2. For walls with a wall weight of at least 30 lbs. per ft^2 (provided that walls constructed of hollow masonry units have cores filled with either grout, concrete, or with an insulating material with resistance per inch (R) of at least $2.25 \text{ ft}^2/\text{hr.}\cdot^{\circ}\text{F}/\text{Btu}$) the calculated thermal resistance of the wall sections measured face to face on wall units which are exposed to inside air temperatures, not including the thermal resistance of air films or additional exterior wall elements may be increased by 25 percent in determining compliance with the provisions of the code provided that:

Heating and cooling set-point temperatures in the conditioned spaces or zones of the building shall be separated by at least 5°F . The temperature control shall be designed to prevent new energy from being used to heat the space above the heating set-point temperature or cool the space below the cooling set-point temperature.

502.4 Air Leakage for All Occupancies.

502.4.1 The requirements of this section shall apply to all buildings and structures, or portions thereof, and only to those locations separating outdoor ambient conditions from interior spaces that are heated or mechanically cooled. The requirements of this section are not applicable to the separation of interior spaces from each other.

502.4.2. Exterior doors and windows shall be designed to limit air leakage into or from the building envelope. Site-constructed doors and windows shall be sealed in accordance with Section 502.4.3.

502.4.3.

a. Exterior joints around windows and door frames, openings between walls and foundation, between walls and roof and wall panels; openings at penetrations of utility services through walls, floors, and roofs; and all other openings in the building envelope for all occupancies and all other openings in between units in R-1 occupancy shall be sealed, caulked, gasketed, or weatherstripped to limit air leakage.

b. All exterior doors or doors serving as access to an enclosed unheated area shall be weatherstripped to limit leakage around their perimeter when in a closed position.

c. Site built windows are exempt from testing but shall be made tight fitting. Fixed lights shall have glass retained by stops with sealant or caulking all around. Operating sash shall have weatherstripping working against overlapping trim, and a closer/latch which will hold the sash closed. The window frame to framing crack shall be made tight with caulking, overlapping membrane, or other approved technique.

d. Openings that are required to be fire resistive are exempt from this section.

502.4.3.4 Recessed Lighting Fixtures. When installed in the building envelope, recessed lighting fixtures shall meet one of the following requirements:

1. Type IC rated, manufactured with no penetrations between the inside of the recessed fixture and ceiling cavity and sealed or gasketed to prevent air leakage into the unconditioned space.

2. Type IC or non-IC rated, installed inside a sealed box constructed from a minimum one half inch thick gypsum wall board, while maintaining required clearances of not less than one half inch from combustible material and not less than three inches from insulation material.

3. Type IC rated, certified under ASTM E283 to have no more than 2.0 cfm air movement from the conditioned space to the ceiling cavity. The lighting fixture shall be tested at 75 Pascals or 1.57 lbs/ft^2 pressure difference and have a label attached, showing compliance.

EQUATION 1 GROUP R OCCUPANCY

Target UA

$$UA_T = U_W A_W + U_{BGW} A_{BGW} + U_G A_G + U_F A_F + U_{RC} A_{RC} + U_{CC} A_{CC} + U_D A_D + F_S P_S$$

Where:

- UA_T = the target combined thermal transmittance of the gross exterior wall, floor, and roof/ceiling assembly area .
- U_W = the thermal transmittance value of the opaque above grade wall area found in Table 5-1.
- A_W = opaque above grade wall area.
- U_{BGW} = the thermal transmittance value of the below grade opaque wall area found in Table 5-1.
- A_{BGW} = opaque below grade wall area.
- U_G = the thermal transmittance value of the glazing area found in Table 5-1.
- A_G = .15 (total floor area of the conditioned space).
- U_F = the thermal transmittance value of the floor area found in Table 5-1.
- A_F = floor area over unconditioned space.
- U_{RC} = the thermal transmittance value of the roof ceiling area found in Table 5-1.
- A_{RC} = roof ceiling area.
- U_{CC} = the thermal transmittance value of the cathedral ceiling area found in Table 5-1.
- A_{CC} = cathedral ceiling area.
- U_D = the thermal transmittance value of the opaque door area found in table 5-1.
- A_D = opaque door area.
- F_S = concrete slab component F-value found in Table 5-1.
- P_S = Lineal ft. of concrete slab perimeter.

EQUATION 2 ALL OCCUPANCIES

$$U = \frac{1}{r_o + R_1 + R_2 \dots r_i}$$

Where:

- U = the thermal transmittance of the assembly.
- r_o = outside air film resistance.
- r_o = .17 for all exterior surfaces.
- r_i = inside air film resistance.
- r_i = 0.61 for interior horizontal surfaces, heat flow up.
- r_i = 0.92 for interior horizontal surfaces, heat flow down.
- r_i = 0.68 for interior vertical surfaces.
- R = $\frac{1}{C} = \frac{X}{K}$ = measure of the resistance to the passage of heat for each element.
- C = conductance, the heat flow through a specific material of specific thickness.
- K = insulation value of a material per inch.
- X = the thickness of the material in inches.

EQUATION 3 GROUP R OCCUPANCY

Proposed UA

$$UA = U_w A_w + U_{BGW} A_{BGW} + U_g A_g + U_f A_f + U_{rc} A_{rc} + U_{cc} A_{cc} + U_D A_D + F_S P_S$$

Where:

- UA = the combined thermal transmittance of the gross exterior wall, floor, and roof/ceiling assembly area
- U_w = the thermal transmittance of the opaque wall area.
- U_{BGW} = the thermal transmittance value of the below grade opaque wall area.
- A_{BGW} = opaque below grade wall area.
- A_w = opaque wall area.
- U_g = the thermal transmittance of the glazing (window or skylight) area.
- A_g = glazing area, including windows in exterior doors.
- U_f = the thermal transmittance of the floor area.
- A_f = floor area over unconditioned space.
- U_{rc} = the thermal transmittance of the roof ceiling area.
- A_{rc} = roof ceiling area.
- U_{cc} = the thermal transmittance of the cathedral ceiling area.
- A_{cc} = cathedral ceiling area.
- U_D = The thermal transmittance value of the opaque door area.
- A_D = opaque door area.
- F_S = concrete slab component f-factor.
- P_S = Lineal ft. of concrete slab perimeter.

NOTE: Where more than one type of wall, window, roof/ceiling, door, and skylight is used, the U and A terms for those items shall be expanded into sub-elements as:

$$U_{w1} A_{w1} + U_{w2} A_{w2} + U_{w3} A_{w3} + \dots \text{etc.}$$

EQUATION 4 OTHER THAN GROUP R OCCUPANCYTarget U_o

$$U_o = \frac{U_w A_w + U_f A_f + U_c A_c + F_s P_s}{A_w + A_f + A_c + P_s}$$

Where:

- U_o = the target combined thermal transmittance of the gross exterior wall, floor, and roof/ceiling assembly area .
- U_w = the thermal transmittance value of the opaque above grade wall area found in Table 5-2.
- A_w = opaque above grade wall area.
- U_f = the thermal transmittance value of the floor area found in Table 5-2.
- A_f = floor area over unconditioned space.
- U_c = the thermal transmittance value of the ceiling area found in Table 5-2.
- A_c = ceiling area.
- F_s = concrete slab component F-value found in Table 5-2.
- P_s = Lineal ft. of concrete slab perimeter

EQUATION 5 OTHER THAN GROUP R OCCUPANCY

Proposed U_o

$$U_o = \frac{U_w A_w + U_{BGW} A_{BGW} + U_g A_g + U_f A_f + U_{RC} A_{RC} + U_{CC} A_{CC} + U_D A_D + F_s P_s}{A_w + A_{BGW} + A_g + A_f + A_{RC} + A_{CC} + A_D + P_s}$$

Where:

- U_o = the combined thermal transmittance of the gross exterior wall, floor, and roof/ceiling assembly area.
- U_w = the thermal transmittance of the opaque wall area.
- U_{BGW} = the thermal transmittance value of the below grade opaque wall area.
- A_{BGW} = opaque below grade wall area.
- A_w = opaque wall area.
- U_g = the thermal transmittance of the glazing (window or skylight) area.
- A_g = glazing area, including windows in exterior doors.
- U_f = the thermal transmittance of the floor area.
- A_f = floor area over unconditioned space.
- U_{rc} = the thermal transmittance of the roof ceiling area.
- A_{rc} = roof ceiling area.
- U_{cc} = the thermal transmittance of the cathedral ceiling area.
- A_{cc} = cathedral ceiling area.
- U_D = Thermal transmittance value of opaque door area.
- A_D = opaque door area.
- F_s = concrete slab component F-factor.
- P_s = Lineal ft. of concrete slab perimeter.

NOTE: Where more than one type of wall, window, roof/ceiling, door, and skylight is used, the U and A terms for those items shall be expanded into sub-elements as:

$$U_{w1} A_{w1} + U_{w2} A_{w2} + U_{w3} A_{w3} + \dots \text{etc.}$$

NEW SECTION**WAC 51-11-0503 BUILDING MECHANICAL SYSTEMS.
503.1 General**

This section covers the determination of design requirements, system and component performance, control requirements, insulating systems and duct construction.

EXCEPTION: Special applications for process loads may be exempted from the requirements of Section 503 when approved by the building official.

503.2 Calculations of Heating and Cooling Loads, and System Sizing Limits.

The design parameters specified in Chapter 3 shall apply for all computations.

503.2.1 Calculation procedures. Heating and cooling design loads for the purpose of sizing HVAC systems are required and shall be calculated in accordance with accepted engineering practice, including infiltration and ventilation.

503.2.2 Space Heating and Space Cooling System Sizing Limits. Building mechanical systems for all buildings which provide space heating and/or space cooling shall be sized no greater than 150 percent of the heating and cooling design loads as calculated above.

EXCEPTIONS: The following limited exemptions from the sizing limit shall be allowed, however, in all cases heating and/or cooling design load calculations shall be submitted.

1. For equipment which provides both heating and cooling in one package unit, including heat pumps with electric heating and cooling and gas-pack units with gas heating and electric cooling, compliance need only be demonstrated for either the space heating or space cooling system size.

2. Natural gas- or oil-fired space heating equipment whose total rated space heating output in any one dwelling unit is 56,000 Btu/h or less may exceed the 150 percent sizing limit provided that the installed equipment has an annual fuel utilization efficiency (AFUE) of not less than the sum of 78 percent plus 1 percent for every 5,000 Btu/h that the space heating equipment output exceeds the design heating load of the dwelling unit.

3. Stand-by equipment may be installed if controls and other devices are provided which allow redundant equipment to operate only when the primary equipment is not operating.

503.3 Simultaneous Heating and Cooling

Each temperature control zone shall include thermostatic controls installed and operated to sequence the use of heating and cooling energy to satisfy the thermal and/or humidity requirement of the zone. Controls shall prevent reheating (heating air that is cooler than system mixed air), recooling (cooling air that is warmer than the system mixed air), mixing or simultaneous supply of warm air (warmer than system return air mixed air) and cold air (cooler than system mixed air), or other simultaneous operation of heating and cooling systems to one zone. For the purposes of this section, system mixed air is defined as system return air mixed with the minimum ventilation air requirement by Section 303.

EXCEPTIONS:

1. Variable air volume systems designed to reduce the air supply to each zone during periods of occupancy to the larger of the following:

a. 30% or less of the peak supply volume.

b. The minimum allowed to meet ventilation requirements of Section 303.

c. 0.5 cfm/ft² of zone conditioned area before reheating, recooling or mixing takes place. Consideration shall be given to supply air temperature reset control.

2. The energy for reheating, or providing warm air in mixing systems, is provided entirely from recovered energy that would otherwise be wasted, or from nondepletable energy sources. In addition, the system shall comply with Section 503.7 without exception.

3. Areas where specific humidity levels are required to satisfy process needs.

4. Where special pressurization relationships or cross-contamination requirements are such that variable air volume systems are impractical, supply air temperatures shall be reset by representative building load or outside air temperature.

503.4 HVAC Equipment Performance Requirements**503.4.1 Equipment Components.**

503.4.1.1 The requirements of this section apply to equipment and mechanical component performance for heating, ventilating and air-conditioning systems. Equipment efficiency levels are specified. Data furnished by the equipment supplier or certified under a nationally recognized certification program or rating procedure shall be used to satisfy these requirements. Equipment efficiencies shall be based on the standard rating conditions in Table No. 5-4, 5-5 or 5-6 as appropriate.

503.4.1.2 Where components from more than one manufacturer are assembled into systems regulated under this section, compliance for each component shall be as specified in sections 503.4.2 through 503.4.6 of this Code.

503.4.2 HVAC System Heating Equipment Heat Pump-heating Mode. Heat pumps whose energy input is entirely electric shall have a coefficient of performance (COP) heating, not less than the values in Table No. 5-7. Heat Pumps with supplementary backup heat other than electricity shall meet the requirements of Table 5-7.

503.4.2.1 These requirements apply to, but are not limited to, unitary (central) heat pumps (air source and water source) in the heating mode, water source (hydronic) heat pumps as used in multiple-unit hydronic HVAC systems, and heat pumps in the packaged terminal air-conditioner in the heating mode.

503.4.2.3 Supplementary Heater. The heat pump shall be installed with a control to prevent supplementary backup heater operation when the operating load can be met by the heat pump compression cycle alone.

503.4.2.4 Heat Pump Controls. Requirements for heat pump controls are listed in section 503.8.3.5 of this Code.

503.4.3 For Group R Occupancy, all gas, oil, and propane central heating systems shall have a minimum AFUE of .74*. All other Group R Occupancy heating equipment fueled by gas, oil, or propane shall be equipped with an intermittent ignition device. For all Other Occupancies, all gas and oil-fired central heating plants shall have a minimum combustion efficiency of not less than that shown in Table 5-3.

*Federal Law shall preempt this specification as of January 1, 1992.

503.4.5 Packaged and unitary HVAC System Equipment, Electrically Operated, Cooling Mode. HVAC system equipment as listed below, whose energy input in the cooling mode is entirely electric, shall have an energy efficiency ratio (EER) or a Coefficient of Performance (COP) cooling not less than values in Table No. 5-8.

503.4.5.1 These requirements apply to, but are not limited to, unitary (central) and packaged terminal heat pumps (air source and water source); packaged terminal air conditioners.

EXCEPTION: These requirements do not apply to equipment used for refrigerated food or florists' and nurseries' coolers.

503.4.6 Applied HVAC System Components, Electrically Operated, Cooling Mode. HVAC System components, as listed in Table No. 5-9, whose energy input is entirely electric, shall have an energy efficiency ratio (EER) or a Coefficient of Performance (COP) cooling not less than the values in Table 5-9.

503.4.7 HVAC System Equipment - Heat Operated, Cooling Mode, Efficiency Limitation, Equipment: Heat-operated cooling equipment shall have a COP cooling not less than the values in Table No. 5-10.

503.5 Transport Energy

503.5.1 All-air Systems. The air transport factor for each all-air system shall be not less than 5.5. The factor shall be based on design system air flow for constant volume systems. The factor for variable air

volume systems may be based on average conditions of operation. Energy for transfer of air through heat recovery devices shall not be included in determining the factor; however, such energy shall be included in the evaluation of the effectiveness of the heat recovery system.

$$\text{Air Transport Factor} = \frac{\text{Space Sensible Heat Removal}^*}{\text{Supply} + \text{Return Fan(s) Power Input}^*}$$

*Expressed in Btu/h or watts

503.5.2 Other Systems. Air and water, all-water and unitary systems employing chilled, hot, dual-temperature or condenser water transport systems to space terminals shall not require greater transport energy (including central and terminal fan power and pump power) than an equivalent all-air system providing the same space sensible heat removal and having an air transport factor not less than 5.5.

503.6 Balancing

The HVAC system design shall provide an accessible means for balancing air and water systems. Balancing the system shall include, but not be limited to, dampers, temperature and pressure test connections and balancing valves.

503.7 Cooling with Outdoor Air (Economizer Cycle)

Each fan system shall be designed to use up to and including 100 percent of the fan system capacity for cooling with outdoor air automatically whenever its use will result in lower usage of new energy. Activation of economizer cycle shall be controlled by sensing outdoor air enthalpy or outdoor air dry-bulb temperature alone or alternate means approved by the building official.

EXCEPTIONS: Cooling with outdoor air is not required under any one or more of the following conditions:

1. The fan system capacity is less than 3,500 cfm or total cooling capacity is less than 90,000 Btu/h.
2. The quality of the outdoor air is so poor as to require extensive treatment of the air and approval by the building official.
3. The need for humidification or dehumidification requires the use of more energy than is conserved by the outdoor air cooling on an annual basis.
4. The use of outdoor air cooling may affect the operation of other systems so as to increase the overall energy consumption of the building.
5. When energy recovered from an internal/external zone heat recovery system exceeds the energy conserved by outdoor air cooling on an annual basis.
6. When all space cooling is accomplished by a circulating liquid which transfers space heat directly or indirectly to a heat rejection device such as a cooling tower without use of a refrigeration system.
7. When the use of 100 percent outside air will cause coil frosting, controls may be added to reduce the quantity of outside air. However, the intent of this exception is to use 100 percent air in lieu of mechanical cooling when less energy usage will result and this exception applies only to direct expansion systems when the compressor is running.

503.8 Controls

503.8.1 Temperature Control. Each system shall be provided with at least one adjustable thermostat for the regulation of temperature. Each thermostat shall be capable of being set by adjustment or selection of sensors as follows:

503.8.1.1 When used to control heating only: 55° to 75° F.

503.8.1.2 When used to control cooling only: 70° to 85° F.

503.8.1.3 When used to control both heating and cooling, it shall be capable of being set from 55° to 85° F and shall be capable of operating the system heating and cooling in sequence. The thermostat and/or control system shall have an adjustable deadband of not less than 10° F.

503.8.2 Humidity Control. If a system is equipped with a means for adding moisture to maintain specific selected relative humidities in space or zones, a humidistat shall be provided. Humidistats shall be capable of being set to prevent new energy from being used to produce

space-relative humidity above 30 percent. When a humidistat is used in a system for controlling moisture removal to maintain specific relative humidities in spaces or zones, it shall be capable of being set to prevent new energy from being used to produce a space-relative humidity of less than 60 percent.

EXCEPTION: Special occupancies requiring different relative humidities may be permitted when approved by the building official.

503.8.3 Zoning for Temperature Control

503.8.3.1 One- and Two-Family Dwellings. At least one thermostat for regulation of space temperature shall be provided for each separate system. In addition, a readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each zone or floor.

503.8.3.2 Multifamily Dwellings. For multifamily dwellings, each individual dwelling unit shall have at least one thermostat for regulation of space temperature. A readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each room. Spaces other than living units shall meet the requirements of 503.8.3.3.

503.8.3.3 Other types of buildings or occupancies. At least one thermostat for regulation of space temperature shall be provided for:

a. Each separate system.

b. Each separate zone as defined in Chapter 2. As a minimum, each floor of a building shall be considered as a separate zone. In a multi-story building where the perimeter system offsets only the transmission losses of the exterior wall, an entire side of uniform exposure may be zoned separately. A readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each floor.

503.8.3.4 Control Setback and Shut-off.

a. Residential Occupancy Groups. One- and Two-Family and Multifamily dwellings—The thermostat required in paragraphs 1 and 2 of this subsection (c) or an alternate means such as a switch or clock, shall provide a readily accessible, manual or automatic means for reducing the energy required for heating and cooling during the periods of non-use or reduced need, such as, but not limited to unoccupied periods and sleeping hours. Lowering thermostat set points to reduce energy consumption of heating systems shall not cause energy to be expended to reach the reduced setting.

b. Other Buildings and Occupancies. Each HVAC system shall be equipped with a readily accessible, automatic means of shutting off or reducing the energy used for HVAC during periods of non-use or alternate uses of the building spaces or zones served by the system. The following are examples that meet this requirement:

i. Manually adjustable automatic timing devices.

ii. Automatic control systems.

503.8.3.5 Heat Pump Controls. Programmable thermostats are required for all heat pump systems. The cut-on temperature for the compression heating shall be higher than the cut-on temperature for the supplementary heat, and the cut-off temperature for the compression heating shall be higher than the cut-off temperature for the supplementary heat. Heat pump thermostats will be capable of providing at least two programmable setback periods per day and provide automatic gradual temperature recovery from setback periods.

503.9 Air Handling Duct System Insulation.

Ducts, plenums and enclosures installed in or on buildings shall be thermally insulated per Table 5-11.

EXCEPTIONS: Duct insulation (except where required to prevent condensation) is not required in any of the following cases:

1. When the heat gain or loss of the ducts, without insulation, will not increase the energy requirements of the building.
2. Within the HVAC equipment.
3. Exhaust air ducts.
4. Supply or return air ducts installed in unvented crawl spaces with insulated walls, basements, or cellars in one- and two-family dwellings.

503.10 Duct Construction

All duct work shall be constructed in accordance with Standards RS-15, RS-16, RS-17, RS-18, RS-19 or RS-20, as applicable, and the Uniform Mechanical Code.

503.10.1 High-pressure and medium-pressure ducts shall be leak tested in accordance with the applicable standards in Chapter 7 of this Code with the rate of air leakage not to exceed the maximum rate specified in that standard.

503.10.2 When low-pressure supply air ducts are located outside of the conditioned space, all HVAC ductwork seams and joints, both longitudinal and transverse, shall be taped and sealed with products approved by the building official only. Ductwork joints shall be mechanically fastened with a minimum of three fasteners per joint for a cylindrical duct. Use Table 5-11 for duct insulation requirements.

503.10.3 Requirements for Automatic or manual dampers are found in the Washington State Ventilation Code.

503.11 Piping Insulation.

All piping installed to serve buildings (and within) shall be thermally insulated in accordance with Table No. 5-12. For service hot water systems see section 504.7. If water pipes are outside of conditioned space then the pipe insulation requirement shall be R-3 minimum for non-recirculating hot and cold water pipes. For recirculating service hot and cold water pipes use Table 5-12 for pipe sizes and temperatures.

EXCEPTIONS: Piping insulation is not required in any of the following cases:

1. Piping installed within unitary HVAC equipment.

2. When the heat loss and/or heat gain of the piping, without insulation, does not increase the energy requirements of the building or is used as a component of a designed Heating System.

503.11.1. Other Insulation Thickness. Insulation thickness in Table No. 5-12 is based on insulation having thermal resistance in the range of 4.0 to 4.6 per inch of thickness on a flat surface at a mean temperature of 75° F. Minimum insulation thickness shall be increased for materials having R-values less than 4.0 per inch, or may be reduced for materials having R-values greater than 4.6 per inch.

a. For materials with thermal resistance greater than $R = 4.6$ per inch, the minimum insulation thickness may be reduced as follows:

$$4.6 \times \frac{\text{(Table 5-12 Thickness)}}{\text{Actual Resistance}} = \text{New Minimum Thickness}$$

b. For materials with thermal resistance less than $R = 4.0$ per inch, the minimum insulation thickness shall be increased as follows:

$$4.0 \times \frac{\text{(Table 5-10 Thickness)}}{\text{Actual Resistance}} = \text{New Minimum Thickness}$$

c. Additional insulation with vapor barriers shall be provided to prevent condensation where required by the building official.

NEW SECTION**WAC 51-11-0504 SERVICE WATER HEATING. 504.1 Scope**

The purpose of this section is to provide criteria for design and equipment selection that will produce energy savings when applied to service water heating.

504.2 Water Heaters, Storage Tanks and Boilers

504.2.1 Performance Efficiency. Electric storage water heaters shall meet the requirements of the 1987 National Appliance Efficiency Act and be so labeled. All electric water heaters in unheated spaces shall be placed on an incompressible, insulated surface with a minimum thermal resistance of R-10. Electric water heaters placed on floors insulated to a minimum of R-10 meet this requirement.

504.2.2 Insulation. Heat loss from unfired hot-water storage tanks shall be limited to a maximum of 9.6 Btu/hr/ft² of external tank surface area. The design ambient temperature shall be no higher than 65° F.

504.2.3 Combination Service Water Heating/Space Heating Boilers. Service water heating equipment shall not be dependent on year round operation of space heating boilers.

EXCEPTIONS:

1. Systems with service/space heating boilers having a standby loss Btu/h less than:

$$(13.3 \text{ pmd} + 400)/n$$

determined by the fixture count method where:

pmd = probably maximum demand in gallons/hour as determined in accordance with Chapter 37 of Standard RS-11.

n = fraction of year when outdoor daily mean temperature exceeds 64.9° F.

The standby loss is to be determined for a test period of 24 hour duration while maintaining a boiler water temperature of 90° F above an ambient of 60° F and a 5 foot stack on appliance.

2. For systems where the use of a single heating unit will lead to energy savings, such unit shall be utilized.

504.3 Automatic Controls

Service water heating systems shall be equipped with automatic temperature controls capable of adjustment from the lowest to the highest acceptable temperature settings for the intended use. Temperature setting range shall be set to 120° F. or 49° C.

504.4 Shutdown

A separate switch shall be provided to permit turning off the energy supplied to electric service water heating systems. A separate valve shall be provided to permit turning off the energy supplied to the main burner(s) of all other types of service water heater systems.

504.5 Swimming Pools

504.5.1 All pool heaters shall be equipped with readily accessible ON/OFF switch to allow shutting off the operation of the heater without adjusting the thermostat setting. Controls shall be provided to allow the water temperature to be regulated from the maximum design temperature down to 65° F.

504.5.2 Pool Covers. Heated swimming pools shall be equipped with an approved pool cover.

504.6 Pump Operation

Circulating hot water systems shall be controlled so that the circulation pump(s) can be conveniently turned off, automatically or manually, when the hot water system is not in operation.

504.7 Pipe Insulation

For recirculating and non-recirculating systems, piping shall be thermally insulated in accordance with Section 503.11 and Table 5-12.

504.8 Conservation of Hot Water

504.8.1 Showers. Showers used for other than safety reasons shall be equipped with flow control devices or specially manufactured showerheads to limit the total water flow rate to a maximum of three gallons per minute per showerhead, as measured with both hot and cold faucets turned on to their maximum flow.

504.8.2 Lavatories in Rest Rooms of Public Facilities

504.8.2.1 Shall be equipped with outlet devices which limit the flow of hot water to a maximum of 0.5 gallons per minute or be equipped with self-closing valves.

EXCEPTION: Separate lavatories for physically handicapped persons shall not be equipped with self-closing valves.

504.8.2.2 Shall be equipped with devices which limit the outlet temperature to a maximum of 110° F.

NEW SECTION**WAC 51-11-0505 ELECTRICAL POWER AND LIGHTING. 505.1 General.**

Electrical distribution and lighting systems shall be designed for efficient distribution and use of electrical energy from the service entrance to and at the points of use as provided herein.

505.2 LIGHTING SWITCHING.

Switching for building lighting systems shall be designed and installed to permit efficient use of energy and to permit maximum flexibility in the use of the installed lighting. The following mandatory requirements represent the minimum lighting controls to be installed in any building. Additional controls should be provided where deemed appropriate and where the installation of such controls can significantly reduce energy consumption.

a. All lighting controls, except automatic controls or those for special purpose applications which require trained operators or those which would pose a safety problem or a security hazard, shall be installed so as to be readily accessible to personnel occupying or using the lighting space.

b. The maximum lighting power that may be controlled from a single switch or automatic control shall not exceed that provided by a 20 ampere circuit loaded to no more than 80 percent. A master control may be installed provided the individual switches retain their capability to function independently.

c. All lighted spaces enclosed by walls or ceiling height partitions and with floor area less than four hundred square feet shall be provided an individual lighting control or an occupant-sensing automatic control.

d. All lighted spaces with floor area greater than four hundred square feet shall be provided with controls to permit reducing the lighting by not more than one half or occupant-sensing automatic controls.

e. All building areas greater than 200 square feet where natural lighting is available shall be provided with individual controls or daylight- or occupant-sensing automatic controls which permit control of lights independent of general area lighting. Either individual controls shall be provided for each row of luminaires parallel to a window wall or controls shall be provided to reduce the lighting in at least two steps to not more than one-half and to completely off in the natural lighting area. For office and school occupancies, at a minimum, lighting serving a zone within 12 feet of a window wall or the zone between an interior wall and the window wall of less than 12 feet shall comply with this provision. For retail occupancies, at least the row of luminaires nearest the window shall comply with this provision.

f. All display, exhibition, or specialty lighting shall be controlled independently of general area lighting.

g. All exterior building lighting including facade lighting, parking lots, driveways, walkways shall be furnished with automatic controls to reduce or turn off all lights during periods of non-use or daylight hours, except those required for safety and security. Sign lights shall be exempt from this provision.

505.3 LIGHTING POWER BUDGET.

A lighting power budget is the upper limit of the power to be available to provide the lighting needs in accordance with the criteria and calculation procedure specified herein.

The lighting power budget for a building shall be the sum of the power limits computed for all lighted interior and exterior spaces and shall be determined in accordance with the procedures specified in this section.

EXCEPTION: One- and two-family detached dwellings and the dwelling portion of multifamily buildings are exempt from the requirements of Section 505.3.

505.3.1 Budget Development. The installed lighting wattage for the building project shall not exceed the budget level calculated in this section. The budget wattage level shall be the sum of the interior budget calculated and the exterior budget. Lighting wattage includes lamp and ballast wattage.

505.3.1.1 Building Interiors. The interior lighting budget shall be calculated by multiplying the gross conditioned floor area, in square feet, by the appropriate unit power budget, in watts per square foot, specified in Table No. 5-13.

For special conditions when approved by the Building Official, calculation based on Illuminating Engineering Society Unit Power Density or similar nationally recognized standards may be used.

The lighting power budget shall be based on the primary occupancy for which the space within the building is intended. If multiple occupancies are intended, the lighting power budget for each type of occupancy shall be separately calculated and summed to obtain the lighting budget for the interior spaces of the building. If a common circulation area serves multiple occupancies or multiple retail spaces, the lighting power budget for the common circulation area shall be the weighted average of the lighting power budgets for all other areas on that floor. In cases where a lighting plan for only a portion of a building is submitted, the interior lighting budget shall be based on the gross floor area covered by the plan.

EXCEPTIONS:

1. Where the following automatic lighting controls are installed, for calculations used to determine code compliance, the installed lighting wattage may be reduced by the following percentages:

a. For occupant-sensing devices, energy savings of 30 percent shall be allowed for any single space up to 400 ft² and enclosed by ceiling height partitions; classrooms, conference rooms, computer rooms, storage areas, corridors, or waiting rooms.

b. For daylighting controls, energy savings of 30 percent for continuous dimming and 20 percent for stepped controls shall be allowed for any daylight space.

c. For lumen maintenance controls, energy savings of 10 percent shall be allowed for any space.

d. For daylighting controls with occupant-sensing devices, energy savings of 44 percent shall be allowed for any single space up to 400 ft² within daylight spaces, and enclosed by ceiling height partitions.

e. For occupant-sensing devices with lumen maintenance controls, energy savings of 37 percent shall be allowed for any single space up to 400 ft² and enclosed by ceiling height partitions.

505.3.2.1 Lighting for the following applications shall be exempted from inclusion in the calculation of lighting power budgets:

A. Stage lighting, entertainment, or audiovisual presentations where the lighting is an essential technical element for the function performed.

B. Lighting for medical and dental tasks.

C. Lighting in areas specifically designed for visually handicapped people.

D. For restaurant occupancies, lighting for kitchens and food preparation areas.

505.3.4 Building Exteriors. The exterior lighting budget shall be calculated by multiplying the building perimeter in feet by 7.5 watts per foot. Lighting for parking structures shall be calculated at 0.3 watts per gross square foot of parking area. An allowance for outdoor surface parking and circulation lighting may be added at 0.05 watts per ft² of area. Lighting for signs that are not an integral part of the building shall be exempted from inclusion in these calculations.

TABLE 5-1 TARGET COMPONENT VALUES FOR GROUP R OCCUPANCY

COMPONENT	ELECTRIC RESISTANCE		HEAT PUMP & OTHER FUELS	
	CLIMATE ZONE 1	CLIMATE ZONE 2	CLIMATE ZONE 1	CLIMATE ZONE 2
GLAZING AREA ¹	15%	15%	15%	15%
GLAZING	U = 0.400	U = 0.400	U = 0.650	U = 0.600
DOORS	U = 0.200 R = 5	U = 0.200 R = 5	U = 0.400 R = 2.5	U = 0.400 R = 2.5
CEILING:				
ATTIC	U = 0.031 R = 38	U = 0.031 R = 38	U = 0.036 R = 30	U = 0.031 R = 38
SINGLE RAFTER OR JOIST VAULTED	U = 0.034 R = 30	U = 0.034 R = 30	U = 0.034 R = 30	U = 0.034 R = 30
WALLS	U = 0.058 R = 19 Adv.	U = 0.044 R = 19+5 Adv.	U = 0.062 R = 19	U = 0.062 R = 19
BELOW GRADE WALL(int)	U = 0.041 R = 19	U = 0.041 R = 19	U = 0.041 R = 19	U = 0.041 R = 19
BELOW GRADE WALL(ext) ²	U = 0.064 R = 10	U = 0.057 R = 12	U = 0.064 R = 10	U = 0.057 R = 12
FLOORS	U = 0.029 R = 30	U = 0.029 R = 30	U = 0.039 R = 19	U = 0.029 R = 30
SLAB ON GRADE ³	F = 0.54 R = 10	F = 0.54 R = 10	F = 0.54 R = 10	F = 0.54 R = 10
SLAB BELOW GRADE ³	F = 0.56 R = 10	F = 0.56 R = 10	F = 0.56 R = 10	F = 0.56 R = 10

¹Ratio of Glazing Area to Conditioned Floor Area

²Target U-value (Nominal R-10 in Zone 1; Nominal R-12 in Zone 2)

³Target F-value (Nominal R-Value of R-10)

TABLE 5-2 COMPONENT REQUIREMENTS FOR OTHER
THAN GROUP R OCCUPANCIES

BUILDINGS OF THREE STORIES OR LESS					
Zone	Ceilings	Walls (Includes Glazing)	Floors	Slab on Grade ¹	
	U _o	U _o	U _o	Installed R-Value	F-Value
I.	0.035	0.25	0.05	7	0.56
II.	0.035	0.20	0.05	10	0.54

¹Insulation shall be water-resistant material manufactured for this use.

BUILDINGS OVER 3 STORIES					
Zone	Ceilings	Walls (Includes Glazing)	Floors	Slab on Grade ¹	
	U _o	U _o	U _o	Installed R-Value	F-Value
I.	0.08	0.30	0.08	7	0.56
II.	0.06	0.25	0.08	10	0.54

¹Insulation shall be water-resistant material manufactured for this use.

**TABLE 5-3 OTHER THAN GROUP R OCCUPANCY HVAC SYSTEM
HEATING EQUIPMENT - GAS- AND OIL-FIRED
MINIMUM STEADY STATE COMBUSTION EFFICIENCY**

Types of Equipment	Percent ¹	Percent ²
Forced-air furnaces and low-pressure steam or hot-water boilers	74	75
Gravity central furnaces	69	-
All other vented heating equipment	69	-

¹Combustion efficiency for furnaces of capacities of 225,000 Btu/h and less and boilers of capacities of 300,000 Btu/h and less shall be tested in accordance with the applicable U.S. Department of Energy furnace test procedures.

²Combustion efficiency of commercial/industrial furnaces and boilers is defined as 100 percent minus stack losses in percent of heat input.

Stack losses are:

- Loss due to sensible heat in dry flue gas.
- Loss due to incomplete combustion.
- Loss due to sensible and latent heat in moisture formed by combustion of hydrogen in the fuel.

**TABLE 5-4 HVAC SYSTEM HEATING EQUIPMENT (HEAT PUMPS)
ELECTRICALLY OPERATED STANDARD RATING CONDITIONS**

CONDITIONS	<u>TYPE</u>		WATER SOURCE
	AIR SOURCE		
Air entering equipment ° F	70° (dry bulb)	70° (dry bulb)	70° (dry bulb)
Outdoor unit ambient ° F	47° (dry bulb) /43° (wet bulb)	17° (dry bulb) /15° (wet bulb)	-----
Entering water temp. ° F	-----	-----	60°
Water flow rate	-----	-----	As used in cooling

Standard ratings are at sea level.

**TABLE 5-5 HVAC SYSTEM EQUIPMENT, ELECTRICALLY DRIVEN
STANDARD RATING CONDITIONS--COOLING**

		<u>TEMPERATURES</u>			
		DRY BULB	WET BULB	INLET	OUTLET
Air entering equipment ° F	80°	67°			
Condenser ambient (air cooled) ° F	95°	75°	-----	-----	
Condenser water (water cooled) ° F	---	---	85°	95°	

Standard ratings are at sea level.

TABLE 5-6 APPLIED HVAC SYSTEM COMPONENTS ELECTRICALLY DRIVEN
STANDARD RATING CONDITIONS--COOLING

ITEM	CENTRIFUGAL OR SELF-CONTAINED RECIPROCATING WATER CHILLER	CONDENSERLESS RECIPROCATING WATER-CHILLER
Leaving chilled water temperature, ° F	44°	44°
Entering chilled water temperature, ° F	54°	54°
Leaving condenser water temperature, ° F	95°	--
Entering water temp., ° F	85°	--
Fouling factor, water Nonferrous tubes	0.0005*	0.0005
Steel tubes	0.0010*	0.0010
Fouling factor, refrigerant	0.0000*	0.0000
Condenser ambient (air/evap. cooled), ° F	95° (dry bulb) /75° (wet bulb)	--
Compressor saturated discharge temp.	Water cooled (evap cooled) ° F Air cooled, ° F	105° 120°

Standard ratings are at sea level.

* hr. ft² ° F/Btu

TABLE 5-7 MINIMUM HEAT PUMP EFFICIENCIES, HEATING MODE¹

SOURCE	MINIMUM COP	MINIMUM HSPF
Air Source	2.7*	6.8
Water Source	3.0**	---

¹When tested at the standard rating specified in Table 5-4.

* When tested @ 47° F(dry bulb)/43° F(wet bulb)

** @ 60° F entering

TABLE 5-8 MINIMUM EFFICIENCY FOR ELECTRIC HVAC EQUIPMENT, COOLING¹

STANDARD RATING CAPACITY	<u>AIR COOLED</u>		<u>EVAP/WATER COOLED</u>	
	EER	COP	EER	COP
Under 65,000 Btu/hr. (19,050 watts)	7.8	2.28	8.8	2.58
65,000 Btu/hr. and over	8.2	2.40	9.2	2.69

¹When tested at the standard rating conditions specified in Table 5-5. The Department of Energy has established required test procedures for single-phase air-cooled residential central air conditioners under 19 Kw (65,000 Btu/hr) in capacity, which have been incorporated into ARI Standard 210-79.

TABLE 5-9 MINIMUM EFFICIENCY FOR ELECTRIC HVAC COMPONENTS^{1,2}

WATER CHILLING PACKAGES							
CONDENSING MEANS							
TYPE OF COMPONENT	COMPRESSOR TYPE	AIR		WATER		EVAPORATIVE	
		EER	COP	EER	COP	EER	COP
Condenser Included	Centrifugal or rotary	8.00	2.34	13.80	4.04	--	--
	Reciprocating	8.40	2.36	12.00	3.51	--	--
Condenserless	Reciproc.	9.90	2.90	12.00	3.51	--	--
<hr/>							
Compressor and condenser units 65,000 Btu/hr (19,000 watts) and over ²	Positive displacement	9.50	2.78	12.50	3.66	12.50	3.66
<hr/>							
HYDRONIC HEAT PUMPS							
<hr/>							
Water source under 65,000 Btu/hr (19,000 watts)	Centrifugal or rotary			9.00	2.64		
Water source 65,000 Btu/hr (19,000 watts) and over	Centrifugal or rotary			9.40	2.75		

¹When tested at the standard rating conditions specified in Table No. 5-6.

²Ratings in accordance with Standard RS-14 as applicable.

Table 5-10 HVAC-SYSTEM HEAT OPERATED COOLING EQUIPMENT

HEAT SOURCE	MINIMUM COP
Direct Fired (gas, oil)	0.48
Indirect Fired (steam, hot water)	0.68

Minimum COP =
$$\frac{\text{Net Cooling Output}}{\text{Total heat input}^1}$$

¹electrical auxiliary inputs excluded

TABLE 5-11 INSULATION OF DUCTS

DUCT LOCATION	INSULATION TYPES MECHANICALLY COOLED	CLIMATE ZONE	INSULATION TYPES HEATING ONLY
On roof or on exterior of building	C, V ² and W D, V ² and W	I II	C and W D and W
Attics, garages, and crawl spaces, in walls ¹ , within floor-ceiling spaces ¹	B and V ² C and V ²	I II	B C
Within the conditioned space or in basements	None Required		None Required
Cement slab or within ground	A		B

NOTE: Where ducts are used for both heating and cooling, the minimum insulation shall be as required for the most restrictive condition.

¹ Insulation may be omitted on that portion of a duct which is located within a wall or floor-ceiling space where both sides of this space are exposed to conditioned air and where this space is not ventilated or otherwise exposed to unconditioned air.

² Vapor barriers shall be installed on conditioned air supply ducts in geographic areas where the average of the July, August, and September mean dewpoint temperature exceeds 60° F.

INSULATION TYPES: Minimum densities and out-of-package thickness.

A. 0.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket or equivalent to provide an installed total thermal resistance of at least R-2.

B. 2-inch 0.60 lb/cu. ft. mineral or glass fiber blanket 1.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket. 1.5-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-5.

C. 3-inch 0.60 lb/cu. ft. mineral or glass fiber blanket 2-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket. 2-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-7.

D. 4-inch 0.60 lb/cu. ft. mineral or glass fiber blanket 3-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket. 3-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-10.

V. Vapor barrier, with perm rating not greater than 0.5 perm, all joints sealed.

W. Approved weatherproof barrier.

TABLE 5-12 MINIMUM PIPE INSULATION REQUIREMENTS*

INSULATION THICKNESS FOR GIVEN PIPE DIAMETERS¹

PIPING SYSTEM	FLUID TEMP RANGE (° F)	LESS THAN					
		12 FOOT PIPE RUN ² UP TO 2"	1" AND LESS	>1" TO 2"	>2" TO 4"	>4" TO 6"	>6" AND LARGER
HEATING & HOT WATER SYSTEMS							
Steam & hot water							
High pressure/temp.	306° -450°	1.5"	2.5"	2.5"	3.0"	3.5"	3.5"
Med. pressure/temp.	251° -305°	1.5"	2.0"	2.5"	2.5"	3.0"	3.0"
Low pressure/temp.	201° -250°	1.0"	1.5"	1.5"	2.0"	2.0"	2.0"
All other temperatures		0.5"	1.0"	1.0"	1.5"	1.5"	1.5"
Steam condensate (for feed water)	Any	1.0"	1.0"	1.5"	2.0"	2.0"	2.0"
COOLING SYSTEMS							
Chilled water	40° -55°	0.5"	0.5"	.75"	1.0"	1.0"	1.0"
Refrigerant/brine	Below 40°	1.0"	1.0"	1.5"	1.5"	1.5"	1.5"

¹ For piping exposed to ambient air, increase thickness by 0.5".

² Pipe runouts not exceeding 12 feet in length to individual units, with a pipe diameter of less than 2 inches.

*Column headings for pipe diameters amended 5/30/90.

TABLE 5-13

LIGHTING POWER BUDGET¹

GROUP OCCUPANCY DESCRIPTION		LIGHTING POWER BUDGET ² (W/sq ft)
A	Assembly w/stage	1.1
	Stage lighting	Exempt
	Assembly w/o stage; other than B and E	1.1
B	Gasoline service station	1.7
	Storage garages	0.3
	Office buildings	1.7
	Wholesale stores	2.0
	Police and fire stations	1.7
	Retail Stores:	
	less than 6000 ft ²	4.0
	6000 to 20,000 ft ²	3.0
	over 20,000 ft ²	2.0
	Drinking and dining establishments	1.85
	Food preparation task light	Exempt
	Aircraft hangars - storage	0.7
	Process plants ³	1.0
Factories and work shops ³	1.7	
Storage structures	0.7	
E	Schools and daycare centers	1.7
	Audio-visual presentation lighting	Exempt
H	Storage structures	0.7
	Handling areas	1.7
	Paint shops	2.5
	Auto repair shops	1.7
	Aircraft repair hangars	1.7
I	Institutions	1.7
	Administrative support areas	1.7
	Diagnostic, treatment, food service task lighting	Exempt
R	Dwelling units	Exempt
	Food preparation task lighting	Exempt

¹Watts/ft² of room may be increased by two percent per foot of height above 20 feet.

²Emergency exit lighting is exempt from interior lighting budget.

³Lighting that is part of machines or equipment is exempt from this budget.

NEW SECTION

WAC 51-11-0600 CHAPTER 6 BUILDING DESIGN BY PRESCRIPTIVE REQUIREMENTS APPROACH.

NEW SECTION

WAC 51-11-0601 SCOPE. 601.1 General

This Chapter establishes design criteria in terms of prescribed requirements for building construction.

The provisions of this Chapter are applicable to all Occupancies. Occupancies shall comply with all the requirements of Chapter 5 except for the modifications herein specified.

The building envelope requirements of this Chapter may be met by installing one of the prescriptive packages in Tables No. 6-1 to 6-6 for Group R Occupancy, or Table 6-7 for Other Occupancies. Installed components shall meet the requirements of Section 602 and 605. Compliance with nominal R-Values shall be demonstrated for the thermal resistance of the added insulation in framing cavities and/or insulated sheathing only and shall not include the thermal transmittance of other building materials or air films, but shall permit interruption by occasional framing members.

NEW SECTION

WAC 51-11-0602 BUILDING ENVELOPE REQUIREMENTS FOR GROUP R OCCUPANCY. 602.1 Roof/ceiling.

Ceilings below vented attics and vaulted ceilings shall be insulated to not less than the nominal R-value specified for ceilings in Tables No. 6-1 to 6-6 as applicable.

602.2 Exterior Walls both Above and Below Grade

Above grade exterior walls shall be insulated to not less than the nominal R-value specified in Tables No. 6-1 to 6-6 as applicable. The following walls should be considered to meet R-19 without additional documentation:

1. 2 x 6 framed and insulated with R-19 fiberglass batts.
2. 2 x 4 framed and insulated with R-13 fiberglass batts plus R-3.2 foam sheathing.
3. 2 x 4 framed and insulated with R-11 fiberglass batts plus R-5.0 foam sheathing.

602.3 Exterior walls (Below grade).

Below grade exterior walls surrounding conditioned space shall be insulated to not less than the nominal R-value specified for below grade walls in Tables No. 6-1 to 6-6 as applicable.

602.4 Slab-on-Grade Floors.

Slab-on-Grade floors shall be insulated along their perimeter to not less than the nominal R-values specified for slab-on-grade floors in Tables No. 6-1 to 6-6 as applicable. Slab insulation shall be installed in compliance with Section 502.1.4.8. See Chapter 5, Section 502.1.4.9, for additional requirements for radiant slab heating.

602.5 Floors Over Unconditioned Space.

Floors over unconditioned spaces, such as vented crawl spaces, unconditioned basements, and parking garages shall be insulated to not less than the nominal R-value shown for floors over unconditioned spaces, in Tables No. 6-1 to 6-6.

602.6 Exterior Doors.

For all doors which are less than 50% glazing, including fire doors, the opaque door area shall have a maximum area weighted average U-value not exceeding that shown in Tables 6-1 to 6-6 and the glazing shall comply with Section 602.7. U-values for the opaque door area shall be determined in accordance with Section 502.1.5.1. For all doors which are 50% or more glazing, the entire door area shall comply with the glazing requirements in Section 602.7.

EXCEPTION: Doors whose area and U-value are included in the calculations for compliance with the requirements for glazing in Section 602.8 shall be exempt from the U-value requirements stated above.

602.7 Glazing.

602.7.1 Glazing Area. The total glazing area as defined in Chapter 2 shall not exceed the percentage of gross conditioned floor area specified in Tables No. 6-1 to 6-6. This area shall also include any doors using the exception of Section 602.6.

602.7.2 The total glazing area as defined in Chapter 2 shall have an area weighted average U-value not to exceed that specified in Tables No. 6-1 to 6-6. U-values for glazing shall be determined in accordance with Section 502.1.5.1. These areas and U-values shall also include any doors using the exception of Section 602.6.

If the U-values for all glazing products are below the U-value specified, then no calculations are required. If compliance is to be achieved through an area weighted calculation, then the areas and U-values shall be included in the plans submitted with a building permit application.

EXCEPTION: Glazing areas up to a maximum of 1/2 of 1% of the gross conditioned floor area are exempt from the U-value requirement, and the area weighted average U-value calculations.

602.8 AIR LEAKAGE FOR GROUP R OCCUPANCY

The minimum air leakage control measures shall be as specified in Section 502.4 as applicable.

NEW SECTION

WAC 51-11-0603 BUILDING MECHANICAL SYSTEMS FOR GROUP R OCCUPANCY. 603.1 Heat Pump.

Air-to-air, ground-to-air, or water-to-air heat pumps installed shall comply with Table No. 6-1 or 6-3 or 6-5 for electric backup heat, and Table No. 6-2 or 6-4 or 6-6 for other fuels. System sizing shall be determined by an analysis consistent with Appendix B or Section 503.2 of this Code. All mechanical equipment efficiencies and service water heating system efficiencies shall comply with standards as stated in Sections 503 and 504 of this Code.

NEW SECTION

WAC 51-11-0604 ELECTRIC POWER AND LIGHTING FOR GROUP R OCCUPANCY. 604.1 All electrical power and lighting systems shall comply with the requirements of Section 505.

NEW SECTION

WAC 51-11-0605 BUILDING ENVELOPE REQUIREMENTS FOR OTHER THAN GROUP R OCCUPANCIES. 605.1 Opaque Envelope Criteria.

Roof/ceilings, exterior walls, floors over unconditioned space, below grade walls, and slab on grade floors enclosing heated spaces shall be insulated to not less than the nominal R-value specified for roof/ceilings, exterior walls, floors over unconditioned space, below grade walls, and slab on grade floors, respectively, in Table No. 6-7. Roof/ceilings enclosing mechanically cooled spaces shall be insulated to not less than the nominal R-value specified for roof/ceilings in Table No. 6-7.

605.2 Glazing Criteria.

All glazing shall be, at a minimum, double glazing. Insulating glass with at least one-half (1/2) inch air space or approved storm sash will be considered as complying. The total glazing area shall not exceed the percentage of gross exterior wall area specified in Table No. 6-7.

EXCEPTION: Single glazing in doors may be installed provided that the glazing area is doubled for the purpose of demonstrating compliance with the glazing area requirements.

605.3 Air Leakage. All buildings shall comply with the air leakage requirement of Section 502.4.

NEW SECTION

WAC 51-11-0606 BUILDING MECHANICAL SYSTEMS REQUIREMENTS FOR ALL OTHER OCCUPANCIES. All building mechanical systems shall comply with the requirements of Section 503.

NEW SECTION

WAC 51-11-0607 SERVICE WATER HEATING REQUIREMENT FOR ALL OTHER OCCUPANCIES. All service water heating systems shall comply with the requirements of Section 504.

NEW SECTION

WAC 51-11-0608 ELECTRICAL POWER AND LIGHTING REQUIREMENTS FOR ALL OTHER OCCUPANCIES. All electrical power and lighting systems shall comply with the requirements of Section 505.

**TABLE 6-1 MINIMUM PRESCRIPTIVE REQUIREMENTS FOR GROUP R OCCUPANCY
CLIMATE ZONE 1 HEATING BY ELECTRIC RESISTANCE**

COMPONENT REQUIREMENTS FOR ALL OPTIONS LISTED BELOW

- (A) Minimum R-10 Below Grade Wall Exterior Insulation¹
 (B) Minimum R-30 Floor Insulation²
 (C) Minimum R-10 Slab On Grade Perimeter Insulation³
 (D) Minimum R-10 Below Grade Slab Perimeter Insulation³

COMPONENT REQUIREMENTS⁶

OPTIONS	GLAZING % FLOOR AREA	GLAZING U-VALUE	DOORS U-VALUE	CEILING ⁴	CEILING VAULTED ⁵	WALL ABOVE GRADE	WALL BELOW GRADE ¹
I.	12%	0.40	0.40	R-38	R-30	R-21	R-21
II.	12%	0.50	0.20	R-49 Adv.	R-38	R-21	R-21
III.*	15%	0.40	0.20	R-38	R-30	R-19	R-19
IV.	18%	0.39	0.20	R-38	R-30	R-21	R-21
V.	21%	0.36	0.20	R-38	R-30	R-21	R-21
VI.	25%	0.36	0.20	R-38	R-30	R-19+R-5 ⁷	R-21
VII.	30%	0.33	0.20	R-38	R-30	R-19+R-5 ⁷	R-21

* Reference Case

¹ Below grade wall shall be insulated on the interior to the same level as walls above grade or insulated on the exterior to a minimum level of R-10. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.

² Floors over crawl spaces or exposed to ambient air conditions.

³ Slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.

⁴ This requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling (see definition).

⁵ This requirement is applicable only to single rafter or joist vaulted ceilings.

⁶ Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above, may calculate compliance by either Chapter 4 or 5 of this Code.

⁷ This wall insulation requirement is R-19 plus R-5 foam sheathing.

**TABLE 6-2 MINIMUM PRESCRIPTIVE REQUIREMENTS FOR GROUP R OCCUPANCY
CLIMATE ZONE 1 HEATING BY OTHER FUELS**

COMPONENT REQUIREMENTS FOR ALL OPTIONS LISTED BELOW

- (A) Minimum R-10 Below Grade Wall Exterior Insulation¹
- (B) Minimum R-10 Slab On Grade Perimeter Insulation³
- (C) Minimum R-10 Below Grade Slab Perimeter Insulation³

COMPONENT REQUIREMENTS⁶

OPTIONS	HVAC EQUIP. EFFIC. ⁷	GLAZING % FLOOR AREA	GLAZING U-VALUE	GLAZING U-VALUE	DOORS U-VALUE	CEILING ⁴	CEILING VAULTED ⁵	WALL ABOVE GRADE	WALL BELOW GRADE ¹	FLOOR ²
I.	Med.	12%	0.65	0.40	R-30	R-30	R-30	R-15	R-15	R-19
II.	High	21%	0.75	0.40	R-30	R-30	R-30	R-19	R-19	R-19
III.*	Med.	21%	0.65	0.40	R-30	R-30	R-30	R-19	R-19	R-19
IV.	Low	21%	0.60	0.40	R-30	R-30	R-30	R-19	R-19	R-19
V.	Med.	25%	0.50	0.40	R-38	R-30	R-30	R-19	R-19	R-25
VI.	Med.	30%	0.45	0.40	R-30	R-30	R-30	R-19	R-19	R-25

* Reference Case

¹ Below grade wall shall be insulated on the interior to the same level as walls above grade or insulated on the exterior to a minimum level of R-10. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.

² Floors over crawl spaces or exposed to ambient air conditions.

³ Slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.

⁴ This requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling (see definition).

⁵ This requirement is applicable only to single rafter or joist vaulted ceilings.

⁶ Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above, may calculate compliance by either Chapter 4 or 5 of this code.

⁷ Minimum HVAC equipment efficiency requirement. 'Low' denotes an AFUE of 0.74 or an HSPF of 6.35. 'Med.' denotes an AFUE of 0.78 or an HSPF of 6.80. 'High' denotes an AFUE of 0.88 or an HSPF of 8.10.

**TABLE 6-3 MINIMUM PRESCRIPTIVE REQUIREMENTS FOR GROUP R OCCUPANCY
CLIMATE ZONE 2 HEATING BY ELECTRIC RESISTANCE**

COMPONENT REQUIREMENTS FOR ALL OPTIONS LISTED BELOW

- (A) Minimum R-12 Below Grade Wall Exterior Insulation¹
- (B) Minimum R-30 Floor Insulation²
- (C) Minimum R-10 Slab On Grade Perimeter Insulation³
- (D) Minimum R-10 Below Grade Slab Perimeter Insulation³

COMPONENT REQUIREMENTS⁶

OPTIONS	GLAZING % FLOOR AREA	GLAZING U-VALUE	DOORS U-VALUE	CEILING ⁴	CEILING VAULTED ⁵	WALL ABOVE GRADE	WALL BELOW GRADE ¹
I. ²	12%	0.40	0.20	R-38	R-30	R-19+R-5 ⁷	R-21
II.*	15%	0.40	0.20	R-38	R-30	R-19+R-5 ⁷	R-21
III.	18%	0.40	0.20	R-49 Adv.	R-38	R-19+R-5 ⁷	R-21
IV.	21%	0.35	0.20	R-38 Adv.	R-38	R-19+R-5 ⁷	R-21
V.	25%	0.35	0.20	R-49 Adv.	R-38	R-19+R-5 ⁷	R-21
VI.	30%	0.34	0.20	R-49 Adv.	R-38	R-21+R7.5 ⁸	R-21

* Reference Case

¹ Below grade wall shall be insulated on the interior to the specified level or insulated on the exterior to a minimum level of R-12. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.

² Floors over crawl spaces or exposed to ambient air conditions. Exception: The minimum required installed floor insulation R-Value shall be R-25 for the 12% glazing option only.

³ Slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.

⁴ This requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling (see definition).

⁵ This requirement is applicable only to single rafter or joist vaulted ceilings.

⁶ Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above, may calculate compliance by either Chapter 4 or 5 of this code.

⁷ This wall insulation requirement is R-19 plus R-5 foam sheathing.

⁸ This wall insulation requirement is R-21 plus R-7.5 foam sheathing.

**TABLE 6-4 MINIMUM PRESCRIPTIVE REQUIREMENTS FOR GROUP R OCCUPANCY
CLIMATE ZONE 2 HEATING BY OTHER FUELS**

COMPONENT REQUIREMENTS FOR ALL OPTIONS LISTED BELOW

- (A) Minimum R-12 Below Grade Wall Exterior Insulation¹
- (B) Minimum R-10 Slab On Grade Perimeter Insulation³
- (C) Minimum R-10 Below Grade Slab Perimeter Insulation³

COMPONENT REQUIREMENTS⁶

OPTIONS	HVAC EQUIP. EFFIC. ⁸	GLAZING % FLOOR AREA	GLAZING U-VALUE	GLAZING DOORS U-VALUE	CEILING ⁴	CEILING VAULTED ⁵	WALL ABOVE GRADE	WALL BELOW GRADE ¹	FLOOR ²
I.	Med.	12%	0.65	0.40	R-38	R-30	R-19	R-19	R-25
II.	High	17%	0.65	0.40	R-38	R-30	R-19	R-19	R-25
III.*	Med.	17%	0.60	0.40	R-38	R-30	R-19	R-19	R-30
IV.	Low	17%	0.50	0.40	R-38	R-30	R-19	R-19	R-30
V.	Med.	21%	0.50	0.40	R-38	R-30	R-19	R-19	R-30
VI.	Med.	25%	0.45	0.40	R-38	R-30	R-19	R-19	R-30
VII.	Med.	30%	0.40	0.40	R-38	R-30	R-19	R-19	R-30

* Reference Case

¹ Below grade wall shall be insulated on the interior to the same level as walls above grade or insulated on the exterior to a minimum level of R-12. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.

² Floors over crawl spaces or exposed to ambient air conditions.

³ Slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.

⁴ This requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling (see definition).

⁵ This requirement is applicable only to single rafter or joist vaulted ceilings.

⁶ Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above, may calculate compliance by either Chapter 4 or 5 of this code.

⁷ This wall insulation requirement is R-19 plus R-5 foam sheathing.

⁸ Minimum HVAC equipment efficiency requirement. 'Low' denotes an AFUE of 0.74 or an HSPF of 6.35. 'Med.' denotes an AFUE of 0.78 or an HSPF of 6.80. 'High' denotes an AFUE of 0.88 or an HSPF of 8.10.

TABLE 6-5 LOG HOMES PRESCRIPTIVE REQUIREMENTS¹
HEATING BY ELECTRIC RESISTANCE

MINIMUM REQUIREMENTS						
MAXIMUM GLAZING % FLOOR AREA	MINIMUM AVERAGE LOG THICKNESS	CEILING ²	DOORS U-VALUE	FLOOR	SLAB ON GRADE ³	GLAZING U-VALUE ⁴
CLIMATE ZONE 1						
15%	5.5"	R-60 Adv ²	0.14	R-38	R-10	0.31
15%	7.5"	R-60 Adv ²	0.20	R-30	R-10	0.40
15%	9.6"	R-38	0.20	R-30	R-10	0.40
CLIMATE ZONE 2						
15%	6.7"	R-60 Adv ²	0.14	R-38	R-10	0.31
15%	8.7"	R-60 Adv ²	0.14	R-38	R-10	0.40
15%	9.8"	R-60 Adv ²	0.20	R-30	R-10	0.40
15%	10.5"	R-49 Adv ²	0.20	R-30	R-10	0.40
15%	13.5"	R-38	0.20	R-30	R-10	0.40

¹ For Group R Occupancy use Table 6-6 for only the portion of floor area using log/solid timber walls. Otherwise use Tables 6-1 to 6-4.

² 'Adv' denotes Advanced Framing. Single Rafter Joist Vaulted Ceilings have a minimum R-value of R-30, except where footnoted are R-38.

³ Insulation shall be water-resistant and manufactured for its intended use.

⁴ The window U-value is determined by the area weighted average of all glazing.

**TABLE 6-6 LOG HOMES PRESCRIPTIVE REQUIREMENTS¹
HEATING BY OTHER FUELS**

MINIMUM REQUIREMENTS						
MAXIMUM GLAZING % FLOOR AREA	MINIMUM AVERAGE LOG THICKNESS	CEILING ²	DOORS U-VALUE	FLOOR	SLAB ON GRADE ³	GLAZING U-VALUE ⁴
CLIMATE ZONE 1						
21%	3.5"	R-49 Adv ²	0.39	R-30	R-10	0.40
21%	4.4"	R-38	0.40	R-19	R-10	0.40
21%	5.2"	R-38	0.40	R-19	R-10	0.50
21%	6.5"	R-38	0.40	R-19	R-10	0.60
21%	7.0"	R-30	0.40	R-19	R-10	0.60
21%	8.2"	R-30	0.40	R-19	R-10	0.65
CLIMATE ZONE 2						
17%	3.5"	R-60 Adv ²	0.14	R-38	R-10	0.31
17%	3.5" ⁵	R-60 Adv ²	0.40	R-30	R-10	0.40
17%	4.6"	R-60 Adv ²	0.40	R-30	R-10	0.40
17%	5.4"	R-38	0.40	R-30	R-10	0.40
17%	6.8"	R-38	0.40	R-30	R-10	0.50
17%	9.0"	R-38	0.40	R-30	R-10	0.60

¹ For Group R Occupancy use Table 6-6 for only the portion of floor area using log/solid timber walls. Otherwise use Tables 6-1 to 6-4.

² 'Adv' denotes Advanced Framing. Single Rafter Joist Vaulted Ceilings have a minimum R-value of R-30, except where footnoted are R-38.

³ Insulation shall be water-resistant and manufactured for its intended use.

⁴ The window U-value is determined by the area weighted average of all glazing.

⁵ For this prescriptive path, minimum Heating system efficiency = (1.15)

TABLE 6-7 OTHER THAN GROUP R OCCUPANCIES PRESCRIPTIVE REQUIREMENTS

COMPONENT	ZONE I	ZONE II
SPACE CONDITIONING SYSTEM TYPE	ANY	ANY
ROOF/CEILINGS	R-30	R-30
EXTERIOR WALLS	R-11	R-11
FLOORS OVER UNCONDITIONED SPACE	R-11	R-11
BELOW GRADE WALLS	R-4	R-5
SLAB ON GRADE FLOORS ¹	R-7	R-10
GLAZING TYPE	Double	Double
MAXIMUM TOTAL GLAZING AREA (% of Gross Exterior Wall Area)	32%	22%

¹Insulation shall be water-resistant and manufactured for its intended use.

NEW SECTION

WAC 51-11-0700 CHAPTER 7 STANDARDS.

NEW SECTION

WAC 51-11-0701 STANDARDS. The standards and portions thereof, which are referred to in various parts of this code shall be part of the Washington State Energy Code and are hereby declared to be a part of this code.

CODE STANDARD NO.	TITLE AND SOURCE
RS-1	1989 ASHRAE Handbook of Fundamentals
RS-2	Standard Method of Test for Rate of Air Leakage Through Exterior Windows, Curtain Walls and Doors, Specification E283-84 of ASTM. Specifications for Aluminum Windows, ANSI A134.1, 1972. Specifications for Aluminum Sliding Glass Doors, ANSI A134.2, 1972. Industry Standard for Wood Window Units, NWWDA IS-2-87, Industry Standard for Wood Sliding Patio Doors, NWWDA IS-3-88.
RS-2B	AAMA 1503.1-88, 1988 Voluntary Test Method for Thermal transmittance of windows, doors and glazed wall sections.
RS-2C	ASTM C236-87 test for thermal conductance and transmittance of built-up sections by means of a guarded hot box; and ASTM C976-82 thermal performance of building assemblies by means of the calibrated hot box.
RS-3	ASHRAE Standard 62-89 Ventilation for Acceptable Indoor Air Quality.
RS-4	ASHRAE Standard 55-81 Thermal Environmental Conditions for Human Occupancy.
RS-5	DOE Test Procedures for Water Heaters, 10 CFR Part 430 Appendix E to Subpart B.
RS-6	Household Automatic Electric Storage-Type Water Heaters, ANSI C72.1-1972.
RS-7	Gas Water Heaters, Volume III, Circulating Tank, Instantaneous and Large Automatic Storage-Type Water Heaters, ANSI Z21.10.3, 1974.
RS-8	IES Lighting Handbook, Illuminating Engineering Society, 1984 Reference Volume, 1987 Application Volume.
RS-9	ASHRAE Standard 90.1-1989, Efficient Design of New Buildings Except New Low-Rise Residential Buildings.
RS-10	Standard for Packaged Terminal Air Conditioners, ARI Standard 310-87.
RS-11	1987 ASHRAE HVAC Systems and Applications Handbook.
RS-12	Energy Calculations I: Procedures for Determining Heating and Cooling Loads for Computerizing Energy Calculations—Algorithms for Building Heat Transfer Subsystems, ASHRAE 1975.
RS-13	Energy Calculations II: Procedures for Simulating the Performance of Components and Systems for Energy Calculations, 3rd Edition, ASHRAE 1975.

CODE STANDARD NO.	TITLE AND SOURCE
RS-14	Standard for Positive Displacement Refrigerant Compressor and Condensing Units, ARI Standard 520-74.
RS-15	1988 ASHRAE Equipment Handbook.
RS-16	Heating and Air Conditioning Systems—Installation Standards, SMACNA, February, 1977.
RS-17	SMACNA Duct Metal and Flexible Construction Standards, 1st Edition, Washington, D.C., 1985.
RS-18	Same as Standard RS-17.
RS-19	SMACNA Fibrous Glass Duct Construction Standards, 6th Edition, Washington, D.C., 1990.
RS-20	1990 ASHRAE Refrigeration Volume.
RS-21	Standard for Package Terminal Heat Pumps, ARI Standard 380-87.
RS-22	ASTM E779-87 Standard practice for measuring air leakage by the fan pressurization method.
RS-23	ASTM E741 Standard practice for measuring air leakage by the tracer dilution method.
RS-24	Standard 24 CFR Part 3280 HUD.
RS-25	Thermal Bridge in Sheet Metal Construction from Appendix E of RS-9.
RS-26	Super Good Cents Technical Reference

ACCREDITED AUTHORITATIVE AGENCIES

AAMA refers to the American Architectural Manufacturers Association, 35 East Wacker Drive, Chicago, IL 60601

ANSI refers to the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018

ARI refers to the Air conditioning and Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, VA 22209

ASHRAE refers to the American Society of Heating, Refrigeration, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329

ASTM refers to the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103

IES refers to Illuminating Engineering Society, 345 East 47th Street, New York, NY 10017

NESCA refers to the National Environmental System Contractors Association, 1501 Wilson Blvd., Arlington, VA 22209

NWWDA refers to the National Wood Window and Door Association, 1400 East Toughy Avenue, Suite G-54, Des Plaines, Illinois 60018

SMACNA refers to the Sheet Metal and Air Conditioning contractors National Association, Inc., 8224 Old Courthouse Rd., Tysons corner, Vienna, VA 22180

NEW SECTION

WAC 51-11-0800 APPENDIX A APPROVED SOFTWARE FOR CHAPTER 4 SYSTEMS ANALYSIS APPROACH.

Program Name:	Source
CALPAS 3	BERKELEY SOLAR GROUP 455 Santa Clara Ave. Oakland, CA 94610 (415) 843-7600

Program Name:	Source
DATACAL	SUNRISE ENERGY, INC. 5708 43rd Ave E. Tacoma, WA 98443 (206) 922-5218
DOE 2	ACROSOFT INTERNATIONAL, INC. 9745 E. Hampton Ave. Suite 230 Denver, CO 80231 (303) 368-9225
F-LOAD	F-CHART SOFTWARE 4406 Fox Bluff Rd. Middleton, WI 53562 (608) 836-8536
MICROPAS	ENERCOMP 123 C Street Davis, CA 95616 (916) 753-3400
SUNDAY 3.0	ECOTOPE 2812 East Madison St. Seattle, WA 98112 (206) 322-3753
WATTSUN	WSEO 809 Legion Way S.E. Olympia, WA 98504 Attn: Hank Date (206) 586-5045

NEW SECTION

WAC 51-11-0900 APPENDIX B HEATING SYSTEM SIZING. Design heat load calculations are not required to be submitted to a Building Department to show compliance to this Code if the heating system installed is equal to or less than:

Zone I Electric 14.25*

Zone I Other Fuels 17.55*

Zone II Electric 22.95*

Zone II Other Fuels 28.2 *

* Expressed in Btu/hr.-ft²

Example: A 1500 ft² house in Zone I, heated with gas, would not have to submit a Design Heat Load if the proposed furnace is 26,325 BTU or less.

$$1500 \times 17.55 = 26,325$$

Disclaimer: All heating systems shall be designed and installed in accordance with Uniform Building Code Section 1211.

NEW SECTION

WAC 51-11-1000 APPENDIX C DEFAULT HEAT-LOSS COEFFICIENTS FOR SITE-BUILT SINGLE AND MULTIFAMILY HOMES.

NEW SECTION

WAC 51-11-1001 CHAPTER I: GENERAL. 1.1 Scope: This appendix includes tables of seasonal average heat-loss coefficients for specified nominal insulation. The heat-loss coefficients may also be used for heating system sizing.

1.2 Description: These coefficients were developed primarily from data and procedures from Standard RS-1, and taken specifically from Standard RS-26, listed in Chapter 7.

Coefficients not contained in this Appendix may be computed using the procedures listed in these references if the assumptions in the following sections and Standard RS-26, listed in Chapter 7, are used, along with data from the sources referenced above.

NEW SECTION

WAC 51-11-1002 CHAPTER 2: BELOW GRADE WALLS AND SLABS. 2.1 General: Table 2.1 lists heat-loss coefficients for below-grade walls and floors.

Coefficients for below-grade walls are given as U-values (BTU/°F-hr per square foot of wall area). Coefficients for below-grade slabs are listed as F-values (BTU/°F-hr per lineal foot of slab perimeter).

Below-grade wall U-values are only valid when used with the accompanying below-grade slab F-value, and vice versa.

2.2 Component Description: All below-grade walls are assumed to be 8-inch concrete. The wall is assumed to extend from the slab upward to the top of the mud sill for the distance specified in Table 2.1, with 6 inches of concrete wall extending above grade.

Interior insulation is assumed to be fiberglass batts placed in the cavity formed by 2x4 framing on 24-inch centers with 1/2 inch of gypsum board as the interior finish material. Exterior insulation is assumed to be applied directly to the exterior of the below-grade wall from the top of the wall to the footing. The exterior case does not assume any interior framing or sheetrock.

In all cases, the entire wall surface is assumed to be insulated to the indicated nominal level with the appropriate framing and insulation application. Coefficients are listed for wall depths of 2, 3.5, and 7 feet below grade. Basements shallower than 2 feet should use on-grade slab coefficients.

Heat-loss calculations for wall areas above grade should use above-grade wall U-values, beginning at the mudsill.

2.3 Insulation Description: Coefficients are listed for the following four configurations:

1. Uninsulated: No insulation or interior finish.
2. Interior insulation: Interior 2x4 insulated wall without a thermal break between concrete wall and slab.
3. Interior insulation w/thermal break: Interior 2x4 insulated wall with R-5 rigid board providing a thermal break between the concrete wall and the slab.
4. Exterior insulation: Insulation applied directly to the exterior surface of the concrete wall.

TABLE 2-1 DEFAULT WALL U-VALUES AND SLAB F-VALUES FOR BASEMENTS

	Below Grade Wall U-value	Below Grade Slab F-value
2-Foot Depth Below Grade		
Uninsulated	0.350	0.59
R-11 Interior	0.066	0.68
R-11 Interior w/tb	0.070	0.60
R-19 Interior	0.043	0.69
R-19 Interior w/tb	0.045	0.61
R-10 Exterior	0.070	0.60
R-12 Exterior	0.061	0.60
3.5-Foot Depth Below Grade		
Uninsulated	0.278	0.53
R-11 Interior	0.062	0.63
R-11 Interior w/tb	0.064	0.57
R-19 Interior	0.041	0.64
R-19 Interior w/tb	0.042	0.57
R-10 Exterior	0.064	0.57
R-12 Exterior	0.057	0.57
7-Foot Depth Below Grade		
Uninsulated	0.193	0.46
R-11 Interior	0.054	0.56
R-11 Interior w/tb	0.056	0.42
R-19 Interior	0.037	0.57
R-19 Interior w/tb	0.038	0.43
R-10 Exterior	0.056	0.42
R-12 Exterior	0.050	0.42

NEW SECTION

WAC 51-11-1003 CHAPTER 3: ON-GRADE SLAB FLOORS. 3.1 General: Table 3.1 lists heat-loss coefficients for heated on-grade slab floors, in units of BTU/°F-hr per lineal foot of perimeter.

3.2 Component Description: All on-grade slab floors are assumed to be 6-inch concrete poured directly onto the earth. The bottom of the slab is assumed to be at grade line. Monolithic and floating slabs are not differentiated.

Soil is assumed to have a conductivity of 0.75 BTU/Hr-°F-ft. Slabs 2-feet or more below grade should use basement coefficients.

3.3 Insulation Description: Coefficients are provided for the following three configurations:

2-Foot (or 4-foot) vertical: Insulation is applied directly to the slab exterior, extending downward from the top of the slab to a depth of 2-foot (or 4-feet) below grade.

2-Foot (or 4-Foot) horizontal: Insulation is applied directly to the underside of the slab, and run horizontally from the perimeter inward for 2-feet or 4-feet. The slab edge is exposed in this configuration.

Note: A horizontal installation with a thermal break of at least R-5 at the slab edge should use the vertical-case F-values.

Fully insulated slab: Insulation extends from the top of the slab, along the entire perimeter, and completely covers the area under the slab.

TABLE 3-1 DEFAULT F-VALUES FOR ON-GRADE SLABS

Insulation type	R-0	R-5	R-10	R-15
Uninsulated slab	0.73	—	—	—
2-ft Horizontal (No thermal break)	—	0.70	0.70	0.69
4-ft Horizontal (No thermal break)	—	0.67	0.64	0.63
2-ft Vertical (or Horiz. w/T.B.)	—	0.58	0.54	0.52
4-ft Vertical (or Horiz. w/T.B.)	—	0.54	0.48	0.45
Fully insulated slab	—	—	0.36	—

NEW SECTION

WAC 51-11-1004 CHAPTER 4: CRAWLSPACE FLOORS. 4.1 General: Tables 4.1 through 4.3 list heat-loss coefficients for floors over crawlspaces in units of BTU/F-hr per square foot of floor.

They are derived from procedures listed in standard RS-1, listed in Chapter 7, assuming an average outdoor temperature of 45° F, an average indoor temperature of 65° F, and a crawlspace area of 1350 ft² and 150 ft of perimeter. The crawlspace is assumed to be 2.5-feet high, with 24-inches below grade and 6-inches above grade.

4.2 Crawlspace Description: Four crawlspace configurations are considered: vented, unvented, enclosed and heated plenum.

Vented crawlspaces: Assumed to have 3 air-changes per hour, with at least 1 ft² of net-free ventilation in the foundation for every 300 ft² of crawlspace floor area. The crawlspace is not actively heated.

Floors over unheated areas, such as garages, may only use those values which have R-0 perimeter insulation.

Unvented crawlspaces: Assumed to have 1.5 air changes per hour, with less than 1 ft² of net-free ventilation in the foundation for every 300 ft² of crawlspace floor area. The crawlspace is not actively heated. Floors over unheated basements may only use those values which have R-0 perimeter insulation.

Heated-plenum crawlspaces: Assumed to have 0.25 air-changes per hour, with no foundation vents. Heated supply air from central furnace is blown into a crawlspace and allowed to enter the living space unducted via holes cut into the floor.

Enclosed floors: Assumes no buffer space, and a covering of 1/2-inch of T1-11 on the exterior of the cavity exposed to the outside air.

4.3 Construction Description: Floors are assumed to be either joisted floors framed on 16-inch centers, or post and beam on 4 by 8 foot squares. Insulation is assumed to be installed under the subflooring between the joists or beams with no space between the insulation and the subfloor. Insulation is assumed to be uncompressed.

Perimeter insulation is assumed to extend from the top of the rim joist to the crawlspace floor and then inward along the ground (on top of the ground cover) for at least 24 inches.

Floor coverings are assumed to be light carpet with rubber pad.

TABLE 4-1 DEFAULT U-VALUES FOR FLOORS OVER VENTED CRAWLSPACE OR UNHEATED BASEMENT

Floor	Nominal R-value		U-value	
	Perimeter	Post & Beam	Joists	
0	0	0.112	0.134	
	11	0.100	0.116	
	19	0.098	0.114	
	30	0.093	0.107	
11	0	0.052	0.056	
	11	0.048	0.052	
19	0	0.038	0.041	
	11	0.036	0.038	
22	0	0.034	0.037	
	11	0.033	0.035	
25	0	0.032	0.034	
	11	0.031	0.033	
30	0	0.028	0.029	
	11	0.027	0.028	
38	0	0.024	0.025	
	11	0.024	0.024	

TABLE 4-2 DEFAULT U-VALUES FOR FLOORS OVER HEATED PLENUM CRAWLSPACES

Nominal R-value	U-value
Perimeter	
11	0.085
19	0.075
30	0.069

Note: Crawlspace used as heated plenums have approximately 30-percent higher heat-loss rate than unvented crawlspaces with the same assumed ACH. Default U-values in Table 4-3 reflect this higher rate of heat loss.

NEW SECTION

WAC 51-11-1005 CHAPTER 5: ABOVE-GRADE WALLS.
 5.1 General: Table 5.1 lists heat-loss coefficients for the opaque portion of above-grade walls (BTU/°F-hr per square foot). They are derived from procedures listed in Standard RS-1, listed in Chapter 7, assuming exterior air films at 7.5-mph wind speed.

Insulation is assumed to uniformly fill the entire cavity and to be installed as per manufacturer's directions. All walls are assumed to be finished on the inside with 1/2-inch gypsum wallboard, and on the outside with either beveled wood siding over 1/2-inch plywood sheathing or with 5/8-inch T1-11 siding. Insulated sheathing (either interior or exterior) is assumed to cover the entire opaque wall surface.

5.2 Framing Description: Three framing types are considered, and defined as follows:

Standard: Studs framed on 16-inch centers with double top plate and single bottom plate. Corners use 3 studs and each opening is

framed using 2 studs. Headers consist of double 2X or single 4X material with an air space left between the header and the exterior sheathing. Interior partition wall/exterior wall intersections use 2 studs in the exterior wall.

Framing weighting factors: Studs and plates .19
 Insulated cavity .77
 Headers .04

Intermediate: Studs framed on 16-inch centers with double top plate and single bottom plate. Corners use 2 studs or other means of fully insulating corners, and each opening is framed by 2 studs. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall.

Framing weighting factors: Studs and plates .18
 Insulated cavity .78
 Headers .04

Advanced: Studs framed on 24-inch centers with double top plate and single bottom plate. Corners use 2 studs or other means of fully insulating corners, and 1 stud is used to support each header. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/ exterior wall intersections are fully insulated in the exterior wall.

Framing weighting factors: Studs and plates .13
Insulated cavity .83
Headers .04

5.3 Component Description: Default coefficients for three types of walls are listed: single-stud walls, strap walls, and double-stud walls.

Single-Stud Wall: Assumes either 2x4 or 2x6 studs framed on 16 or 24-inch centers. Headers are solid for 2x4 walls and double 2x for 2x6 walls, with either dead-air or rigid-board insulation in the remaining space.

Strap Wall: Assumes 2x6 studs framed on 16 or 24-inch centers. 2x3 or 2x4 strapping is run horizontally along the interior surface of the wall to provide additional space for insulation.

Double-Stud Wall: Assumes an exterior structural wall and a separate interior, non-structural wall. Insulation is placed in both wall cavities and in the space between the two walls. Stud spacing is assumed to be on 24-inch centers for both walls.

TABLES 5-1 DEFAULT U-VALUES FOR ABOVE-GRADE WALLS

2 x 4 Single Stud: R-11 Batt

	Siding Material/Framing Type				
	R-value of Foam Board	Lapped Wood		T1-11	
		STD	ADV	STD	ADV
NOTE:					
Nominal Batt R-value:	0	.088	.084	.094	.090
R-11 at 3.5-inch thickness	1	.080	.077	.085	.082
Installed Batt R-value:	2	.074	.071	.078	.075
R-11 in 3.5-inch cavity	3	.069	.066	.072	.070
	4	.064	.062	.067	.065
	5	.060	.058	.063	.061
	6	.056	.055	.059	.057
	7	.053	.052	.055	.054
	8	.051	.049	.052	.051
	9	.048	.047	.050	.049
	10	.046	.045	.047	.046
	11	.044	.043	.045	.044
	12	.042	.041	.043	.042

2 x 4 Single Stud: R-13 Batt

	Siding Material/Framing Type				
	R-Value of Foam Board	Lapped Wood		T1-11	
		STD	ADV	STD	ADV
NOTE:					
Nominal Batt R-value:	0	.082	.078	.088	.083
R-13 at 3.63-inch thickness	1	.075	.072	.080	.076
Installed Batt R-value:	2	.069	.066	.073	.070
R-12.7 in 3.5-inch cavity	3	.065	.062	.068	.065
	4	.060	.058	.063	.061
	5	.057	.055	.059	.057
	6	.053	.052	.056	.054
	7	.051	.049	.052	.051
	8	.048	.047	.050	.048
	9	.046	.045	.047	.046
	10	.044	.043	.045	.044
	11	.042	.041	.043	.042
	12	.040	.039	.041	.040

2 x 6 Single Stud: R-19 Batt

Siding Material/Framing Type

R-value of Foam Board	Lapped Wood			T1-11		
	STD	INT	ADV	STD	INT	ADV

NOTE:

Nominal Batt R-value R-19 at 6-inch thickness	0	.062	.058	.055	.065	.061	.058
Installed Batt R-Value R-18 in 5.5-inch cavity	1	.058	.055	.052	.060	.057	.055
	2	.054	.052	.050	.056	.054	.051
	3	.051	.049	.047	.053	.051	.049
	4	.048	.046	.045	.050	.048	.046
	5	.046	.044	.043	.048	.046	.044
	6	.044	.042	.041	.045	.044	.042
	7	.042	.040	.039	.043	.042	.040
	8	.040	.039	.038	.041	.040	.039
	9	.038	.037	.035	.039	.038	.037
	10	.037	.036	.035	.038	.037	.036
	11	.036	.035	.034	.036	.035	.035
	12	.034	.033	.033	.035	.034	.033

2 x 6 Single Stud: R-21 High Density Batt System

Siding Material/Framing Type

R-value of Foam Board	Lapped Wood			T1-11		
	STD	INT	ADV	STD	INT	ADV

NOTE:

Nominal BATT R-value R-21 at 5.5-inch thickness	0	.057	.054	.051	.060	.056	.053
Installed Batt R-value R-21 in 5.5-inch cavity	1	.054	.051	.048	.056	.053	.050
	2	.050	.048	.045	.052	.050	.047
	3	.048	.045	.043	.049	.047	.045
	4	.045	.043	.041	.047	.045	.043
	5	.043	.041	.040	.044	.042	.041
	6	.041	.039	.038	.042	.041	.039
	7	.039	.038	.036	.040	.039	.037
	8	.038	.036	.035	.039	.037	.036
	9	.036	.035	.034	.037	.036	.035
	10	.035	.034	.033	.036	.035	.033
	11	.033	.033	.032	.034	.033	.032
	12	.032	.031	.031	.033	.032	.031

2 x 6 Single Stud: R-22 Batt

Siding Material/Framing Type

	R-value of Foam Board		Lapped Wood		T1-11		ADV
	STD	INT	INT	ADV	STD	INT	
NOTE:							
Nominal Batt R-value R-22 at 6.75-inch thickness	0	.059	.055	.052	.062	.058	.054
Installed Batt R-value R-20 in 5.5-inch cavity	1	.055	.052	.049	.057	.054	.051
	2	.052	.049	.047	.054	.051	.048
	3	.049	.046	.044	.050	.048	.046
	4	.046	.044	.042	.048	.046	.044
	5	.044	.042	.041	.045	.043	.042
	6	.042	.040	.039	.043	.042	.040
	7	.040	.039	.037	.041	.040	.038
	8	.038	.037	.036	.039	.038	.037
	9	.037	.036	.035	.038	.037	.035
	10	.035	.034	.033	.036	.035	.034
	11	.034	.033	.032	.035	.034	.033
	12	.033	.032	.031	.034	.033	.032

2 x 6 Single Stud: 2 R-11 Batts

Siding Material/Framing Type

	R-value of Foam Board		Lapped Wood		T1-11		ADV
	STD	INT	INT	ADV	STD	INT	
NOTE:							
Nominal Batt R-value R-22 at 7-inch thickness	0	.060	.057	.054	.063	.059	.056
Installed Batt R-value R-18.9 in 5.5-inch cavity	1	.056	.053	.051	.059	.056	.053
	2	.053	.050	.048	.055	.052	.050
	3	.050	.048	.046	.052	.049	.047
	4	.047	.045	.044	.049	.047	.045
	5	.045	.043	.042	.046	.045	.043
	6	.043	.041	.040	.044	.043	.041
	7	.041	.040	.038	.042	.041	.039
	8	.039	.038	.037	.040	.039	.038
	9	.038	.037	.036	.039	.038	.036
	10	.036	.035	.034	.037	.036	.035
	11	.035	.034	.033	.036	.035	.034
	12	.034	.033	.032	.034	.034	.033

2 x 8 Single Stud: R-25 Batt

Siding Material/Framing Type

R-value of Foam Board	Lapped Wood			T1-11		
	STD	INT	ADV	STD	INT	ADV

NOTE:

Nominal Batt R-value
R-25 at 8-inch thickness

0	.051	.047	.045	.053	.049	.046
1	.048	.045	.043	.049	.046	.044
2	.045	.043	.041	.047	.044	.042
3	.043	.041	.039	.044	.042	.040
4	.041	.039	.037	.042	.040	.038
5	.039	.037	.036	.040	.038	.037
6	.037	.036	.035	.038	.037	.036
7	.036	.035	.033	.037	.035	.034
8	.035	.033	.032	.035	.034	.033
9	.033	.032	.031	.034	.033	.032
10	.032	.031	.030	.033	.032	.031
11	.031	.030	.029	.032	.031	.030
12	.030	.029	.028	.031	.030	.029

2 x 6: Strap Wall

Siding Material/Frame Type

Lapped Wood		T1-11	
STD	ADV	STD	ADV

R-19 + R-11 Batts

.036 .035 .038 .036

R-19 + R-8 Batts

.041 .039 .042 .040

2 x 6 + 2 x 4: Double Stud

Siding Material/Framing Type

Lapped Wood		T1-11	
STD	ADV	STD	ADV

Batt Configuration

Exterior	Middle	Interior
R-19	-----	R-11
R-19	-----	R-19
R-19	R-8	R-11
R-19	R-11	R-11
R-19	R-11	R-19
R-19	R-19	R-19

.040	.037	.041	.038
.034	.031	.035	.032
.029	.028	.031	.029
.027	.026	.028	.027
.024	.023	.025	.023
.021	.020	.021	.020

2 x 4 + 2 x 4: Double Stud

Siding Material/Framing Type

Batt Configuration			Lapped Wood		T1-11	
			STD	ADV	STD	ADV
Exterior	Middle	Interior				
R-11	-----	R-11	.050	.046	.052	.048
R-19	-----	R-11	.039	.037	.043	.039
R-11	R-8	R-11	.037	.035	.036	.036
R-11	R-11	R-11	.032	.031	.033	.032
R-13	R-13	R-13	.029	.028	.029	.028
R-11	R-19	R-11	.026	.026	.027	.026

Log Walls

	Average Log Diameter	U-value
NOTE:		
R-value of wood:	6-inch	0.148
R-1.25 per inch thickness	8-inch	0.111
Average wall thickness	10-inch	0.089
90% average log diameter	12-inch	0.074
	14-inch	0.063
	16-inch	0.056

Stress Skin Panel

	Panel Thickness	U-value
NOTE:		
R-value of exp. polystyrene:	3 1/2-inch	.071
R-3.85/inch	5 1/2-inch	.04
	7 1/4-inch	.037
	9 1/4-inch	.030
Framing: 6%	11 1/4-inch	.025
Spline: 8%		
No thermal bridging between interior and exterior splines		

NEW SECTION

WAC 51-11-1006 CHAPTER 6 DEFAULT U-VALUES FOR GLAZING AND DOORS. 6.1 Untested glazing and doors: Untested glazing and doors shall be assigned the following U-values:

a. Manufactured glazing products:

single glazing (all): U = 1.20;
double glazing:
aluminum or steel framed: U = 0.90;
wood or vinyl framed: U = 0.75;

b. Non-manufactured site built fixed lite glazing products with a minimum of one-half inch airspace in a wood frame only. All products supplied by manufacturers, such as kits for solariums, shall use the default U-values for manufactured glazing products cited above.

air-filled: U = 0.60;
argon-filled: U = 0.55;
low-e, air-filled: U = 0.50;
low-e, argon-filled: U = 0.40;

Products which do not comply with all of these criteria shall use the default U-values listed under manufactured glazing products.

c. For Doors, see Table 6-1 on the next page.

TABLE 6-1 TRANSMISSION COEFFICIENTS (U) FOR WOOD AND STEEL DOORS
Btu/h·ft² ° F

Nominal Door Thickness, Inches	Description	No Storm Door	Wood Storm Door ^(c)	Metal Storm Door ^(d)
Wood Doors (b)				
1-3/8	Panel door with 7/16-in panels (e)	0.57	0.33	0.37
1-3/8	Hollow core flush door	0.47	0.30	0.32
1-3/8	Solid core flush door	0.39	0.26	0.28
1-3/8	Panel door with 7/16-in panels (e)	0.57	0.33	0.36
1-3/4	Hollow core flush door	0.46	0.29	0.32
1-3/4	Panel door with 1-1/8-in panels (e)	0.39	0.26	0.28
1-3/4	Solid core flush door	0.33	0.28	0.25
2-1/4	Solid core flush door	0.27	0.20	0.21
Steel Doors (b)				
1-3/4	Fiberglass or mineral wool core with steel stiffeners, no thermal break (f)	0.60	----	----
1-3/4	Paper honeycomb core without thermal break (f)	0.56	----	----
1-3/4	Solid urethane foam core without thermal break (a)	0.40	----	----
1-3/4	Solid fire rated mineral fiberboard core without thermal break (f)	0.38	----	----
1-3/4	Polystyrene core without thermal break (18 gage commercial steel)(f)	0.35	----	----
1-3/4	Polyurethane core without thermal break (18 gage commercial steel)(f)	0.29	----	----
1-3/4	Polyurethane core without thermal break (24 gage commercial steel)(f)	0.29	----	----
1-3/4	Polyurethane core with thermal break & wood perimeter (24 gage commercial steel) (f)	0.20	----	----
1-3/4	Solid urethane foam core with thermal break	0.19	0.16	0.17

Note: All U-factors for exterior doors in this table are for doors with no glazing, except for the storm doors which are in addition to the main exterior door. Any glazing area in exterior doors should be included with the appropriate glass type and analyzed. Interpolation and moderate extrapolation are permitted for door thicknesses other than those specified.

(a) Values are based on a nominal 32 by 80 in. door size with no glazing.

(b) Outside air conditions: 15 mph wind speed, 0°F air temperature; inside air conditions: natural convection, 70°F air temperature.

(c) Values for wood storm door are for approximately 50 percent glass area.

(d) Values for metal storm door are for any percent glass area.

(e) 55 percent panel area

(f) ASTM C 236 hotbox data on a nominal 3 by 7 ft door size with no glazing.

The U-factors in Table 6 are for exterior wood and steel doors. The values given for wood doors were calculated, and those for steel doors were taken from hot box tests (Sabine et al. 1975; Yellot 1965) or from manufacturer's test reports. An outdoor surface conductance of 6.0 Btu/h·ft² ° F was used, and the indoor surface conductance was taken as 1.4 Btu/h·ft² ° F for vertical surfaces with horizontal heat flow. All values given are for exterior doors without glazing. If an exterior door contains glazing, the glazing should be analyzed as a window.

NEW SECTION

WAC 51-11-1007 (RESERVED.)

NEW SECTION

WAC 51-11-1008 CHAPTER 8: CEILINGS. 8.1 General: Table 8.1 lists heat-loss coefficients for the opaque portion of exterior ceilings below vented attics, vaulted ceilings, and roof decks in units of BTU/°F-hr per square foot of ceiling.

They are derived from procedures listed in Standard RS-1, listed in Chapter 7. Ceiling U-values are modified for the buffering effect of the attic, assuming an indoor temperature of 65° F and an outdoor temperature of 45° F.

8.2 Component Description: The three types of ceilings are characterized as follows:

Ceilings Below a Vented Attic: Attic insulation is assumed to be blown-in, loose-fill fiberglass with a K-value of 2.6 Hr-Ft²/BTU per inch. Full bag count for specified R-value is assumed in all cases. Ceiling dimensions for flat ceiling calculations are 45 X 30 feet, with a gabled roof having a 4/12 pitch. The attic is assumed to vent naturally at the rate of 3 ACH through soffit and ridge vents. A void fraction of 0.002 is assumed for all attics with insulation baffles. Standard-framed, unbaffled attics assume a void fraction of 0.008.

Attic framing is either standard or advanced. Standard framing assumes tapering of insulation depth around the perimeter with resultant decrease in thermal resistance. An increased R-value is assumed in the center of the ceiling due to the effect of piling leftover insulation. Advanced framing assumes full and even depth of insulation extending to the outside edge of exterior walls. Advanced framing does not change from the default value.

U-Values for flat ceilings below vented attics with standard framing may be modified with the following table:

Roof Pitch	U-Value for Standard Framing	
	R-30	R-38
4/12	.036	.031
5/12	.035	.030
6/12	.034	.029
7/12	.034	.029
8/12	.034	.028
9/12	.034	.028
10/12	.033	.028
11/12	.033	.027
12/12	.033	.027

Vented scissor truss attics assume a ceiling pitch of 2/12 with a roof pitch of either 4/12 or 5/12. Unbaffled standard framed scissor truss-attics are assumed to have a void fraction of .016.

Vaulted Ceilings: Insulation is assumed to be fiberglass batts installed in roof joist cavities. In the vented case, at least 1.5-inches between the top of the batts and the underside of the roof sheathing is left open for ventilation in each cavity. A ventilation rate of 3 ACH is assumed. In the unvented or dense pack case, the ceiling cavity is assumed to be fully packed with insulation, leaving no space for ventilation.

Roof Decks: Rigid insulation is applied to the top of roof decking with no space left for ventilation. Roofing materials are attached directly on top of the insulation. Framing members are often left exposed on the interior side.

TABLE 8-1: DEFAULT U-VALUES FOR CEILINGS

Ceilings Below Vented Attics		Standard Frame	Advanced Frame
Flat Ceiling		Baffled	
R-19		0.049	0.047
R-30		0.036	0.032
R-38		0.031	0.026
R-49		0.027	0.020
R-60		0.025	0.017
Scissors Truss			
R-30	(4/12 roof pitch)	0.043	0.031
R-38	(4/12 roof pitch)	0.040	0.025
R-49	(4/12 roof pitch)	0.038	0.020
R-30	(5/12 roof pitch)	0.039	0.032
R-38	(5/12 roof pitch)	0.035	0.026
R-49	(5/12 roof pitch)	0.032	0.020
Vaulted Ceilings		16" O.C.	24" O.C.
Vented			
R-19	2x10 joist	0.049	0.048
R-30	2x12 joist	0.034	0.033
R-38	2x14 joist	0.027	0.027
Unvented			
R-30	2x10 joist	0.034	0.033
R-38	2x12 joist	0.029	0.027
R-21 + R-21	2x12 joist	0.026	0.025
Roof Deck		4x Beams, 48" O.C.	
R-12.5	2" Rigid insulation	0.064	
R-21.9	3.5" Rigid insulation	0.040	
R-37.5	6" Rigid insulation	0.025	
R-50	8" Rigid insulation	0.019	

NEW SECTION

WAC 51-11-1009 CHAPTER 9: AIR INFILTRATION. 9.1 General: Tables 9.1 and 9.2 list effective air-change rates and heat capacities for heat loss due to infiltration.

Estimated seasonal average infiltration rates in air changes per hour (ACH) are given for the two levels of air-leakage control (see Section 4.6 of the Technical Specifications). The energy-effective air-change rate shall be used in calculations for compliance under Thermal Performance or Energy Budgets.

Heat loss due to infiltration shall be computed using the following equation:

$$Q_{infil} = ACH_{eff} * HCP$$

where: Q_{infil} = Heat loss due to air infiltration

ACH_{eff} = the effective infiltration rate as given in Table 9-1

HCP = the Heat Capacity Density Product for the appropriate elevation or climate zone as given below.

sheetrock on exterior and interior walls and ceiling, and with separate values for interior or exterior wall insulation. Adjustments for slab covering is based on R-value of material. Additional mass values are based on the density multiplied by the specific heat of the material adjusted for listed thickness.

TABLE 9-1 ASSUMED EFFECTIVE AIR-CHANGES PER HOUR

Air-Leakage Control Package	Air-Changes per Hour	
	Natural	Effective
Standard	0.35	0.35

TABLE 9-2 DEFAULT HEAT CAPACITY/DENSITY PRODUCT FOR AIR

Zone	Average Elevation	Heat Capacity/Density
1	Mean Sea Level	0.0180 BTU/Hr-°F
2	2000	0.0168 BTU/Hr-°F
3	3000	0.0162 BTU/Hr-°F

NEW SECTION

WAC 51-11-1010 CHAPTER 10: MASS. 10.1 General: Table 10.1 lists default mass-values for residential construction types. All calculations are based on standard ASHRAE values for heat-storage capacity as listed in 1989 Handbook of Fundamentals, Chapter 22.

Thermal capacity of furniture is ignored, as is heat storage beyond the first 4 inches of mass thickness. All mass is assumed to be in direct contact with the conditioned space. Concrete separated from the heated volume by other materials must multiply the listed concrete mass value by the result of the following formula:

$$\ln(R\text{-value}) \times (-.221) + 0.5$$

Where:

Ln = Natural log

R-value = R-value of material covering concrete

Note: All default values for covered concrete slabs have been adjusted according to this procedure.

10.2 Mass Description: Mass is divided into two types, structural and additional.

Structural Mass: Includes heat-storage capacity of all standard building components of a typical residential structure, including floors, ceilings, and interior and exterior walls in Btu/°F-ft² of floor area. It also assumes exterior wall, interior wall and ceiling surface area approximately equals three times the floor area.

Additional Mass: Includes any additional building material not part of the normal structure, which is added specifically to increase the building's thermal-storage capability. This category includes masonry fireplaces, water or Trombe walls, and extra layers of sheetrock. Coefficients are in Btu/°F-ft² of surface area of material exposed to conditioned space. The coefficient for water is BTU/°F-Gallon.

10.3 Component Description: Light frame assumes 1-inch thick wood flooring with 5/8-inch sheetrock on ceilings and interior walls, and walls consisting of either 5/8-inch sheetrock or solid logs. Slab assumes a 4-inch concrete slab on or below grade, with 5/8-inch

TABLE 10-1 DEFAULT MASS VALUES

Structural Mass M-value		Btu/°F-Ft ² floor area
Light frame:		
	Joisted/post & beam floor, sheetrock walls and ceilings	3.0
	Joisted/post & beam floor, log walls, sheetrock ceilings	4.0
Slab with interior wall insulation:		
	Slab, no covering or tile, sheetrock walls and ceilings	10.0
	Slab, hardwood floor covering, sheetrock walls and ceilings	7.0
	Slab, carpet and pad, sheetrock walls and ceilings	5.0
Slab with exterior wall insulation:		
	Slab, no covering or tile, sheetrock walls and ceilings	12.0
	Slab, hardwood floor covering, sheetrock walls and ceilings	9.0
	Slab, carpet and pad, sheetrock walls and ceilings	7.0
Additional Mass M-Value		BTU/°F-Ft² surface area
	Gypsum wallboard, 1/2-inch thickness	0.54
	Gypsum wallboard, 5/8-inch thickness	0.68
	Hardwood floor	1.40
	Concrete/Brick, 4 inch-thickness	10.30
	Concrete/Brick, 4 inch-thickness	15.40
	BTU/°F-gallon	
	Water, 1 gallon	8.0

WSR 90-17-151
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed August 22, 1990, 4:00 p.m.]

Original Notice.

Title of Rule: WAC 180-86-115 Investigatory files—Establishment, security, disclosure, retention, and destruction.

Purpose: To repeal WAC 180-86-115 in order to comply with the Washington State Supreme Court's *Cowles v. Brouillet* decision.

Statutory Authority for Adoption: RCW 28A.70.005.

Statute Being Implemented: RCW 28A.70.005.

Summary: The repeal is necessary to comply with the Washington State Supreme Court's *Cowles v. Brouillet* decision. The case held that the Superintendent of Public Instruction was not an investigative agency for purposes of the public disclosure exceptions contained in this WAC, thus necessitating a change in procedures.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Old Capitol Building, (206) 753-2298; Implementation: Doyle Winter, Superintendent of Public Instruction, Old Capitol Building, (206) 753-1880; and Enforcement: Ted Andrews, Superintendent of Public Instruction, Old Capitol Building, (206) 753-6715.

Name of Proponent: State Board of Education, governmental.

Rule is necessary because of state court decision, 114 Wn.2d 788.

Explanation of Rule, its Purpose, and Anticipated Effects: See above.

Proposal Changes the Following Existing Rules: WAC 180-86-115 will be repealed.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Rotunda, Student Union Building, University of Puget South, 1500 North Warner, Tacoma, WA, on September 27, 1990, at 9:00 a.m.

Submit Written Comments to: Dr. Monica Schmidt, State Board of Education, Old Capital Building, FG-11, Olympia, WA 98504, by September 25, 1990.

Date of Intended Adoption: September 28, 1990.

August 22, 1990
 Dr. Monica Schmidt
 Secretary
 Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-86-115 INVESTIGATORY FILES—ESTABLISHMENT, SECURITY, DISCLOSURE, RETENTION, AND DESTRUCTION.

WSR 90-17-152
PROPOSED RULES
BUILDING CODE COUNCIL
 [Filed August 22, 1990, 4:10 p.m.]

Original Notice.

Title of Rule: Washington State Historic Building Code.

Purpose: This code implements a legislative delegation of authority to adopt a Historic Building Code.

Statutory Authority for Adoption: RCW 19.27.074.

Statute Being Implemented: RCW 19.27.120.

Summary: This WAC will provide alternative methods to those otherwise required by chapter 19.27 RCW for repairs, alterations, or additions necessary for the preservation or continued use of historic buildings.

Reasons Supporting Proposal: Implements legislative directive of RCW 19.27.120.

Name of Agency Personnel Responsible for Drafting: Max Messman, Ninth and Columbia Building, Olympia, Washington, (206) 586-2168; Implementation: State Building Code Council, Ninth and Columbia Building, Olympia, (206) 586-2168; and Enforcement: Local governments.

Name of Proponent: State Building Code Council, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The Washington State Historic Building Code provides alternative and less stringent construction requirements than current state codes when repairs, alterations, or rehabilitation is undertaken on officially designated historic buildings. The purpose is to allow upgrading of the fire and life-safe features of a historic building while preserving the historic features of the building. It is anticipated that these rules when applied to historic buildings will allow greater flexibility when repairs and alterations are made. This should result in the preservation and restoration of more historic structures, but also provide for improvement of fire and life-safety features in these buildings. The cost of such repairs and renovations may not be as great as if the entire building were renovated to current code requirements.

Proposal Changes the Following Existing Rules: With regard to officially designated historic buildings these proposed rules provide new alternate standards to those present in the current codes. The proposed rules do not change existing rules but rather provide a different set of standards for the specific category of historic buildings. The new standards are less stringent than current code.

**SMALL BUSINESS ECONOMIC IMPACT
 STATEMENT**

Summary: This statement is prepared pursuant to the Regulatory Fairness Act, chapter 19.85 RCW, concerning regulations which the State Building Code Council is proposing to adopt as the State Historic Building Code. The rules will not impact 20% of all industry because of the limited number of historic buildings in the state and their small number relative to all commercial buildings. The rules will not affect more than 10% of the businesses

in any one industry. Therefore the proposed rules do not require a small business economic impact review or alterations to minimize their impact.

Background: The State Building Code Act, RCW 19.27.120, directs the State Building Code Council to adopt rules for repairs, alterations, or additions to historic buildings. The proposed Historic Building Code, chapter 51-19 WAC, provides those rules. Enforcement will be accomplished by city and county building departments. No data is currently available on the precise economic impact of such a code. The proposed code is less stringent than the Uniform Building Code presently in use.

Compliance requirements of proposed rules: There are no requirements for reporting, record keeping, or licensing in the regulations. The rules provide for the coordination of restoration and preservation plans and designs between the building owner or the owner's architect, the local building official and the local historic preservation officer. The code will apply to any building which has been designated as a historic structure by official government action. An indirect cost of this code will involve training in the use of the new rules or for professional services in using the new rules.

Minor or negligible impacts: The new rules are expected to have minor or negligible economic impacts on business as a whole and no disproportionate impact on small businesses. Building permit fees may be required. Permit fees are established by local jurisdictions and are usually based upon the square footage or valuation of a building. Permit fees are currently required for renovations or remodeling. A change in the occupancy classification of a building may cause increased costs, however this impact would occur under the current code. Some positive economic effects are expected. The proposed code would provide less burdensome requirements for historic building renovation than are currently allowed. This should lower costs.

Conclusion: A Small Business Economic Impact Statement is not required in connection with the proposed chapter 51-19 WAC. Impacts on all businesses will be minimal or negligible. The new rules should be less burdensome than the current rules when applied to historic buildings.

Hearing Location: Spokane City Hall, West 808 Spokane Falls Boulevard, Spokane, WA 99204, on September 28, 1990, at 9:00 a.m.

Submit Written Comments to: State Building Code Council, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151, by September 28, 1990.

Date of Intended Adoption: November 9, 1990.

July 13, 1990
Marc Sullivan
Chair

Chapter 51-19 WAC
WASHINGTON STATE HISTORIC BUILDING CODE

PART I TITLE AND SCOPE

NEW SECTION

WAC 51-19-100 **TITLE.** This code shall be known as the Washington State Historic Building Code, hereinafter referred to as the HBC.

NEW SECTION

WAC 51-19-110 **PURPOSE.** It is the purpose of the HBC to provide regulations for the preservation, restoration and related reconstruction, rehabilitation, strengthening, continued use, or relocation of buildings or structures designated as historic buildings. Such regulations are intended to provide alternative solutions for the rehabilitation, restoration, or change of occupancy to preserve their original, or restored architectural elements and features, to encourage energy conservation, barrier-free access and a cost-effective approach to preservation, and to provide a historic building or structure that will be less hazardous, based on life and fire risk, than the existing building. These regulations control and allow alternatives to any and all prevailing codes when dealing with historic buildings or sites.

NEW SECTION

WAC 51-19-120 **SCOPE.** The provisions of the HBC shall constitute the minimum standards for the preservation, restoration and related reconstruction, rehabilitation, strengthening, or relocation of buildings or structures, changes of occupancy and alteration or repair of historic buildings. Whenever reference is made to an appendix in this code, the provisions of the appendix shall not apply unless specifically adopted.

NEW SECTION

WAC 51-19-130 **EXISTING USES.** Historic buildings may have their existing use or occupancy continued if such use or occupancy was legal at the time of the adoption of the HBC, provided such continued use is not dangerous to life and that subsequently adopted regulations specifically applicable to historic buildings or structures are satisfied.

Nothing in the HBC shall be construed to allow the degradation of those systems, devices and equipment required by the prevailing codes under which the building was constructed.

NEW SECTION

WAC 51-19-140 **ADDITIONS, ALTERATIONS, AND REPAIRS.** Buildings and structures to which additions, alterations, or repairs are made shall comply with all the requirements of the building code for new construction except as specifically provided in the HBC. Additions, alterations, or repairs may be made to any building or structure without requiring the historic building or structure to comply with all the requirements of the building code, provided:

(1) Additions shall conform to the requirements for a new building or structure.

(2) Additions, alterations, or repairs shall not cause a historic building or structure to become unsafe or overloaded.

(3) New additions shall not add to or cause a historic building to exceed the height, number of stories, or area specified for new buildings.

NEW SECTION

WAC 51-19-150 **CHANGE OF OCCUPANCY.** Any change in the use or occupancy of a historic building or structure shall comply with the provisions of the HBC. Any building which involves a change in use or occupancy shall not exceed the height, number of stories, and area permitted for new buildings, except as permitted in the HBC and local ordinances.

NEW SECTION

WAC 51-19-160 **MAINTENANCE.** All buildings and structures and all parts thereof shall be maintained in a safe and sanitary condition. All systems, devices, or safeguards which were required by the prevailing codes under which the building was constructed shall be maintained in conformance with the requirements of the HBC. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this section, the building official may cause any structure to be inspected.

NEW SECTION

WAC 51-19-170 ALTERNATIVE MATERIALS, DESIGNS, AND METHODS. The provisions of this code are not intended to prevent the use of any material, design, or method of construction not specifically prescribed by the HBC, provided any alternate has been approved and its use authorized by the building official.

The building official may approve any such alternate, provided the building official finds that the proposed design is satisfactory and complies with the provisions of the HBC and that the material and method of work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation.

The building official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding use of an alternate. The details of any action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.

NEW SECTION

WAC 51-19-180 MODIFICATIONS. Whenever there are practical difficulties involved in carrying out the provisions of the HBC, the building official may accept compliance alternatives or grant modifications for individual cases, provided the building official shall first find that a significant reason makes the strict letter of the HBC impractical and that the compliance alternative or modification is in conformity with the intent and purpose of the HBC and that such compliance alternative or modification does not lessen health, life-safety, and the intent of any fire-safety requirements or any degree of structural integrity. The details of any action granting modifications or the acceptance of a compliance alternative shall be recorded and entered in the files of the code enforcement agency.

NEW SECTION

WAC 51-19-190 TESTS. Whenever there is insufficient evidence of compliance with any of the provisions of the HBC or evidence that any material or construction does not conform to the requirements of the HBC, the building official may require tests as proof of compliance to be made at no expense to the jurisdiction.

Test methods shall be as specified by the HBC, the building code, or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

All tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

PART II ADMINISTRATION

NEW SECTION

WAC 51-19-200 ENFORCEMENT. The building official is hereby authorized to enforce the provisions of the HBC. The building official shall have the power to render interpretations of the HBC and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of the HBC. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of the HBC.

NEW SECTION

WAC 51-19-210 PERMITS. Buildings or structures regulated by the HBC shall not be enlarged, altered, repaired, improved, or converted unless a separate permit for each building or structure has been obtained from the building official in accordance with and in the manner prescribed in the building code.

NEW SECTION

WAC 51-19-220 INSPECTION. All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner prescribed in the HBC and the building code.

NEW SECTION

WAC 51-19-230 REPAIRS. Repairs to any portion of a historic building or structure may be made with original materials and original methods of construction, subject to provisions of the HBC.

NEW SECTION

WAC 51-19-240 RELOCATED BUILDINGS. Relocated historic buildings shall otherwise be considered a historic building for the purposes of the HBC. Relocated historic buildings and structures shall be so sited that exterior wall and opening requirements comply with the building code or the compliance alternatives of the HBC. Foundations of relocated historic buildings and structures shall comply with the building code.

NEW SECTION

WAC 51-19-250 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any of the provisions of the HBC, or whenever the building official or his/her authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building official or his/her authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by the HBC, provided that if such building or premises be occupied, proper credentials shall first be presented and entry requested; and if such building or premises be unoccupied, the official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the building official or his/her authorized representative shall have recourse to every remedy provided by law to secure entry.

NEW SECTION

WAC 51-19-260 LIABILITY. The building official or his/her authorized representative charged with the enforcement of the HBC, acting in good faith and without malice in the discharge of the prescribed duties, shall not thereby render themselves liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of those duties. Any suit brought against the building official or employee because of such act or omission performed in the enforcement of any provision of the HBC shall be defended by the jurisdiction until final termination of such proceedings and any judgment resulting therefrom shall be assumed by the jurisdiction.

The HBC shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by the HBC or any permits or certificates issued under the HBC.

NEW SECTION

WAC 51-19-270 UNSAFE BUILDINGS OR STRUCTURES. All buildings or structures regulated by the HBC which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Unsafe buildings shall comply with Section 203 of the building code.

NEW SECTION

WAC 51-19-280 APPEALS. The board of appeals established under the building code shall have authority to provide for final interpretation of the provision of the HBC and to hear appeals.

PART III DEFINITIONS

NEW SECTION

WAC 51-19-300 DEFINITIONS. For the purpose of the HBC, certain terms, phrases, words, and their derivatives shall be construed as specified in this chapter. Words used in the singular include the

plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

Where terms are not defined, they shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1981, shall be considered as providing ordinarily accepted meanings.

"Adaptive use" is the process of adapting a building to accomplish a use other than that for which it was designed; i.e., a piano factory being converted into housing, or a mansion into an office or apartments.

"Addition" is an extension or increase in floor area or height of a building or structure.

"Alter or alteration" is any change, addition, or modification in construction or occupancy.

"Approved agency" is an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the building official.

"Building" is any structure or edifice used or intended for supporting or sheltering any use or occupancy. (See structure.)

"Building code" is the Uniform Building Code, promulgated by the International Conference of Building Officials as adopted by the state building code council.

"Building official" is the officer or other designated authority charged with the administration and enforcement of the HBC, or a duly authorized representative.

"Building service equipment" refers to the plumbing, mechanical, electrical, and elevator equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential for the habitable occupancy of the building or structure for its designated use and occupancy.

"Electrical code" is the National Electrical Code, promulgated by the National Fire Protection Association, as adopted by the Washington state department of labor and industries, electrical section.

"Equivalency" is meeting the intent of the HBC by means other than those detailed in specific code provisions.

"Fire hazard" is any thing or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing, or extinguishing fire; or which may obstruct, delay, hinder, or interfere with the operations of the fire department or the egress of occupants in the event of fire.

"Historic building" is any structure, collection of structures, and their associated sites, deemed of importance to the history, architecture, or culture of an area by an appropriate local, state, or federal governmental jurisdiction. Included shall be structures on official national, state, or local historic registers or official inventories such as the National Register of Historic Places, the state register of historic places, state points of historical interest, and registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks as adopted by a certified local government.

"Historic fabric" consists of the original materials and portions of the building intact when exposed or as they appeared and were used in the past.

"Historical aspects" are the particular features of the historic site, building, or structure that gives it its historic significance. Features may include but are not limited to one or more of the following: Historical background, noteworthy architecture, unique design, works of art, memorabilia, and artifacts.

"Imminent hazard" is a condition which could cause serious or life threatening injury or death at any time.

"Occupancy" is the purpose for which a building, or part thereof, is used or intended to be used.

"Original materials" are those portions of the structure's fabric that existed during the period deemed to be most architecturally and/or historically significant.

"Preservation" is the maintenance of the structure in its present condition or as originally constructed. Preservation aims at halting further deterioration and providing structural safety, but does not contemplate significant rebuilding. Preservation includes techniques of arresting or slowing the deterioration of a structure; improvement of structural conditions to make a structure safe, habitable, or otherwise useful; normal maintenance and minor repairs that do not change or adversely affect the fabric or appearance of a structure.

"Prevailing code" is the "regular building regulations" which governed the design and construction or alteration of historical buildings

within the jurisdiction of the enforcing agency at the time of their construction.

"Reconstruction" is the process of rebuilding a nonextant structure or portion of a structure to its original appearance through archival and archeological investigation. Although parts of the original structure are sometimes included in the reconstruction, the process usually involves new construction materials.

"Rehabilitation" involves equipping the building or facility for an extended useful life with a minimum alteration of original construction or the process of returning a structure to a state of usefulness by repairs, alterations, or additions.

"Relocation" involves any structure or a portion of a structure that may be moved to a new location.

"Renovation" is to make sound again any structure involved under the various definitions hereunder by cleanup, repair, and replacement of deteriorated detail or structure.

"Repair" is the reconstruction, renovation, or renewal of any portion of a historic building for the purpose of its maintenance.

"Reproduction" is a duplication, copy, or close imitation of the original.

"Restoration" is the process of accurately recovering, by the removal of later work and the replacement of missing earlier work, the form and details of a structure, together with its setting, as it appeared at a particular period of time.

"Structure" is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

PART IV FIRE AND LIFE SAFETY STANDARDS

NEW SECTION

WAC 51-19-400 GENERAL. Safety to life in historic buildings and structures shall meet the intent of the building code. The provisions of this section shall be deemed as meeting the intent of the building code for historic buildings, provided that none of the fire and life-safety features required by the prevailing codes under which the building was constructed will be reduced below the level established by either the HBC or the equivalent provisions of the currently adopted building code. Alterations or repairs to a historic building or structure which are nonstructural and do not adversely affect any structural member or any part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed. Fire resistive ratings of archaic materials may be evaluated based upon the Guideline on Fire Ratings of Archaic Materials and Assemblies from Guideline 2 of the Uniform Code for Building Conservation.

NEW SECTION

WAC 51-19-410 EXIT SYSTEMS. (1) Exit system capacity and the arrangement of exits shall comply with the requirements of the building code. Exit systems complying with subsections (2) through (5) of this section shall be deemed as meeting the intent of the HBC, provided that an exit system evaluated under the provisions of the HBC is judged by the building official to be at least equivalent to the exit system which was required by the prevailing codes under which the building was constructed or equivalent provisions of the currently adopted building code.

(2) All elements of the exit system shall be of sufficient size, width, and arrangement to provide safe and adequate means of egress. Every required exit shall have access to a public way, directly or through yards, courts or similar spaces, and such access shall be permanently maintained clear of any obstruction which would impede exiting.

(3) Occupants of every floor above the first story and in basements shall have access to at least two separate exits. When approved by the building official, one of the exits may be an exterior fire escape complying with subsection (6) of this section. A fire escape shall not be substituted for a stairway which was required by the prevailing codes under which the building was constructed.

Exceptions:

(a) In all occupancies, second stories with an occupant load of less than ten may have one exit.

(b) Only one exit need be provided from the second story within an individual dwelling unit which has an occupant load of less than ten.

(c) Two or more dwelling units on the second story may have access to only one common exit when the total occupant load does not exceed ten.

(d) Floors and basements used exclusively for service of the building may have one exit. For the purposes of this exception, storage rooms, laundry rooms, maintenance offices, and similar uses shall not be considered as providing service to the building.

(e) Basements within an individual dwelling unit having an occupant load of less than ten may have one exit.

(f) Occupied roofs of Group R, Division 3 occupancies may have one exit if such occupied areas are less than five hundred square feet and located no higher than immediately above the second story.

(4) Corridors serving as a part of the exit system which have an occupant load of thirty or more in a Group A, B, E, I, or H occupancy or an occupant load of ten or more in a Group R, Division 1 occupancy shall have walls and ceilings of not less than one hour fire resistive construction. Existing walls and ceilings surfaced with wood lath and plaster or one-half inch thick gypsum wallboard may be permitted in lieu of one hour fire resistive construction, provided the surfaces are in good condition.

Door openings into such corridors shall be protected by a tight fitting smoke and draft control assembly having a fire protection rating of not less than twenty minutes when such opening protection was required by the prevailing codes under which the building was constructed. Door closing devices, door gaskets, and other requirements imposed by the prevailing codes under which the building was constructed shall be maintained. When the building was constructed under a code which did not require twenty minute smoke and draft control assemblies, doorway openings shall be protected by doors having a fire protection rating of not less than twenty minutes or by a minimum one and three-eighths inch thick, solid bonded, wood core door or an equivalent insulated steel door. In such case, the frames need not have a fire resistive time period. Doors shall be maintained self-closing or shall be automatic closing by activation of a smoke detector.

Transoms and openings other than doors from corridors to rooms shall be protected as required by the building code. Existing transoms may be maintained if fixed in the closed position. Fixed wire glass set in a steel frame or approved equivalent shall be installed on one side of the transom. Openings with fixed wired glass set in steel frames are permitted in corridor walls and ceilings.

Exception: Existing corridor walls, ceilings, and opening protection not in compliance with the above may be continued when the building is protected with an approved automatic sprinkler system throughout: **PROVIDED**, That a draft gasket assembly on sound, solid, self-closing doors at door openings is installed and that sealing, caulking, and duct penetrations shall have dampers in all one-hour rated exit corridors. Such sprinkler system may be supplied from the domestic water supply system, provided the system is of adequate pressure, capacity, and sizing for the combined domestic and sprinkler requirements.

(5) Every dwelling unit or guest room shall have access directly to the outside or to a public corridor or exit balcony. Sleeping rooms within an individual dwelling unit shall have access directly to the outside in accordance with the building code.

(6) Existing fire escapes complying with this section may be accepted by the building official as one of the required exits. The fire escape shall not be the primary or the only exit. Fire escapes shall not take the place of stairways required by the codes under which the building was constructed.

Fire escapes shall comply with the following:

(a) Access from a corridor shall not be through an intervening room.

Exception: Access through an intervening room may be permitted if the intervening door is not lockable and an exit sign is installed above the door which will direct occupants to the fire escape.

(b) All openings in an exterior wall below or within ten feet, measured horizontally, of an existing fire escape serving a building over two stories in height shall be protected by a self-closing fire assembly having a three-fourths hour fire protection rating. When openings are located within a recess or vestibule, adjacent enclosure walls shall be of not less than one hour fire resistive construction.

(c) Egress from the building shall be by an opening having a minimum clear width and height of not less than twenty-nine inches. Such openings shall be openable from the inside without the use of a key or special knowledge or effort. The sill of an opening giving access to the fire escape shall be not more than thirty inches above the floor of the building or balcony.

(d) Fire escape stairways and their balconies shall support their dead load plus a live load of not less than one hundred pounds per

square foot or concentrated load of three hundred pounds placed anywhere on the balcony or stairway so as to produce the maximum stress conditions. The stairway shall have a pitch not to exceed sixty degrees from the horizontal and shall have a minimum width of eighteen inches. The stairway shall be provided with a top and intermediate railing on each side. Treads shall be not less than four inches in width and the rise between treads shall not exceed ten inches. All stairway and balcony railings shall support a horizontally applied force of not less than fifty pounds per lineal foot of railing or a concentrated load of two hundred pounds placed anywhere on the railing so as to produce the maximum stress conditions.

(e) Fire escape balconies shall be not less than forty-four inches in width with no floor opening greater than five-eighths inch in width except the stairway opening. Stairway openings in such balconies shall be not less than twenty-two inches by forty-four inches. The guardrail of each balcony shall be not less than thirty-six inches high with not more than nine inches between intermediate rails.

(f) Fire escapes shall extend to the roof or provide an approved gooseneck ladder between the top floor landing and the roof when serving buildings four or more stories in height having roofs with a slope not exceeding four in twelve. Such ladders shall be designed and connected to the building to withstand a horizontal force of one hundred pounds per lineal foot; each rung shall support a concentrated load of five hundred pounds placed anywhere on the rung so as to produce the maximum stress conditions. All ladders shall be at least fifteen inches in clear width, be located within twelve inches of the building, and shall be placed flatwise relative to the face of the building. Ladder rungs shall be three-quarters inch in diameter and shall be located ten inches to twelve inches on center. Openings for roof access ladders through cornices and similar projections shall have minimum dimensions of thirty inches by thirty-three inches.

(g) The lowest balcony shall be not more than eighteen feet from the ground. Fire escapes shall extend to the ground or be provided with counterbalanced stairs reaching to the ground.

(h) Fire escapes shall be kept clear and unobstructed at all times and maintained in good working order.

(i) The fire escape shall have a clearance from electrical service conductors as required by the electrical code.

(7) Existing winding or spiral stairways may serve as one exit from a building, provided that a complying handrail is located at the stair's outside perimeter. (See WAC 51-19-440.) A winding or spiral stairway may not be the principal exit when used in conjunction with a fire escape as a second exit. Exit width shall comply with the building code. Circular stairways complying with the building code shall be acceptable as an exit.

NEW SECTION

WAC 51-19-420 **STRUCTURAL SAFETY.** A building or structure or its individual structural members that exceed the limits established by the dangerous buildings code shall be replaced or strengthened in order that the building, structure, or individual structural members will comply with the requirements of the building code for new construction or the prevailing codes under which the building was constructed. Roofs, floors, walls, foundations, and all structural components of buildings or structures shall be capable of resisting the forces and loads for the occupancies intended, as specified in the prevailing codes under which the building was constructed or in Chapter 23 of the building code, except for earthquake forces and loads. See Part V of this chapter for earthquake hazard reduction requirements.

NEW SECTION

WAC 51-19-430 **WEATHER PROTECTION.** (1) Every building shall provide weather protected shelter for the occupants against the elements and exclude dampness.

(2) The roof of every building or structure shall provide weather protection for the building. All devices which were provided or are required to prevent ponding or flooding or to convey the roof water shall be capable of fulfilling that purpose.

(3) All weather exposed surfaces of historic buildings or structures shall provide weather protection.

NEW SECTION

WAC 51-19-440 **OTHER SAFETY FEATURES.** (1)(a) The largest tread run within any flight of stairs shall not exceed the smallest by more than three-eighths inch. The greatest riser height within

any flight of stairs shall not exceed the smallest by more than three-eighths inch.

(b) Every stairway shall have at least one handrail.

Exception: A handrail is not required for existing stairs having less than four risers.

Spiral and winding stairways shall have a handrail on the outside perimeter.

(2) All unenclosed floor and roof openings, open and glazed sides of stairways, landings and ramps, balconies or porches which are more than thirty inches above grade or floor below, and roofs used for other than service of the building shall be protected by a guardrail.

Exception: Guardrails need not be provided at the following locations:

(a) On the loading side of loading docks.

(b) On the auditorium side of a stage or enclosed platform.

(c) On private stairways thirty inches or less in height.

Existing guardrails, other than guardrails located on the open side of a stairway, which are at least thirty-six inches in height shall be permitted to remain. Guardrails lower than thirty-six inches in height shall be augmented or corrected to raise their effective height to thirty-six inches. Guardrails for stairways, exclusive of their landings, may have a height which is not less than thirty inches measured above the nosing of treads.

The spacing between existing intermediate railings or openings in existing ornamental patterns in significant historical staircases may be accepted; otherwise the building code shall apply. Missing elements or members of a guardrail may be replaced in a manner which will preserve the historic appearance of the building or structure.

(3) The installation or replacement of glass shall be as required for new construction by the building code.

(4) The electrical service, lines, switches, outlets, fixtures, and fixture coverings and supports in every building or structure shall be in good repair. Broken, loose, frayed, inoperative, defective, or missing portions shall be repaired or replaced. All unsafe conditions shall be corrected.

(5) Leaking drain or supply lines shall be repaired or replaced. All unsafe conditions shall be corrected. Any cross connections or siphonage between fixtures shall be corrected.

(6) Mechanical systems shall have any unsafe conditions corrected.

NEW SECTION

WAC 51-19-450 LIGHT, VENTILATION, AND HEATING. Light, ventilation, sanitation, smoke detectors, and heating shall meet the requirements of the building code for Group R occupancies. Skylights set at an angle of less than forty-five degrees from the horizontal plane shall be mounted at least four inches above the plane of the roof on a curb constructed of materials as required for the frame. Skylights may be installed in the plane of the roof when the roof slope is greater than forty-five degrees from horizontal.

NEW SECTION

WAC 51-19-460 PLUMBING. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation. All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.

NEW SECTION

WAC 51-19-470 ELEVATORS.

PART V EARTHQUAKE HAZARD REDUCTION

NEW SECTION

WAC 51-19-500 SURVEY OR EVALUATION. When required by the building official a survey or evaluation shall be made by an architect or structural engineer, who is knowledgeable in the earthquake resistant design of structures, regarding the structure's ability to resist the seismic loads prescribed by the building code requirements or by established alternate evaluation methodologies. Broad judgment may be exercised concerning the strength and performance of materials not recognized by the building code. Past historic records of the structure

or similar structures may be used in the evaluation, including the effects of subsequent alterations. The capability of the structure to carry vertical and horizontal loads shall be evaluated. A complete, continuous and adequate stress path, including connections, from every part or portion of the structure to the ground shall be provided for the required vertical and horizontal forces.

Parapets and exterior decoration shall be investigated for conformance with the building code or evaluation methodologies and anchorage with the ability to resist seismic forces shall be recommended, except in the case where those parapets or decoration are judged to present no hazard to life safety.

A report shall be made of the findings of the survey and evaluation noting all deterioration of the existing structure and making recommendations for the repair of deterioration and for any reconstruction or strengthening which should be undertaken. Plans and specifications for the work done pursuant to the survey and evaluation prepared under this section shall be prepared under the responsible charge of an architect or structural engineer.

NEW SECTION

WAC 51-19-510 ALTERNATIVES. Alternative materials and methods of construction may be substituted for those otherwise required by the HBC or by the recommendations of the earthquake survey and evaluation provided the alternative methods are necessary to preserve historic materials or features and that such alternative methods provide satisfactorily for the purposes intended, or are reasonably equivalent to the prescribed methods in quality, strength, effectiveness, fire resistance, durability, and safety.

The building official may request that sufficient evidence be submitted to substantiate any claims made regarding such alternative materials, evaluation methodologies, and alternative methods of construction.

PART VI CHANGE OF OCCUPANCY STANDARDS

NEW SECTION

WAC 51-19-600 GENERAL. The character of the occupancy of historic buildings and structures may be changed, provided the requirements of this chapter are met. Where no specific requirements are included herein, the building or structure shall comply with the building code.

Every change of occupancy to a classification in a different group or different division of the same group shall require a new certificate of occupancy regardless of whether any alterations are required by the HBC.

If the building or portion thereof does not conform to the requirements of the HBC for the proposed occupancy group or division, the building or portion thereof shall be made to conform to the building code except as specified in the HBC. The building official may issue a new certificate of occupancy stating that the building complies with the HBC.

The relative degree of hazard between different occupancy groups or between divisions of the same group shall be as set forth in the hazard category classifications, Tables Nos. VI-1 through VI-5. A historic building may have its occupancy changed to an occupancy within the same hazard group or to an occupancy in a lesser hazard group without complying with all of the provisions of this chapter. A historic building shall comply with the requirements of the building code, except as specified in this chapter, when a change in occupancy will place it in a higher hazard group or when the occupancy is changed to Group A, Division 1 or 2, Group E, H, or I.

NEW SECTION

WAC 51-19-610 HEIGHTS AND AREA. Heights and areas of buildings and structures shall meet the requirements of the building code for the new occupancy.

Exception: Historic buildings exceeding the maximum allowable heights and areas permitted for new buildings may undergo a change of occupancy if the hazard level of the new occupancy is equal to or less than the existing hazard group as shown in Table No. 1.

NEW SECTION

WAC 51-19-620 FIRE SAFETY. (1) When a change of occupancy is made to a higher hazard group as shown in Table No. VI-1,

all elements of the exit system shall comply with the requirements of the building code.

Exceptions: (a) Existing exit corridors and stairways meeting the requirements of Part IV of this chapter may be used.

(b) Exit system elements may meet alternative compliance requirements as approved by the building official.

(2) Existing exit systems complying with Part IV shall be accepted if the occupancy change is to an equal or lesser hazard group when evaluated in accordance with Table No. VI-2.

(3) When a change of occupancy is made to a higher hazard group as shown in Table No. VI-3, occupancy separations shall be provided as specified in the building code. When approved by the building official, existing wood lath and plaster in good condition or one-half inch gypsum wall board may be accepted where a one hour occupancy separation is required.

(4)(a) Vertical shafts may be designed to meet the requirements of atriums as required by the building code or the requirements of this chapter.

(b) Interior stairways shall be enclosed as required by the building code when a change of occupancy is made to a higher hazard group as shown in Table No. VI-4.

Exceptions:

(i) In other than Group I occupancies, an enclosure will not be required for openings serving only one adjacent floor and not connected with corridors or stairways serving other floors.

(ii) Existing stairways not enclosed need not be enclosed in a continuous vertical shaft if each story is separated from other stories by one hour fire resistive construction or approved wired glass set in steel frames and all exit corridors are sprinklered. The openings between the corridor and occupant space shall have at least one quick response sprinkler head above the openings on the tenant side, with a draft gasket assembly on sound, solid, self-closing doors. The sprinkler system may be supplied from the domestic water supply system, provided the system is of adequate pressure, capacity, and sizing for the combined domestic and sprinkler requirements.

(iii) Interior shafts, including, but not limited to, elevator hoistways, service and utility shafts, shall be enclosed with a minimum of one-hour fire-resistive construction.

Exceptions:

(A) Vertical openings, other than stairways, need not be enclosed if the entire building is provided with an approved automatic sprinkler system.

(B) Where one-hour fire-resistive floor construction is required, vertical shafts need not be enclosed when such shafts are blocked at every floor level by the installation of not less than two full inches of solid wood or equivalent construction.

(iv) All openings into such shafts shall be protected by fire assemblies having a fire protection rating of not less than one hour and shall be maintained self-closing or shall be automatic closing by actuation of a smoke detector. All other openings shall be fire protected in an approved manner. Existing fusible link-type automatic door-closing devices may be permitted if the fusible link rating does not exceed one hundred thirty-five degrees.

NEW SECTION

WAC 51-19-630 PROPERTY PROTECTION. (1) Exterior walls shall have fire resistance and opening protection as set forth in the building code. This provision shall not apply to walls at right angles to the property line.

Exceptions:

(a) Where a fire-resistive rating greater than two hours is required for a building of any type of construction, existing noncombustible exterior walls having a fire resistive rating equivalent to two hours as determined by Guideline 2 of the Uniform Code for Building Conservation may be accepted, provided:

(i) The building is classified as a Group A, Division 3; Group B, Division 1 or Group B, Division 2 occupancy; and

(ii) The building does not exceed three stories in height.

(b) Existing exterior walls shall be accepted if the occupancy is changed to a hazard group which is equal to or less than the existing occupancy as defined in Table No. VI-4.

(2) Openings in exterior walls shall be protected as required by the building code. When openings in the exterior walls are required to be

protected due to distance from the property line, the sum of the area of such openings shall not exceed fifty percent of the total wall area in each story.

Exceptions:

(a) Protected openings shall not be required for Group R, Division 1 occupancies which do not exceed three stories in height and which are located not less than three feet from the property line.

(b) Where opening protection is required, an automatic fire extinguishing system throughout may be substituted for opening protection.

(c) Opening protection may be omitted when the change of occupancy is to an equal or lower hazard classification in accordance with Table No. VI-2.

NEW SECTION

WAC 51-19-640 STRUCTURAL SAFETY. Buildings and structures shall meet the minimum level of performance for structural safety as specified in Parts IV and V of this chapter.

Historic buildings may undergo a change of occupancy if the hazard group is equal to or less than the existing occupancy as shown in Table No. VI-5. Buildings undergoing a change of occupancy to a more hazardous group shall meet the earthquake hazard reduction requirements of Part V of this chapter for the new occupancy.

NEW SECTION

WAC 51-19-650 LIGHT AND VENTILATION. When deemed necessary by the building official, light and ventilation shall comply with the requirements of the building code.

NEW SECTION

WAC 51-19-660 FLAME SPREAD REDUCTION. Where finish materials are required to have a flame-spread classification of Class III or better, existing nonconforming materials shall be surfaced with an approved fire retardant paint or finish.

NEW SECTION

WAC 51-19-670 ROOF COVERINGS. Regardless of occupancy group, roof covering materials not less than Class C shall be permitted where a fire retardant roof covering is required. Nonrated materials may be acceptable only where approved by the building official.

TABLE NO. VI-1
HEIGHTS AND AREAS
HAZARD CATEGORIES AND CLASSIFICATIONS

Relative Hazard Occupancy Classification*	
1	A-1, H, I-3 (highest hazard group)
2	A-2, A-2.1, I-1, I-2
3	A-3, A-4, B, E, R-1
4	R-3, M (lowest hazard group)

* See Table 5-A of the Building Code.

TABLE NO. VI-2
LIFE SAFETY AND EXITS
HAZARD CATEGORIES AND CLASSIFICATIONS

Relative Hazard Occupancy Classification*	
1	A-1, A-2, A-2.1, E, I, H-1, H-2, H-3 and H-7 (highest hazard group)
2	A-3
3	R-1, R-3, B-2 dining and drinking establishments
4	B-2 all others, B-4, H other than H-1, H-2, H-3 and H-7
5	B-1, B-3
6	M (lowest hazard group)

* See Table 5-A of the Building Code.

TABLE NO. VI-3
OCCUPANCY SEPARATIONS
HAZARD CATEGORIES AND CLASSIFICATIONS

Relative Hazard Occupancy Classification*	
1	B-1, H, I (highest hazard group)
2	A, B-2, B-3, B-4
3	E
4	R-1, M
5	R-3 (lowest hazard group)

* See Table 5-A of the Building Code.

TABLE NO. VI-4
EXPOSURE OF EXTERIOR WALLS
AND STAIRWAY ENCLOSURES
HAZARD CATEGORIES AND CLASSIFICATIONS

Relative Hazard Occupancy Classification*	
1	H (highest hazard group)
2	B-2 mercantile and warehouses
3	A, E, I
4	B-1, B-2 all others, R
5	B-4, M (lowest hazard group)

* See Table 5-A of the Building Code.

TABLE NO. VI-5
EARTHQUAKE SAFETY
HAZARD CATEGORIES AND CLASSIFICATIONS

Relative Hazard Occupancy Classification*	
1	A, E, I (highest hazard group)
2	R-1
3	B-3, B-4, H
4	B-1, B-2
5	R-3, M (lowest hazard group)

* See Table 5-A of the Building Code.

PART VII ACCESSIBILITY TO DISABLED PERSONS

NEW SECTION

WAC 51-19-700 GENERAL. The HBC shall provide the standards for accessibility of historic buildings to disabled persons. The value of access to buildings, structures, and sites of historic and cultural significance can be best obtained by providing the greatest degree of access while preserving the historic or architectural features of a building. Where accessibility is required by chapter 51-10 WAC, such standards shall be incorporated as practical.

Code users may consult the appendix bibliography concerning accessibility designs in historic buildings. Appendix Table A-901 is also provided to assist in application of the code.

Where additions are undertaken they shall incorporate useful accessible design features.

NEW SECTION

WAC 51-19-710 BUILDING ACCESS AND USE. (1) Entry. At least one primary entrance to a historic building shall be usable by disabled persons. When the building official, building designer, and local or state preservation officer concur that adaptation of a primary entrance will have a detrimental impact on the aesthetic or historic context of the entrance, then the building official may accept a reasonable alternate public entrance. When access is provided by other than a primary entrance, the entrance access shall be clearly indicated by directional signs. Accessible parking shall be located so as to provide the closest practical distance to the accessible entrance.

(2) Ramps.

(a) General. The building official shall accept alternate ramp designs which comply with the HBC when it is determined that installation of

a ramp having a slope which complies with chapter 51-10 WAC cannot be achieved.

(b) Slope. The slope of the ramp shall be not steeper than one vertical to nine horizontal for a horizontal length not to exceed twelve feet. Ramps which have a horizontal length which does not exceed two feet may have a slope not to exceed one vertical to six horizontal. Adequate warnings shall be posted indicating steepness where slopes exceed the requirements provided in the regulations for barrier-free facilities.

(3) Doors. Existing doorways which provide a net clear opening of not less than twenty-nine and one-half inches shall be deemed to meet the access requirements of this chapter.

(4) Changes in elevation. Changes in elevation of portions of buildings on accessible routes of travel shall be accessible by ramps or lifts consistent with the intent of the HBC.

(5) Toilet rooms. Where toilet facilities are provided, at least one such facility designed for use by disabled persons, shall be provided for each sex, or a separate facility usable by either sex located along an accessible route of travel. Alternate provisions providing substantially equivalent facilities shall comply with this code.

PART VIII ENERGY CONSERVATION

NEW SECTION

WAC 51-19-800 GENERAL. Historic buildings are exempt from compliance with energy conservation requirements of Washington state energy code, chapter 51-12 WAC and local energy codes, except that those requirements may be used for reference to improve energy efficiency where practical.

NEW SECTION

WAC 51-19-810 ALTERNATIVE ENERGY CONSERVATION PROVISIONS. The alternative energy conservation requirements as specified in this Part may be applied to a historic building. Nothing in these alternative provisions shall preclude approval by the building official of other alternatives designed to improve energy efficiency without loss of the historic fabric of the building.

Exceptions: The following buildings and structures are exempt from these alternative requirements as well as from the state energy code:

Totally preserved buildings used as historical exhibits.

Seasonal use buildings.

(1) Infiltration.

(a) Windows and doors.

(i) All exterior windows and doors shall be gasketed or weatherstripped.

(ii) If the existing windows and doors are replaced with factory manufactured windows, the windows shall be double glazed or equipped with interior or exterior storm windows.

(iii) Single glazed windows which are part of the historic features of the building may be retained, repaired, or restored with or without the addition of storm windows.

(b) Chimney flues. Chimney flues which are no longer in use shall be closed off and sealed against infiltration.

(c) Exterior openings. The following openings in the exterior building envelope shall be caulked, gasketed, or otherwise sealed:

(i) Exterior joints around window and door frames;

(ii) Penetrations of utility services through walls, floors, and roofs.

(2) Thermal performance of the exterior envelope. Historic buildings may meet the minimum thermal performance values specified in the energy code, or the alternative measures specified in this subsection.

(a) Attics. Where accessible, insulation shall be installed in the attic to the level of the energy code, or a lesser level if necessary to maintain adequate ventilation, to avoid condensation problems or to provide clearance around electrical wiring systems.

When adding insulation to existing attic insulation, do not use a material with an integral vapor barrier or install a vapor barrier between layers of insulation material; otherwise, condensation problems may result.

(b) Exterior walls. Accessible wall cavities where finishes are being disturbed by alteration or renovation work shall be insulated to the extent practical. Where accessible, a vapor retarder shall be installed on the warm side of the insulation, facing the conditioned space. Paint or clear finish is an acceptable vapor retarder. Use of permeable materials on the exterior or unheated side and an air space or means of venting framing cavities to the exterior is required if insulation is added to the cavities in wood frame construction.

(c) Doors. Doors which are not of the original material or which are not replicas designed to be compatible with the historic aspects of the structure shall conform to the requirements of the energy code.

(d) Floors over crawl spaces. If accessible, adequately ventilated, and with ground clearance in conformance with building code requirements, insulation with an R-value of eleven or greater shall be installed in floors of unheated crawl spaces.

(e) Moisture control in crawl spaces. Minimum ventilation shall be provided in unheated crawl spaces with insulated ceilings. The area of ventilation shall be at least 1/300th of the floor area. The vents shall be distributed as equally as practical to provide cross-ventilation. Where accessible, a vapor barrier shall be applied to cover the exposed earth per building code requirements.

(3) Heating, ventilation, and cooling. Existing heating, ventilation, and cooling systems which are part of the significant historic features of the building or structure, and which in the opinion of the building official do not constitute a safety hazard, may remain in use, be repaired or be replaced in kind. Replacement, alteration, or addition of other heating, ventilation, and cooling equipment shall comply with the provisions of the energy, mechanical, and plumbing codes.

(4) Water heating. Replacement or addition of water heating equipment shall comply with the provisions of the energy code.

(5) Insulation materials. New insulation materials shall conform to the applicable provisions of the building, mechanical, plumbing, and energy codes for fire-resistance, flame-spread, smoke-density ratings and building code provisions for roof and exposed deck ceiling insulation.

(6) Lighting. Existing lighting may be retained, repaired, and replaced in kind or with replica fixtures. Areas of buildings or structures in which lighting is being replaced shall conform to the requirements of the energy code where practical. Appropriate separation of insulation material from sources of heat; i.e., light fixtures, shall be according to current code requirements.

PART IX APPENDICES

NEW SECTION

WAC 51-19-900 APPENDIX A.

TABLE A-901

BUILDING FEATURES				
	ENTRY	DOORS	TOILET ROOMS	FLOORS & LEVELS
Instructions:	Prevailing Codes:	Prevailing Codes:	Prevailing Codes:	Prevailing Codes:
1. Determine Building Category; i.e., II.B. under Building Type and Historical Aspects.	Primary public entrance with access to elevators available	-31 1/2" clear openings -5' level perpendicular to closed door -18" clear at strike side	5'-0" x 4'-0" stall clear length 32" min. clear entry in front of compartment Door 32" clear Turn 40" diameter circle Lovy, 20" clear under for newly designed space. See WAC 51-10 Sec. 511.1.	-Access to all floors, except in offices, retail shops -Floor on given story level or ramped.
2. Go to box in category under Building Features.				
3. Numbers in box refer to the Alternatives List.				
Category (Building type and Historical Aspects)	ENTRY See Alternatives List	DOORS See Alternatives List	TOILET ROOMS See Alternatives List	FLOORS & LEVELS See Alternatives List
I. Publicly owned or leased building providing governmental services to general public; i.e., City Hall, Courthouse, etc., adaptive use, restoration, or reconstruction.	-			
A. Exterior (shell) historical all or part, Interior nonhistorical.	2, 4	1, Exterior only None interior	None	N.A.
B. Interior historical-all or part, Exterior nonhistorical.		1, 2 Interior only None exterior	1, 2	1, 2
C. All historical-major change in use, change in occupancy.	2, 4	1, Exterior 1, 2 Interior only	1, 2	1, 2
D. All historical-minor change in use to equal or less intensive occupancy. Limited services.	2, 4	1, Exterior 1, 2, Interior only	1, 2	1, 2
II. Privately owned buildings offering services to consumers; i.e., taverns, restaurants, general shops, etc., or buildings owned by government and leased or consigned to private operator.				
A. Adaptive use restoration, reconstructions, Interior nonhistoric, Exterior historical (all or part).	1, 2, 3, 4	1, Exterior, and 1 interior.	None	N.A.
B. Interior historical-(all or part), Exterior nonhistorical.		None exterior, 1, 2 interior.	1, 2, 3	N.A.
C. All historical-major change in use, change in occupancy, or mixed occupancy. Minor change of use to equal or less intensive occupancy.	1, 2, 3, 4	1, 2, 3	1, 2, 3	1, 2, 3
D. Reconstruction, or restoration. No change in use except to museum. (Minor mixed occupancy with administration space would be allowed.)	1, 2, 3, 4	1, 2, 3	1, 2, 3	1, 2, 3
E. Museum quality restoration and/or reconstruction including museum use. (Minor mixed occupancy compatible with that use would be allowed.) Also includes renovation of historical building or site.	1, 2, 3, 4	1, 2, 3	1, 2, 3	1, 2, 3
III. Privately or publicly owned buildings used as museum or as site for display of the building itself; i.e., museum, schoolhouse, garden centers, galleries, etc.				
A. Reconstruction, or restoration. No change in use except to museum. (Minor mixed occupancy such as administrative would be allowed.)	1, 2, 3, 4	1, 2, 3	1, 2, 3	1, 2, 3
B. Museum quality restoration and/or reconstruction museum use (Minor mixed occupancy compatible with that would be allowed.) Also includes renovation of historical building or site.	1, 2, 3, 4	1, 2, 3	1, 2, 3	1, 2, 3
IV. Privately owned buildings not open to general public but employing 3 or more persons; i.e., business offices.				
A. Adaptive use-Interior nonhistorical, Exterior historical (all or part).	1, 2, 3, 4	1, 2, 3, Exterior, None interior	1, 2	1, 2, 3, Exterior Access, None interior access
B. Adaptive use-Interior historical, Exterior nonhistorical.	1, 2, 3, 4	None exterior, 1, 2, 3, interior	1, 2	None Exterior access, 1, 2, 3, interior access
C. All historical-major change in use, change in occupancy or mixed occupancy. Minor change of use to equal or less intensive occupancy.	1, 2, 3, 4	1 through 3	1, 2	1, 2, 3
D. Reconstruction, or restoration. No change in use-except to museum. (Minor mixed occupancy such as administrative would be allowed.)	1, 2, 3, 4	1 through 3	1, 2	1, 2, 3
V. Buildings employing less than 3 people.	All alternatives 1, 2, 3, 4	All alternatives 1- 3	All alternatives 1- 3	All alternatives 1- 3

ALTERNATIVES LIST

These alternatives are listed in order of priority and are to be used with Table A-901.

ENTRY:

1. Ramp at greater than standard slope, but no greater than 1:9 for a horizontal distance not to exceed 12 feet at main, side, or rear entrance.
2. Access, listed in the order of priority, at grade or by ramp or lift to any entrance used by general public.
3. Ramp no greater than 1:6 slope for a distance not to exceed a horizontal distance of 2 feet at main, side, or rear entrance.
4. Access, listed in the order of priority, at grade, or by ramp, or lift at any entrance not used by general public but open (unlocked), with directional signs.

DOORS: (One means of entry into spaces requiring access)

1. 30-inch width of clear opening operable by single motion.
2. Usable 29 1/2 inches clear opening with door(s) operable by single motion.
3. Single or double door to provide a usable 29 1/2 inches clear opening.

TOILET ROOMS:

1. Toilet facility of dimensions no less than those provided in the prevailing provisions in chapter 51-10 WAC designated as a unisex toilet for disabled persons.
2. Provide unisex toilet for disabled persons and general public.
3. No toilet for anyone.

FLOORS AND LEVELS:

1. Access to experiences, services, functions and materials and resources; i.e., maps, plans, courtroom, council chambers, etc., at accessible levels.
2. Access provided to levels and floors by ramps of greater than standard slope and no greater than 1:9 for horizontal distances not to exceed 12 feet. Lifts may be provided.
3. Access provided to levels and floors by ramps of 1:6 slope for horizontal distance not to exceed 2 feet. Adequate warnings shall be provided to indicate steepness of the slope.

USE NOTES:

1. Listed alternatives only apply to building requiring construction permits.
2. These alternatives should be used only where it is not possible to meet prevailing code.
3. Alternatives should be used only in those portions of the building that are historical.
4. Alternatives apply to access for physically disabled persons.
5. Alternatives apply to historic buildings only.
6. For other accessibility standards, see chapter 51-10 WAC.
7. Alternatives are listed in priority order.
8. No alternatives are allowed for simulations.

NEW SECTION

WAC 51-19-901 APPENDIX B - BIBLIOGRAPHY.

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WSR 90-17-153**PROPOSED RULES****BUILDING CODE COUNCIL**

[Filed August 22, 1990, 4:13 p.m.]

Original Notice.

Title of Rule: Washington State Building Code.

Purpose: To consider whether to adopt, amend or repeal rules concerning chapter 51-16 WAC.

Statutory Authority for Adoption: RCW 19.27.020 and 19.27.074.

Summary: The proposed rule includes streamlining of requirements related to child day care centers and family child day care homes and renumbering of WAC 51-16-030.

Reasons Supporting Proposal: RCW 19.27.020 and 19.27.074.

Name of Agency Personnel Responsible for Drafting: Willy O'Neil, Ninth and Columbia Building, Olympia, Washington, (206) 586-0486; Implementation: Linda Ramsey, Ninth and Columbia Building, Olympia, Washington, (206) 586-3423; and Enforcement: Local governments.

Name of Proponent: Washington State Building Code Council, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is intended to adopt new Building Code requirements that allow child day care facilities above and below the first story of a building; and streamline Building Code requirements of family child care homes for up to 12 children.

Proposal Changes the Following Existing Rules: Allows child day care centers above and below the first story of a building; and allow care for up to 12 children

in a family child day care home without structural changes required by a change in occupancy.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

As proposed, the rule would reduce the costs of meeting State Building Code requirements for child day care centers and family child day care homes.

Hearing Location: Spokane City Hall, West 808 Spokane Falls Boulevard, Spokane, WA 99204, (509) 456-2612, on September 28, 1990, at 9:00 a.m.

Submit Written Comments to: Marc Sullivan, Chair, State Building Code Council, Ninth and Columbia Building, GH-51, Olympia, Washington 98504-4151, by September 28, 1990.

Date of Intended Adoption: November 9, 1990.

July 13, 1990
Marc J. Sullivan
Chair

AMENDATORY SECTION (Amending WSR 90-02-110, filed 1/3/90, effective 7/1/90)

WAC 51-16-030 UNIFORM BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS. The 1988 edition of the Uniform Building Code, and the 1988 edition of the Uniform Building Code Standards as published by the International Conference of Building Officials is hereby adopted by reference with the following additions, deletions and exceptions:

Copies of the Uniform Building Code and Uniform Building Code Standards are available from the International Conference of Building Officials, 5360 South Workman Road, Whittier, California 90601.

((1) Revise the paragraph in Sec. 409 defining health hazard as follows:)) 400. The following amendments are adopted to UBC chapter 4.

Sec. 404. Add the following definitions:

CHILD DAY CARE, shall, for the purposes of these regulations, mean the care of children during any period of a 24 hour day.

CHILD DAY CARE HOME, FAMILY is a child day care facility located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

Sec. 407. Add the following definition:

FAMILY ABODE means a single dwelling unit and accessory buildings occupied for living purposes by a family which provides permanent provisions for living, sleeping, eating, cooking, and sanitation; and which is either owned, rented, or leased by the family occupying the family abode.

Sec. 409. Revise the definition of health hazard as follows:

Health Hazard is a classification of a chemical for which there is statistically significant evidence based on at least one reproducible study conducted in accordance with established scientific principles that acute health effects may occur in exposed persons. The term "health hazard" includes chemicals which are toxic or highly toxic agents, irritants, corrosives, hepatotoxins, nephrotoxins, neurotoxins, agents which can have an acute effect on the hematopoietic system, and agents that have acute effects on the lungs, skin, eyes or mucous membrane.

((2) The following definition shall be added to section 420, chapter 4 of the Uniform Building Code:)) Sec. 414. Add the following definition:

MULTIFAMILY RESIDENTIAL BUILDING is a common wall dwelling or apartment house that consists of four or fewer dwelling units that do not exceed two stories in height and that are less than five thousand square feet in total area.

Sec. 420. Add the following definition:

SINGLE FAMILY RESIDENTIAL BUILDING is a dwelling containing only one dwelling unit.

((3) The following definition shall be added to section 414, chapter 4 of the Uniform Building Code:

~~MULTIFAMILY RESIDENTIAL BUILDING is a common wall dwelling or apartment house that consists of four or fewer dwelling units that do not exceed two stories in height and that are less than five thousand square feet in total area.~~

(4) Chapter 9 of the 1988 edition of the Uniform Building Code is amended with the following additions, deletions, and exceptions:

(a) Revise Sec. 901(a) as follows:)) 800. The following amendments are adopted to UBC chapter 8.

Sec. 801. Revise the definition of "Division 3" and add an exception as follows:

Division 3. Any building or portion thereof used for day-care purposes for more than six children.

Exception: Any family abode used for child day-care purposes for less than 13 children shall be considered a Group R Division 3 Occupancy.

For occupancy separation see Table No. 5-B.

Sec. 802 (c). Revise as follows:

(c) Special Provisions. Rooms in Division 1 and 2 Occupancies used for kindergarten, first or second grade pupils and Division 3 Occupancies shall not be located above or below the first story((; except for basements that have required exits at grade level)).

EXCEPTION: 1. Rooms on floors which have exits to the exterior of the building which require no more than 4 feet of vertical travel from the floor level to the level of the exterior finished surface of the ground, paving or sidewalk.

2. In buildings equipped with an automatic sprinkler system throughout, rooms used for kindergarten, first- and second-grade children or for day-care purposes may be located on the second story, provided there are at least two exits directly ((to the exterior for the exclusive use of such occupants)) into separate exiting systems as defined in Section 3319.

Division 3 Occupancies located above the second story, shall be in buildings equipped with an automatic sprinkler system throughout and of Type I or Type II fire-resistive construction when:

1. Division 3 Occupancies above the fourth floor shall not have more than 12 children per floor; and,

2. The entire story on which the day-care facility is located is equipped with an approved fire alarm and smoke detection system as set forth in the Fire Code. Actuation of the system shall sound an alarm audible throughout the entire story; and,

3. The day-care facility is divided into not less than two areas of approximately the same size, separated from each other by not less than one-hour fire-resistive construction. Openings between the two areas shall be protected by automatic-closing fire assemblies, having a fire-protection rating of not less than 20 minutes, which will close automatically upon actuation of the fire alarm or detection systems; and,

4. Each area is provided with air-moving equipment independent of that serving the other; and,

5. Each area has not less than two exits, one of which is permitted to be through the adjoining area; and,

6. The exits from the Division 3 Occupancy shall be into separate exiting systems as defined in Section 3319.

Balance of section to remain unchanged.

900. The following amendments are adopted to UBC chapter 9.

Sec. 901 (a). Revise as follows:

Sec. 901. (a) General. For definitions, identification and control of hazardous materials, display of nonflammable solid and nonflammable or noncombustible liquid hazardous materials in Group B, Division 2 Occupancies used for retail sales, and storage and use of Class 3 solid

and liquid oxidizers in Groups I, M and R Occupancies, see the Fire Code. For application and use of control areas, see Footnote 1 of Tables Nos. 9-A and 9-B. The primary use of a building will be considered as a Group H, Division 1, 2, or 3 or 7 Occupancy when its primary use is for storage, and the aggregate quantity of hazardous materials in the building is in excess of Tables Nos. 9-A or 9-B. Group H Occupancies shall be:

~~((b))~~ Sec. 901(a). Division 2.6. Revise ~~((Sec. 901(a) Division 2.6:))~~ Exception as follows:

EXCEPTIONS: 1. Rooms or areas used for woodworking where no more than three fixed in-place woodworking appliances are utilized may be classified as a Group B, Division 2 Occupancy, provided the appliances are equipped with dust collectors sufficient to remove dust generated by the appliance.

~~((c))~~ Sec. 901(a). Division 7. Revise ~~((Sec. 901(a) Division 7:))~~ as follows:

Occupancies having quantities of materials in excess of those listed in Table No. 9-B that are health hazards, including but not limited to:

1. Corrosives.
2. Highly toxic materials.
3. Irritants.

~~((d))~~ ~~Delete Sec. 901(d) 2. and renumber Sec. 901(d) 3., 4. and 5. as Sec. 901(d) 2., 3. and 4.~~

~~((e))~~ ~~Add an exception to~~) Sec. 901(f). Revise as follows:

EXCEPTION: When an HMMP is required, the applicant may submit the report(s) used for compliance with requirements of 40 CFR "Hazardous Chemical Reporting and Community Right-to-Know Regulations" under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

~~((f))~~ Revise) Sec. 902(g). Revise as follows:

(g) Standby Power. A standby power system shall be provided for required mechanical exhaust ventilation, treatment, temperature control, liquid-level limit control, pressure control, alarm, and detection or other required electrically operated systems in Group H, Divisions 1, 2 and 3 Occupancies, and in Group H, Division 7 Occupancies in which there is use or storage of corrosives, highly toxic solids and liquids, irritants, sensitizers or other health hazard materials. For required systems, see the Fire Code. The standby power system shall be designed and installed in accordance with the Electrical Code to automatically supply power to all electrical equipment required by the Fire Code when the normal electrical supply system is interrupted.

~~((g))~~ Revise) Sec. 902(h). Revise as follows:

(h) Emergency Power. An emergency power system shall be provided for required mechanical exhaust ventilation, treatment, temperature control, liquid-level limit control, pressure control, alarm and detection or other required electrically operated systems in Group H, Division 6 Occupancies, and in Group H, Division 7 Occupancies in which highly toxic or toxic gases are stored or used. For required systems, see the Fire Code. The emergency power system shall be designed and installed in accordance with the Electrical Code to automatically supply power to the exhaust ventilation system when the normal electrical supply system is interrupted.

~~((h))~~ ~~Delete~~) Sec. 902(k). Delete exception.

~~((i))~~ Revise) Sec. 903. Revise first paragraph as follows:

Group H Occupancies shall be located on property in accordance with Section 504, Tables Nos. 9-C and 9-D and other provisions of this chapter. In Group H, Division 2 or Division 3 Occupancies, not less than 25 percent of the perimeter wall of the occupancy shall be an exterior wall.

~~((j))~~ Revise) Sec. 904(b). Revise first paragraph as follows:

(b) Ventilation in Hazardous Locations. Areas or spaces in which explosive, corrosive, combustible, flammable or highly toxic dusts, mists, fumes, vapors or gases are or may be emitted due to the processing, use, handling or storage of materials shall be mechanically ventilated as required by the Fire Code and the Mechanical Code.

~~((k))~~ Revise) Sec. 906. Revise title as follows:

Shaft and Exit Enclosures

~~((l))~~ ~~Add to~~) Sec. 906. Add a new ~~((fourth))~~ paragraph as follows:

In buildings with Group H, Division 6 Occupancies, a fabrication area may have mechanical, duct and piping penetrations which extend through not more than two floors within that fabrication area. The annular space around penetrations for cables, cable trays, tubing, piping, conduit or ducts shall be sealed at the floor level to restrict the movement of air. The fabrication area, including the areas through which the ductwork and piping extend, shall be considered a single conditioned environment.

~~((m))~~ Revise) Sec. 908. Revise paragraph 5 as follows:

Combustible fiber storage rooms with a fiber storage capacity not exceeding 500 cubic feet, shall be separated from the remainder of the building by a one-hour fire-resistive occupancy separation. Combustible fiber storage vaults having a fiber storage capacity of more than 500 cubic feet, shall be separated from the remainder of the building by a two-hour fire-resistive occupancy separation.

~~((n))~~ Revise) Sec. 909. Revise as follows:

Sec. 909. An approved fire alarm system shall be installed in Group H Occupancies as specified in the Fire Code.

~~((o))~~ Revise) Sec. 910. Revise first paragraph as follows:

Explosion Control

Sec. 910. Explosion control: equivalent protective devices, suppression systems or barricades shall be provided to control or vent the gases resulting from deflagrations of dusts, gases or mists in rooms, buildings or other enclosures as required by the Fire Code so as to minimize structural or mechanical damage. If detonation rather than deflagration is considered likely, protective devices or systems such as fully contained barricades shall be provided, except that explosion venting to minimize damage from less than 2.0 grams of TNT (equivalence) is permitted. Walls, floors and roofs separating a use from an explosion exposure shall be designed to resist a minimum internal pressure of 100 pounds per square foot in addition to the loads required by Chapter 23.

~~((p))~~ Revise) Sec. 911(f) 1. Revise as follows:

(f) Piping and Tubing. 1. General. HPM piping and tubing shall comply with this subsection and shall be installed in accordance with nationally recognized standards. Piping and tubing systems shall be metallic unless the material being transported is incompatible with such system. Systems supplying gaseous HPM having a health hazard ranking of 3 or 4 shall be welded throughout, except for connections, valves and fittings, to the systems which are within a ventilated enclosure. HPM supply piping or tubing in service corridors shall be exposed to view.

~~((q))~~ Revise) Table No. 9-A. Revise as follows:

Delete all—(dash marks) in the columns and replace with N.A. Add a reference at the end of the table before "N.L." as follows: N.A. = Not Applicable.

~~((Change))~~ Table No. 9-A. Revise Footnote No. 5 as follows:

- 5 Quantities may be increased 100 percent when stored in approved storage cabinets, gas cabinets, fume hoods, exhausted enclosures or safety cans as specified in the Fire Code. When Footnote No. 4 also applies, the increase for both footnotes may be applied.

Table No. 9-A. Add new Footnotes Nos. 11 and 12 as follows:

Solid	Liquid
Lbs. ¹¹	and Gallons ¹²

- ¹¹ The aggregate quantity of nonflammable solid and nonflammable or non-combustible liquid hazardous materials within a single control area of a Group B, Division 2 Occupancies used for retail sales may exceed the exempt amounts when such areas are in compliance with the Fire Code.

Oxidizer, Class 3¹²

- ¹² A maximum quantity of 200 pounds of solid or 20 gallons of liquid Class 3 oxidizers may be permitted in Groups I, M and R Occupancies when such materials are necessary for maintenance purposes or operation of equipment. See the Fire Code.

~~((r))~~ Revise) Table No. 9-B. Revise as follows:

Delete all—(dash marks) in the right hand column and replace with 0 (zeros).

~~((Change))~~ Table No. 9-B. Revise Footnote No. 6 as follows:

6 Quantities may be increased 100 percent when stored in approved storage cabinets, gas cabinets, fume hoods, exhausted enclosures or safety cans as specified in the Fire Code. When Footnote No. 5 also applies, the increase for both footnotes may be applied.

Under USE³—CLOSED SYSTEMS—Gas, add Footnote No. 6 to all items, except for Highly Toxics.

Table No. 9-B. Add a new Footnote No. 9 as follows:

Solid (Lbs.)^{4,5,9} and Liquid Gallons^{4,5,9}

9 The aggregate quantity of nonflammable solid and nonflammable or noncombustible liquid health hazard materials within a single control area of a Group B, Division 2 Occupancies used for retail sales may exceed the exempt amounts when such areas are in compliance with the Fire Code.

((~~ts~~)) Table No. 9-C ((~~in part~~)). Revise as follows:

OCCUPANCY GROUP	MINIMUM DISTANCE FROM PROPERTY LINE ¹	FIRE RESISTANCE OF EXTERIOR WALLS	OPENINGS IN EXTERIOR WALLS ²
H-2-3 Not in a detached building	When area does not exceed 1,000 sq. ft.	4 hours less than 5 feet, 2 hours less than 10 feet, 1 hour less than 20 feet	Not permitted less than 5 feet, protected less than 20 feet
H-2-3 Not in a detached building	30 feet when the area exceeds 1,000 sq. ft. ³	No requirement based on location ⁴	No requirement based on location ⁵

((~~4~~)) Sec. 913. Add the following section.

Sec. 913. The amendments, revisions and changes to Chapter 9 of the Uniform Building Code which are contained in the 1989 Supplement to the Uniform Building Code are hereby adopted.

((~~5~~)) Section 2312(h) 2.1. Diaphragms. (iv) of the Uniform Building Code is hereby amended to read as follows:)) 1200. The following amendments are adopted to UBC chapter 12.

Sec. 1201. Amend Division 3 as follows:

Division 3 Dwellings, dwellings used for family child day care homes (as defined in Section 404) for less than 13 children and lodging houses.

Sec. 1204. Revise as follows:

Sec. 1204. Stairs, exits and smokeproof enclosures shall be as specified in Chapter 33.

Exception: Only one exit door from a family child day care home need comply with the requirements of Section 3304(b).

Basements in dwelling units and every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue which shall open directly into a public street, public alley, yard or exit court. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

For family child day care homes with more than six children, each floor level used for family child day care purposes shall be served by two remote exits. Outside exit doors shall be operable from the inside without the use of keys or any special knowledge or effort.

Basements located more than four feet below grade level shall not be used for family child day care homes unless one of the following conditions exist:

(a) Exit stairways from the basement open directly to the exterior of the building without entering the first floor; or

(b) One of the two required exits discharges directly to the exterior from the basement level, and a self closing door is installed at the top or bottom of the interior stair leading to the floor above; or

(c) One operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court is provided; or

(d) A residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d.

Floors located more than four feet above grade level shall not be occupied by children in family child day care homes.

Exceptions: 1. Use of toilet facilities while under supervision of an adult staff person.

2. Family child day care homes may be allowed on the second story if one of the following conditions exist:

(a) Exit stairways from the second story open directly to the exterior of the building without entering the first floor; or

(b) One of the two required exits discharges directly to the exterior from the second story level, and a self closing door is installed at the top or bottom of the interior stair leading to the floor below; or

(c) A residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d.

Every sleeping or napping room in a family child day care home shall have at least one operable window for emergency rescue.

Exception: Sleeping or napping rooms having doors leading to two separate exits ways, or a door leading directly to the exterior of the building.

All escape or rescue windows shall have a minimum net clear openable area of 5.7 square feet. The minimum net clear openable height dimension shall be 24 inches. The minimum net clear openable width dimension shall be 20 inches. When windows are provided as a means of escape or rescue they shall have a finished sill height not more than 44 inches above the floor.

Bars, grilles, grates or similar devices may be installed on an emergency escape or rescue windows or doors, provided:

1. Such devices are equipped with approved release mechanisms which are operable from the inside without the use of a key or special knowledge or effort; and

2. The building is equipped with smoke detectors installed in accordance with Section 1210.

Sec. 1210. Revise as follows:

Sec. 1210. (a) Smoke Detectors. 1. General. Dwelling units and hotel or lodging house guest rooms that are used for sleeping purposes shall be provided with smoke detectors. Detectors shall be installed in accordance with the approved manufacturer's instructions.

2. Additions, alterations or repairs to Group R Occupancies. When the valuation of an addition, alteration or repair to a Group R Occupancy exceeds \$1,000.00 and a permit is required, or when one or more sleeping rooms are added or created in existing Group R Occupancies, smoke detectors shall be installed in accordance with Subsections 3, 4 and 5 of this section.

3. Power Source. In new construction and family child day care homes, required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Smoke detectors may be battery operated when installed in existing buildings or in buildings without commercial power, or in buildings which undergo alterations, repairs or additions regulated by Subsection 2 of this section.

4. Location within dwelling units. In dwelling units detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to each separate sleeping area. When the dwelling unit has more than one story and in dwellings with basements, a detector shall be installed on each story and in the basement. In dwelling units where a story or basement is split into two or more levels, the smoke detector shall be installed in the upper level, except that when the lower level contains a sleeping area, a detector shall be located on each level. When sleeping rooms are on an upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. In dwelling units where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches or more, smoke detectors shall be installed in the hallway and the adjacent room. Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit, in which they are located.

5. Location in efficiency dwelling units and hotels. In efficiency dwelling units, hotel suites and in hotel sleeping rooms, detectors shall be located on the ceiling or wall of the main room or hotel sleeping

room. When sleeping rooms within an efficiency dwelling unit or hotel suite are on an upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. When actuated, the detector shall sound an alarm audible within the sleeping area of the dwelling unit, hotel suite or sleeping room in which it is located.

6. Location within family child day care homes. In family child day care homes detectors shall be located in all sleeping and napping areas. When the family child day care home has more than one story, and in family child day care homes with basements, a detector shall be installed on each story and in the basement. In family child day care homes where a story or basement is split into two or more levels, the smoke detector shall be installed in the upper level, except that when the lower level contains a sleeping or napping area, a detector shall be located on each level. When sleeping rooms are on an upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. In family child day care homes where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches or more, smoke detectors shall be installed in the hallway and the adjacent room. Detectors shall sound an alarm audible in all areas of the building.

Balance of section to remain unchanged.

Sec. 1213. Add the following paragraph and exception:

Rooms or spaces containing a commercial-type cooking kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, or painting operation shall be separated from the family child day care area by at least one hour fire-resistive construction.

Exception: A fire-resistive separation shall not be required where the food preparation kitchen contains only a domestic cooking range, and the preparation of food does not result in the production of smoke or grease laden vapors.

2300. The following amendments are adopted to UBC chapter 23.

Section 2312(h) 2. 1. Diaphragms. Revise subsection (iv) as follows:

(iv) Where wood diaphragms are used to laterally support concrete or masonry walls, the anchorage shall conform to Section 2312(h) 2. H above. In Seismic Zones Nos. 3 and 4 anchorage shall not be accomplished by use of toe nails or nails subject to withdrawal, nor shall wood ledgers or framing be used in cross-grain bending or cross-grain tension, and the continuous ties required by paragraph (iii) above shall be in addition to the diaphragm sheathing.

((6) Uniform Building Code Section 2722(f) 6 item 1 of the exception is hereby amended to read as follows:)) 2700. The following amendments are adopted to UBC chapter 27.

Sec. 2722(f) 6. Revise item 1 of the exception as follows:

EXCEPTION: This requirement need not apply in any of the following cases, provided the compactness limitations for beams given in Section 2722 (f) 4 shall apply to columns as well:

1. For columns with f_c less than $0.4F_y$ for all load combinations, except for loads specified in Section 2722(d) 1. Such columns shall have allowable stresses reduced 25 percent when one end frames into a joint not complying with Formula 22-3, and 50 percent when both ends frame into joints not complying with Formula 22-3.

((7) Uniform Building Code Section 2722(f) 7. is hereby amended to read as follows:)) Sec. 2722(f) 7. Revise as follows:

7. Trusses in SMRSF. Trusses may be used as horizontal members in SMRSF if the sum of the truss seismic force flexural strength exceeds the sum of the column seismic force flexural strength immediately above and below the truss by a factor of at least 1.25. For this determination the strengths of the members shall be reduced by the gravity load effects. In buildings of more than one story, the column axial stress shall not exceed $0.4F_y$ and the ratio of the unbraced column height to the least radius of gyration shall not exceed 60. Columns shall have allowable stresses reduced 25 percent when one end frames into a truss, and 50 percent when both ends frame into

trusses. The connection of the truss chords to the column shall develop the lesser of the following:

- A. The strength of the truss chord.
- B. The chord force necessary to develop 125 percent of the flexural strength of the column.

((8) The following section shall be added to the Uniform Building Code:

Section 3801)) 3800. The following amendments are adopted to UBC chapter 38.

Sec. 3801. Add the following subsection (e):

(e) When sprinklers are installed in an insulated ceiling cavity not meeting exceptions of UBC Standard 38-1 or where blocked by ducts or other similar obstructions, a space 6 inches or greater in depth with not less than 12 inches clearance from ducts or other similar obstructions shall be provided under all sprinklers.

((9)) Section 3802(h) ((of the Uniform Building Code is hereby amended to read)). Revise as follows:

(h) Group R Division 1 Occupancies. An automatic sprinkler system shall be installed throughout every apartment house three or more stories in height or containing more than 15 dwelling units and every hotel three or more stories in height or containing 20 or more guest rooms. Residential or quick response standard sprinkler heads shall be used in the dwelling unit and guest room portions of the building. The sprinkler system shall comply with the requirements of Washington State Building Code Standard No. 38-3W.

((10) Section 5103 of the Uniform Building Code is hereby not adopted in order to eliminate conflict with chapter 296-81 WAC as adopted by the Washington state department of labor and industries pursuant to chapter 70-87 RCW.

((11) Section 5105 of the Uniform Building Code shall be amended to read as follows:)) 5100. The following amendments are adopted to UBC chapter 51.

Sec. 5103. Delete entire section.

Sec. 5105. Revise as follows:

Elevator Machine Room Floors
Section 5105. Elevator hoistways shall not be vented through an elevator machine room unless such venting is accomplished by an approved duct system installed through the elevator machine room. Cable slots entering the machine room shall be sleeved beneath the machine room floor and extend to not less than 12 inches below the shaft vent to must be installed in a manner that inhibits the passage of smoke into the machine room.

((12) A New Standard No. 38-3W shall be added to Chapter 38 of the Uniform Building Code Standards as follows:)) 3800. The following amendments are adopted to chapter 38 of the UBC Standards:

Sec. 38-3W. Add the following new standard No. 38-3W.

WASHINGTON STATE BUILDING CODE STANDARD NO. 38-3W

INSTALLATION OF SPRINKLER SYSTEMS IN RESIDENTIAL OCCUPANCIES

Sec. 38.301W. Except for the limitations, deletions, modifications or amendments set forth in Section 38.302W of this standard, the installation of sprinkler systems in residential occupancies of four stories or less when required by the Uniform Building Code shall be in accordance with the "Standard for the Installation of Sprinkler Systems in Residential Occupancies, NFPA 13R-1988", published by the National Fire Protection Association, copyright 1988, Batterymarch Park, Quincy, Massachusetts 02269, as if set out at length herein.

Sec. 38.302W. The National Fire Protection Association standard adopted by section 38.301W applies to the selection, installation, inspection, maintenance and testing of residential sprinkler systems, except as follows:

1. Table 1-5.1 is amended to read as follows:

Table 1-5.1

Materials and Dimensions	Standard
Spec. for Black and Hot-Dipped Zinc Coated (Galvanized) Welded and Seamless Steel Pipe for Fire Protection Use	ASTM A795
Specification for Welded and Seamless Steel Pipe	ASTM A53
Wrought-Steel Pipe	ANSI B36.10
Specification for Electric-Resistance Welded Steel Pipe	ASTM A135
Copper Tube (Drawn, Seamless) Specification for Seamless Copper Tube	ASTM B88
Specification for General Requirements for Wrought Seamless Copper and Copper-Alloy Tube	ASTM B251
Brazing Filler Metal (Classification BCuP-3 or BCuP-4)	AWS A5.8
Specification for Solder Metal, 9-5 (Tin-Antimony-Grade 95TA)	ASTM B32
Specifications for CPVC Pipe	ASTM F437 ASTM F438 ASTM F439 ASTM F442
Specification for Polybutylene Tube	ASTM D 3309

2. Table 1-5.5 is amended to read as follows:

Table 1-5.5

Materials and Dimensions	Standard
Cast Iron	
Cast Iron Threaded Fittings Class 125 and 250	ANSI B16.4
Cast Iron Pipe Flanges and Flanged Fittings	ANSI B16.1
Malleable Iron	
Malleable Iron Threaded Fittings Class 150 and 300	ANSI B16.3
Steel	
Factory-made Threaded Fittings Class 150 and 300	ANSI B16.9
Buttwelding ends for Pipe, Valves Flanges and Fittings	ANSI B16.25
Spec. for Piping Fittings of Wrought Carbon Steel and Alloy Steel for Moderate and Elevated Temperatures	ASTM A234
Pipe Flanges and Flanged Fittings, Steel Nickel Alloy and Other Special Alloys	ANSI B16.5
Forged Steel Fittings, Socket Welded and Threaded	ANSI B16.11
Copper	
Wrought Copper and Copper Alloy-Solder-Joint Pressure Fittings	ANSI B16.22
Cast Copper Alloy Solder-joint Pressure fittings	ANSI B16.18
Plastic Fittings for CPVC Pipe	ASTM F437 ASTM F438 ASTM F439 ASTM F442
Plastic Fittings for Polybutylene tube	ASTM D 3309

((13) EXCEPTION: In the case of conflict between the ventilation requirements of sections 605, section 705, section 905 and section 1205 of this code and the ventilation requirements of chapter 51-12 WAC,

the Washington State Energy Code, or where applicable, a local jurisdiction's energy code, the provisions of such energy codes shall govern.))

WSR 90-17-154
NOTICE OF PUBLIC MEETINGS
BUILDING CODE COUNCIL
 [Memorandum—August 22, 1990]

1990 Meeting Schedule Revised*

February 9	9:00 a.m.	Sea-Tac
March 16	9:00 a.m.	Sea-Tac
April 20	9:00 a.m.	Sea-Tac
May 11	9:00 a.m.	Spokane
June 8	9:00 a.m.	Sea-Tac
July 13	9:00 a.m.	Sea-Tac
August 24	9:00 a.m.	Sea-Tac
September 28	9:00 a.m.	Spokane
October 12	9:00 a.m.	Sea-Tac
November 9	9:00 a.m.	Sea-Tac

Council Barrier-Free Committee meets the Friday prior to the regular council meetings at Sea-Tac at 9:00 a.m. The Energy Committee and the Uniform Codes Committee meet the Thursday afternoon before the regular council meetings at the same location as the council meetings.

* Council committee meeting schedule and locations revised.

WSR 90-17-155
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION
 [Filed August 22, 1990, 4:55 p.m.]

Original Notice.

Title of Rule: WAC 390-20-020 Forms for lobbyist report of expenditures; and 390-20-110 Forms for lobbyist employer's report.

Purpose: Amend existing reporting forms for lobbyists and lobbyist employers.

Statutory Authority for Adoption: RCW 42.17.370.

Summary: These rules adopt reporting forms for lobbyist expenditures and lobbyist employer expenditures.

Reasons Supporting Proposal: Both the public interest and that of the reporting clientele are served when more reliable information is presented in a simple, direct format.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Graham E. Johnson, Olympia, 3-1111.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rules reorganize the reporting forms, eliminate the reporting of nonessential information and promote simplified record keeping and more accurate reporting.

Proposal Changes the Following Existing Rules: Re-organization of forms and implementation of policy decisions.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, FJ-42, 711 Capitol Way, Olympia, on September 25, 1990, at 9 a.m.

Submit Written Comments to: Graham E. Johnson, by September 24, 1990.

Date of Intended Adoption: September 25, 1990.

August 22, 1990
Graham E. Johnson
Executive Director

AMENDATORY SECTION (Amending Order 85-05, filed 11/26/85)

WAC 390-20-020 FORMS FOR LOBBYIST REPORT OF EXPENDITURES. The official form for the lobbyist report of expenditures is designated "L-2((~~+~~))", _ revised ((~~11/82~~)) 9/90. Copies of this form are available at the Commission Office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

STATE OF WASHINGTON

LOBBYIST MONTHLY EXPENSE REPORT

THIS SPACE FOR OFFICE USE

L2

1. LOBBYIST NAME _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

2. THIS REPORT IS FOR THE PERIOD _____ (MONTH) _____ (YEAR) OR THIS REPORT CORRECTS OR AMENDS THE REPORT FOR _____ (MONTH) _____ (YEAR) BUSINESS TELEPHONE _____

ALL COMPLETE THIS PART		COMPLETE IF YOU HAVE MORE THAN ONE EMPLOYER			
EXPENDITURES BY OR ON BEHALF OF LOBBYIST FOR LOBBYING		AMOUNT PAID ON BEHALF OF OR ATTRIBUTED TO EACH EMPLOYER			
CATEGORY OF EXPENSE	TOTAL AMOUNT THIS MONTH	EMPLOYER 1	EMPLOYER 2	EMPLOYER 3	Amount Not Attributed to a Specific Employer
3. PERSONAL EXPENSES (For Lobbying)					
a. FOOD AND REFRESHMENTS (not included in #5 below)					
b. TRAVEL FOR SELF					
c. Subtotal Personal expenses					
4. ADVERTISING, PRINTING, INFORMATIONAL LITERATURE					
5. ENTERTAINMENT (Incl. food/refreshment. Itemize on reverse)					
6. TRAVEL AND LODGING FOR OTHERS (Attach list showing name of persons)					
7. CONTRIBUTIONS, GIFTS, LOANS (Itemize on reverse)					
8. OTHER EXPENSES OR SERVICES					
9. COMPENSATION FOR LOBBYING (Salary, wages, retainer)					
10. TOTAL EXPENSES AND COMPENSATION THIS MONTH	*	*	*	*	*

BE SURE TO CHECK ADDITION

* THE TOTAL ATTRIBUTED TO EACH EMPLOYER PLUS THE AMOUNT WHICH CANNOT BE ATTRIBUTED TO A SPECIFIC EMPLOYER SHOULD EQUAL TOTAL EXPENSES AND COMPENSATION THIS MONTH

EMPLOYERS' NAMES

NO. 1 _____

NO. 2 _____

NO. 3 _____

11. TERMINATION: (COMPLETE THIS ITEM ONLY IF YOU WISH TO TERMINATE YOUR REGISTRATION AS A LOBBYIST FOR THE FOLLOWING EMPLOYER(S):

I understand that an L-2 report is required for any month or portion thereof in which I am a registered lobbyist. I also understand that once I have terminated my registration, I must file a new L-1 report prior to lobbying for that employer in the future. All registrations terminate automatically on the second Monday in January of each odd numbered year.

REMARKS OR EXPLANATION OF INFORMATION IN THIS REPORT

CERTIFICATION

12. I certify that this report is a true and complete account of all information attributable directly or indirectly to lobbying activities for the period specified.

LOBBYIST'S SIGNATURE _____

DATE _____

13. EXPENDITURES FOR ENTERTAINMENT (INCLUDING LOBBYIST'S EXPENSE) EXCEEDING \$25 PER OCCASION PAID BY LOBBYIST OR EMPLOYER

DATE	NAMES OF ALL PERSONS ENTERTAINED	PLACE (NAME AND CITY)	SPONSORING EMPLOYER	AMOUNT \$
CONTINUED ON ATTACHED PAGES				

14. CONTRIBUTIONS OF MONEY, LOANS, GIFTS, PROMOTIONAL ITEMS OR OTHER PERSONAL PROPERTY TO OR ON BEHALF OF ANY FEDERAL, STATE, OR LOCAL CANDIDATE, ANY ELECTED OFFICIAL, OFFICER OR EMPLOYEE OF ANY STATE OR LOCAL GOVERNMENT AGENCY, OR POLITICAL COMMITTEE IN SUPPORT OF OR OPPOSITION TO ANY BALLOT PROPOSITION OR CANDIDATE. ITEMIZE EACH \$25 OR MORE

DATE	NAME OF INDIVIDUAL OR COMMITTEE RECEIVING BENEFIT	EMPLOYER FOR WHOM CONTRIBUTION WAS MADE	AMOUNT \$
TOTAL SMALL GIFTS AND PROMOTIONAL ITEMS NOT ITEMIZED (NO RECEIPT OVER \$25 PER YEAR).....			

IF CONTRIBUTIONS WERE MADE BY A POLITICAL ACTION COMMITTEE ASSOCIATED, AFFILIATED OR SPONSORED BY YOUR EMPLOYER, SHOW NAME OF THE PAC BELOW (INFORMATION REPORTED BY PAC ON C-4 REPORT NEED NOT BE AGAIN INCLUDED IN THIS L-2 REPORT.)

CONTINUED ON ATTACHED PAGES PAC NAME _____

15. SUBJECT MATTER OF PROPOSED LEGISLATION OR OTHER LEGISLATIVE ACTIVITY OR RULEMAKING THE LOBBYIST WAS SUPPORTING OR OPPOSING

SUBJECT MATTER OR ISSUE	LEGISLATIVE COMMITTEE OR STATE AGENCY CONSIDERING MATTER
IF YOU HAVE LOBBIED BOTH THE LEGISLATURE AND STATE AGENCIES, ESTIMATE THE PERCENTAGE OF YOUR TIME OR LOBBYING EFFORT DEVOTED TO EACH	

LEGISLATURE _____% STATE AGENCIES _____%

LOBBYIST REPORTING INSTRUCTIONS

WHO MUST REPORT

Any person registered as a lobbyist under RCW 42.17.150

WHEN TO REPORT

1. Reports are due within 15 days after the end of each calendar month whether or not there have been expenditures, so long as you remain registered as a lobbyist
2. Reports postmarked later than the 15th may subject you to penalties prescribed by law.

WHAT TO REPORT

See RCW 42.17 and PDC instruction booklet for detailed reporting requirements

WHERE TO REPORT

Public Disclosure Commission, 403 Evergreen Plaza Building, Olympia, Washington 98504.

Questions about reporting should be addressed to:
PUBLIC DISCLOSURE COMMISSION

403 EVERGREEN PLAZA
OLYMPIA, WASHINGTON
98504 206-753-1111

RCW 42.17.230 Duties of lobbyists. A person required to register as a lobbyist under this chapter shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person and such person's employer, if such employer aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this chapter.

(1) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this chapter for a period of at least five years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers and documents shall be made available for inspection by the commission at any time. *Provided*, That if a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

- (2) In addition, a person required to register as a lobbyist shall not
- (a) Engage in any activity as a lobbyist before registering as such,
 - (b) Knowingly deceive or attempt to deceive any legislator as to any fact pertaining to any pending or proposed legislation,
 - (c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat,
 - (d) Knowingly represent an interest adverse to any of his employers without first obtaining such employer's written consent thereto after full disclosure to such employer of such adverse interest,
 - (e) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation.



403 EVERGREEN PLAZA, FJ-42
OLYMPIA, WASHINGTON 98504-3342
Telephone (206) 753-1111

L2
1/90

DRAFT

LOBBYIST MONTHLY EXPENSE REPORT

1. Lobbyist name.

Mailing address.

City.

State.

ZIP

2. This report is for the period (Month) (Year)

This report corrects or amends the report for (Month) (Year)

Business telephone. ()

ALL COMPLETE THIS PART			COMPLETE IF YOU HAVE MORE THAN ONE EMPLOYER		
Include all expenditures by lobbyist and lobbyist's employer for or on behalf of the lobbyist incurred during the reporting period.			Amount attributed to each employer.		
EXPENSE CATEGORY	TOTAL AMOUNT THIS MONTH All employers plus own expense (Columns a + b + c + d and attached pages)	Amounts paid from lobbyist's own funds, not reimbursed or attributed to an employer. Column A	Employer No. _____ Column B	Employer No. _____ Column C	Employer No. _____ Column D
3. COMPENSATION earned from employer for lobbying this period (salary, wages, retainer)		X			
4. PERSONAL EXPENSES for travel, food and refreshments					
5. ENTERTAINMENT, GIFTS, TRAVEL for legislators, state officials, their families (Itemize on reverse--#13)					
6. CONTRIBUTIONS to elected officials, candidates and political committees (Itemize on reverse--#14)					
7. ADVERTISING, PRINTING, INFORMATIONAL LITERATURE					
8. OTHER EXPENSES AND SERVICES (Itemize on reverse--#15)					
9. TOTAL COMPENSATION AND EXPENSES INCURRED THIS MONTH					

(Attach additional page(s) if you lobby for more than three employers.)

10. EMPLOYERS' NAMES

No. (B) _____
No. (C) _____
No. (D) _____

11. Subject matter of proposed legislation or other legislative activity or rulemaking the lobbyist was supporting or opposing.

Subject Matter, Issue or Bill No. Legislative Committee or State Agency Considering Matter Employer Represented

INFORMATION CONTINUED ON ATTACHED PAGES

Estimate the percentage of your time or lobbying effort devoted to: the Legislature _____% State Agencies _____%

12. TERMINATION: (COMPLETE THIS ITEM ONLY IF YOU WISH TO TERMINATE YOUR REGISTRATION)

Date registration ends: _____ Employer's name: _____

I understand that an L-2 report is required for any month or portion thereof in which I am a registered lobbyist. I also understand that once I have terminated my registration, I must file a new registration report prior to lobbying for that employer in the future. All registrations terminate automatically on the second Monday in January of each odd numbered year.

CERTIFICATION

I certify that this report is a true and complete account of all information attributable directly or indirectly to lobbying activities for the period specified.

LOBBYIST'S SIGNATURE

DATE

13. Expenditures for entertainment (including lobbyist's expense exceeding \$25 per occasion paid by lobbyist or employer) and for gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses costing over \$25) provided to legislators, state officials, state employees and members of their immediate families.

Date.	Names of all persons entertained or provided gifts	Place (name and city).	Sponsoring employer.	Amount.

Continued on attached pages.

14. Monetary or in-kind contributions exceeding \$25 to federal, state or local office candidates, committees supporting or opposing these candidates, a legislative caucus fund, an elected official's public office fund, a political party, a political committee supporting or opposing a candidate or ballot measure, or any grass roots lobbying campaign.

Date.	Name of individual or committee receiving benefit.	Employer for whom contribution was made.	Amount.

If contributions were made by a political action committee associated, affiliated or sponsored by your employer, show name of the PAC below. (Information reported by PAC on C-4 report need not be again included in this L-2 report.)

Continued on attached pages. PAC name: _____

15. Payments by the lobbyist for other lobbying expenses and services, including payments to subcontract lobbyists, expert witnesses and others retained to provide lobbying services or assistance in lobbying and payments for grass roots lobbying campaigns (except advertising/printings costs listed in Item 7).

Recipient's name and address	Employer for whom expense was incurred or lobbying done. Briefly describe purpose of expense.	Amount.

Continued on attached page.

AMENDATORY SECTION (Amending Order 87-01, filed 2/5/87)

WAC 390-20-110 FORMS FOR LOBBYIST EMPLOYERS REPORT. The official form for statement by employers of registered lobbyists as required by RCW 42.17.180 is designated "L-3," revised (~~1/87~~) 9/90. Copies of this form are available at the Commission Office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. Any attachments shall be on 8-1/2" x 11" white paper.

STATE OF WASHINGTON

EMPLOYER'S LOBBYING EXPENSES
DURING CALENDAR YEAR 1989

L3

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1. EMPLOYER'S NAME (USE COMPLETE COMPANY, ASSOCIATION, UNION OR ENTITY NAME)

MAILING ADDRESS

TELEPHONE

CITY

STATE

ZIP

THIS REPORT MUST BE FILED BY MARCH 31, 1990 AND INCLUDES A FINANCIAL REPORT OF STATE LOBBYING ACTIVITIES FOR CALENDAR YEAR 1989. COMPLETE ALL SECTIONS. IF ENTRY IS "NONE" OR "\$0", SO STATE.

2. PAYMENTS DIRECTLY TO LOBBYISTS FOR SALARY, CONTRACT, RETAINER, REIMBURSEMENT OF EXPENSES, ETC.

LOBBYIST NAME (IF TO LOBBY FIRM, LIST FIRM NAME)

AMOUNT

TOTAL AMOUNT

LOBBYIST NAME (IF TO LOBBY FIRM, LIST FIRM NAME)	AMOUNT	TOTAL AMOUNT

INFORMATION CONTINUED ON ATTACHED PAGE

TOTAL FROM ATTACHED PAGE

TOTAL PAID DIRECTLY TO LOBBYISTS →

3. OTHER EXPENDITURES MADE BY THE EMPLOYER FOR LOBBYING PURPOSES. INCLUDED WOULD BE ANY AND ALL:

- a. PAYMENTS TO VENDORS ON BEHALF OF OR IN SUPPORT OF LOBBYISTS. I.E. FOOD, LODGING, CREDIT CARD PURCHASES PAID BY THE EMPLOYER FOR REGISTERED OR UNREGISTERED LOBBYISTS.
- b. OFFICE EXPENSES, STAFF AND SECRETARIAL SUPPORT, RENT, TELEPHONE, UTILITIES. INCLUDE BOTH HOME OFFICE AND OLYMPIA OFFICE, IF ANY.
- c. COMPANY OFFICIALS, EXPERT WITNESSES OR OTHERS PAID TO LOBBY, WHETHER OR NOT REQUIRED TO REGISTER. INCLUDE PROPORTION OF SALARY OR PAY BASED ON TIME SPENT LOBBYING.
- d. TRAVEL, WHETHER TO LEGISLATIVE HEARINGS OR OTHER LOBBYING. INCLUDE ALL TRANSPORTATION COSTS, TICKETS, AND EMPLOYER OWNED TRANSPORTATION. IF TRANSPORTATION WAS FURNISHED TO ANY LEGISLATOR, STATE OFFICIAL, OR STATE EMPLOYEE COMPLETE ITEM 8 LISTING THE PERSON'S NAME, TITLE, DESTINATION, COST OF TRANSPORTATION AND DATES OF TRAVEL.
- e. ENTERTAINMENT AND HOSTING PROVIDED FOR LEGISLATORS, STATE OFFICIALS OR STATE EMPLOYEES PAID BY EMPLOYER OR BY EMPLOYEES NOT REQUIRED TO REGISTER AS LOBBYISTS.
- f. COMMUNICATIONS AND ADVERTISING. INCLUDE RADIO, TV, NEWSPAPER AND SIMILAR ADVERTISING. ALSO INCLUDE COMMUNICATIONS TO STOCKHOLDERS, MEMBERS, CLIENTS OR CUSTOMERS TO ASSIST LOBBYING EFFORT.
- g. OTHER EXPENDITURES FOR LOBBYING, WHETHER THRU OR ON BEHALF OF A REGISTERED LOBBYIST OR OTHERWISE. DO NOT INCLUDE PAYMENTS ALREADY SHOWN IN ITEM 2 ABOVE.

4. POLITICAL CONTRIBUTIONS TO CANDIDATES FOR STATE OFFICE, LEGISLATURE, COMMITTEES SUPPORTING OR OPPOSING THOSE CANDIDATES OR COMMITTEES SUPPORTING OR OPPOSING STATEWIDE BALLOT MEASURES.

- a. CONTRIBUTIONS DIRECTLY FROM EMPLOYER. ALSO COMPLETE ITEM 9 ON REVERSE.
- b. IF CONTRIBUTIONS WERE MADE BY A POLITICAL ACTION COMMITTEE ASSOCIATED, AFFILIATED OR SPONSORED BY THE EMPLOYER, SHOW NAME OF THE PAC BELOW. (INFORMATION REPORTED BY PAC ON C-4 REPORT NEED NOT BE AGAIN INCLUDED IN THIS L-3 REPORT.)

NAME OF PAC _____

5. PAYMENTS OR EXPENDITURES TO LEGISLATORS, STATE OFFICIALS AND MEMBERS OF THEIR IMMEDIATE FAMILIES FOR THE PURPOSE OF INFLUENCING, HONORING, OR BENEFITING. DO NOT INCLUDE PAYMENT FOR GOODS OR SERVICES IN THE NORMAL COURSE OF BUSINESS. ALSO COMPLETE ITEM 12 ON REVERSE.

6. GIFTS TO LEGISLATORS, STATE OFFICIALS AND STATE EMPLOYEES OR MEMBERS OF THEIR IMMEDIATE FAMILIES.

TOTAL LOBBYING EXPENSES
(Items 2 thru 6 above)

7. THIS REPORT MUST BE CERTIFIED BY PRESIDENT, SECRETARY-TREASURER OR SIMILAR OFFICER OF EMPLOYER ORGANIZATION

CERTIFICATION

I certify that the information contained in this report is a true, correct and complete statement in accordance with RCW 42.17.180.

SIGNATURE OF EMPLOYER

DATE

NAME TYPED OR PRINTED

TITLE

8. TRAVEL PROVIDED TO LEGISLATORS, STATE ELECTED OFFICIALS, STATE EMPLOYEES OR MEMBERS OF THEIR IMMEDIATE FAMILIES.

NAME AND TITLE	COST	DATES, DESTINATION AND PURPOSE OF TRAVEL
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES		

9. CONTRIBUTIONS TO CANDIDATES FOR STATE OFFICE, LEGISLATURE, COMMITTEES SUPPORTING OR OPPOSING THOSE CANDIDATES OR COMMITTEES SUPPORTING OR OPPOSING STATEWIDE BALLOT MEASURES MADE BY EMPLOYER. (CONTRIBUTIONS FROM PAC NEED NOT BE LISTED.)

NAME OF RECIPIENT	AMOUNT
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES	

10. COMPENSATION OF \$1,000 OR MORE DURING THE PRECEDING CALENDAR YEAR FOR EMPLOYMENT OR PROFESSIONAL SERVICES PAID TO STATE ELECTED OFFICIALS, SUCCESSFUL CANDIDATES FOR STATE OFFICE AND EACH MEMBER OF THEIR IMMEDIATE FAMILY.

NAME	RELATIONSHIP TO CANDIDATE OR ELECTED OFFICIAL IF MEMBER OF FAMILY	AMOUNT (CODE)	DESCRIPTION OF CONSIDERATION OR SERVICES EXCHANGED FOR COMPENSATION
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES			

DOLLAR CODE	AMOUNT
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to 19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

11. COMPENSATION OF \$1,000 OR MORE DURING THE PRECEDING CALENDAR YEAR FOR PROFESSIONAL SERVICES PAID TO ANY CORPORATION, PARTNERSHIP, JOINT VENTURE, ASSOCIATION OR OTHER ENTITY IN WHICH A STATE ELECTED OFFICIAL, SUCCESSFUL STATE CANDIDATE OR MEMBER OF THE IMMEDIATE FAMILY HOLDS OFFICE, PARTNERSHIP, DIRECTORSHIP OR OWNERSHIP INTEREST OF 10% OR MORE.

FIRM NAME	PERSON'S NAME	AMOUNT (CODE)	DESCRIPTION OF CONSIDERATION OR SERVICES EXCHANGED FOR COMPENSATION
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES			

12. ANY EXPENDITURE, NOT OTHERWISE REPORTED, MADE DIRECTLY OR INDIRECTLY TO A STATE ELECTED OFFICIAL, SUCCESSFUL CANDIDATE FOR STATE OFFICE OR MEMBER OF THE IMMEDIATE FAMILY, IF MADE TO HONOR, INFLUENCE OR BENEFIT THE PERSON BECAUSE OF HIS OFFICIAL POSITION.

NAME	AMOUNT	PURPOSE
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES		

8. Entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) exceeding \$25 in value provided to legislators, state officials, state employees and members of their immediate families.

Name and Title	Cost or Value	Description of Entertainment, Gift or Travel
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES		

9. Contributions made directly by the employer aggregating over \$25 to candidates for state office, the legislature, committees supporting or opposing those candidates or committees supporting or opposing statewide ballot measure. Contributions from an employer-affiliated PAC need not be listed.

Name of Recipient	Amount
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES	

10. COMPENSATION OF \$1,000 OR MORE DURING THE PRECEDING CALENDAR YEAR FOR EMPLOYMENT OR PROFESSIONAL SERVICES PAID TO STATE ELECTED OFFICIALS, SUCCESSFUL CANDIDATES FOR STATE OFFICE AND EACH MEMBER OF THEIR IMMEDIATE FAMILY.

NAME	RELATIONSHIP TO CANDIDATE OR ELECTED OFFICIAL IF MEMBER OF FAMILY.	AMOUNT (CODE)	DESCRIPTION OF CONSIDERATION OR SERVICES EXCHANGED FOR COMPENSATION
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES			

DOLLAR CODE	AMOUNT
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to 19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

11. COMPENSATION OF \$1,000 OR MORE DURING THE PRECEDING CALENDAR YEAR FOR PROFESSIONAL SERVICES PAID TO ANY CORPORATION, PARTNERSHIP, JOINT VENTURE, ASSOCIATION OR OTHER ENTITY IN WHICH A STATE ELECTED OFFICIAL, SUCCESSFUL STATE CANDIDATE OR MEMBER OF THE IMMEDIATE FAMILY HOLDS OFFICE, PARTNERSHIP, DIRECTORSHIP OR OWNERSHIP INTEREST OF 10% OR MORE.

FIRM NAME	PERSON'S NAME	AMOUNT (CODE)	DESCRIPTION OF CONSIDERATION OR SERVICES EXCHANGED FOR COMPENSATION
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES			

12. ANY EXPENDITURE, NOT OTHERWISE REPORTED, MADE DIRECTLY OR INDIRECTLY TO A STATE ELECTED OFFICIAL, SUCCESSFUL CANDIDATE FOR STATE OFFICE OR MEMBER OF THE IMMEDIATE FAMILY, IF MADE TO HONOR, INFLUENCE OR BENEFIT THE PERSON BECAUSE OF HIS OFFICIAL POSITION.

NAME	AMOUNT	PURPOSE
<input type="checkbox"/>		

WSR 90-17-156**PROPOSED RULES****PUBLIC DISCLOSURE COMMISSION**

[Filed August 22, 1990, 4:56 p.m.]

Original Notice.

Title of Rule: WAC 390-16-308 Identification of source of contribution; and 390-16-310 Limitations on contributions.

Purpose: Clarification of statutory language.

Statutory Authority for Adoption: RCW 42.17.370.

Summary: Rules are in the public interest and provide necessary guidance to those subject to the campaign disclosure law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Graham E. Johnson, Olympia, 753-1111.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The source of contribution rule sets out guidelines for campaign treasurers regarding how to determine the actual source of a contribution for campaign disclosure record keeping and reporting purposes. The contribution limitation rule clarifies how the statutory limit will be interpreted by the Public Disclosure Commission with respect to a candidate's personal contributions and those from sole proprietorships, partnerships, corporations, unions and other organizations.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, on September 25, 1990, at 9 a.m.

Submit Written Comments to: Graham E. Johnson, by September 24, 1990.

Date of Intended Adoption: September 25, 1990.

August 22, 1990
Graham E. Johnson
Executive Director

NEW SECTION

WAC 390-16-308 IDENTIFICATION OF SOURCE OF CONTRIBUTION. To identify the source of a contribution received by check or other written instrument, a candidate or treasurer shall ascertain the source of the contribution or type of business entity and apply the following:

Provided, that in cases where the source of the contribution is known and differs from the guidelines set forth below, the known source of the contribution shall be reported;

Provided further, that contributions made by or through a lobbyist shall identify the true and actual source of the funds for whom the contribution was made.

(1) A contribution drawn upon a single account shall be attributed to the account holder as identified by the name printed on the face of the check or negotiable instrument.

(2) A contribution drawn upon a joint account shall be attributed in equal proportion to each of the account holders as identified by the names printed on the face of the check or negotiable instrument unless the candidate or treasurer is notified in writing that the contribution should be allocated in different proportions.

(3) A contribution made by a sole proprietor or drawn upon the account of a business which is a sole proprietorship shall be attributed to the owner of the business entity.

(4) A contribution drawn upon the account of a partnership shall be attributed to the partnership as a separate entity except that;

Any check drawn upon the partnership account but which is to be paid from the capital account of one or more individual partners shall identify at the time of transmittal to the candidate or treasurer the name(s) of the contributing partner(s) and shall be attributed to the contributing partner(s).

(5) A contribution drawn upon the account of a corporation, union, association or other similar organization shall be attributed to the corporation, union, association or other similar organization as a separate entity except that:

(a) a contribution drawn upon the account of a wholly owned or controlled subsidiary shall identify the name of the parent or controlling corporation and the contribution shall be attributed to the parent or controlling corporation;

(b) a contribution drawn upon the account of a controlled union subdivision shall identify the name of the controlling union and the contribution shall be attributed to the controlling union;

(c) a contribution drawn upon the account of a controlled subdivision of an association or other similar organization shall name the controlling association or other similar organization and the contribution shall be attributed to the controlling association.

(d) A subsidiary, union subdivision or subdivision of an association or other similar organization is "controlled" by another entity if it does not maintain executive and fiscal independence over its operations and functions as demonstrated by:

(i) Whether the corporation or organization owns a controlling interest in the voting stock or securities of the subsidiary or subdivision;

(ii) Whether the corporation or organization has the authority or ability to direct or participate in the governance of the subsidiary or subdivision through provisions of constitutions, bylaws, contracts or other rules, or through formal or informal practices or procedures;

(iii) Whether the corporation or organization has the authority or ability to hire, appoint, demote or otherwise control the officers or other decisionmaking employees or members of the subsidiary or subdivision;

(iv) Whether the corporation or organization has common or overlapping membership with the subsidiary or subdivision which indicates a formal or ongoing relationship between the two entities.

(v) Whether the corporation or organization has common or overlapping officers or employees with the subsidiary or subdivision which indicates a formal or ongoing relationship between the two entities;

(vi) Whether the corporation or organization provides funds or goods in a significant amount or on an ongoing basis through direct or indirect payments to the subsidiary or subdivision.

(6) Contributions made by political committees established, financed, maintained, or controlled by any corporation, organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such person, shall be considered to have been made by a single political committee.

NEW SECTION

WAC 390-16-310 LIMITATIONS ON CONTRIBUTIONS. The limitations on contributions as provided in RCW 42.17.105(8) shall be applied as follows:

(1) The limitation on contributions shall apply to a "candidate" as that term is defined in RCW 42.17.020(5) when the candidate is contributing to his or her own campaign using his or her own personal funds.

(2) The limitations on contributions shall apply separately to the contributions made by each spouse.

(3) Minor children (children under 18 years of age) may make contributions which do not exceed the limitations on contributions if the contribution is properly attributed to the minor child and if;

(a) The decision to contribute is made knowingly and voluntarily by the minor child;

(b) The funds, goods, or services contributed are owned or controlled exclusively by the minor child, such as income earned by the child, the proceeds of a trust for which the child is the beneficiary, or a savings account opened and maintained exclusively in the child's name; and

(c) The contribution is not made from the proceeds of a gift, the purpose of which was to provide funds to be contributed, or is not in any other way controlled by another individual.

(4) Contributions from a business organized as a sole proprietorship and contributions from the owner of the sole proprietorship shall be aggregated for purposes of determining the limitations of contributions under to RCW 42.17.105(8).

(5) The limitations on contributions shall apply separately to the contributions made by a partnership from the contributions made by an individual partner except that;

Contributions made from or charged against the capital account of an individual partner shall be aggregated with the partner's individual contributions for purposes of determining the limitations on contributions under RCW 42.17.105(8).

(6) The limitations on contributions shall apply separately to the contributions made by a corporation, union, association or other similar organization from the contributions made by the subsidiary corporation, or subdivision of the union, association or other similar organization except that;

(a) A contribution from a wholly owned or controlled subsidiary corporation or subdivision of a union, association or other similar organization shall be aggregated with the contributions of the parent or controlling corporation or organization for purposes of determining the limitations on contributions under RCW 42.17.105(8).

(b) A subsidiary, union subdivision or subdivision of an association or other similar organization is "controlled" by another entity, if it does not maintain executive and fiscal independence over its operations and functions as demonstrated by the factors set forth in WAC 390-20-300 (i)-(vi).

(7) The limitations on contributions shall apply separately to political committees except that;

Political committees which are established, financed, maintained or controlled by any corporation, organization or any other person, including any parent, subsidiary, branch, division, department, or local unit of such persons shall be aggregated and considered as having been made by a single political committee for purposes of determining the limitations on contributions under RCW 42.17.105(8).

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
- PREP = Preproposal comments
- 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
- S = Supplemental notice
- 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.

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16-80-040	NEW-E	90-17-131	16-228-164	RESCIND	90-13-019	16-230-855	AMD	90-14-034
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16-86-005	AMD-E	90-05-049	16-228-700	NEW-W	90-07-042	16-230-860	AMD-P	90-11-125
16-86-005	AMD-P	90-07-066	16-228-705	NEW-C	90-06-012	16-230-860	AMD	90-14-034
16-86-005	AMD	90-10-045	16-228-705	NEW-W	90-07-042	16-230-861	NEW-P	90-04-109
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16-86-093	NEW-P	90-07-066	16-228-710	NEW-W	90-07-042	16-230-861	NEW-W	90-11-025
16-86-093	NEW	90-10-045	16-228-715	NEW-C	90-06-012	16-230-861	NEW-P	90-11-125
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16-144-110	NEW	90-14-076	16-228-720	NEW-W	90-07-042	16-230-862	NEW-W	90-11-025
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16-144-130	NEW	90-14-076	16-230-615	AMD-E	90-08-017	16-230-863	NEW-W	90-11-025
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16-148-020	AMD	90-14-075	16-230-805	REP-P	90-04-109	16-300-020	AMD-P	90-09-064
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16-158-050	NEW	90-12-097	16-230-835	AMD-P	90-11-125	16-316-285	AMD-W	90-06-105
16-158-060	NEW-P	90-08-090	16-230-835	AMD	90-14-034	16-316-290	AMD-P	90-03-090
16-158-060	NEW	90-12-097	16-230-839	NEW-P	90-04-109	16-316-290	AMD-W	90-06-105
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16-158-070	NEW	90-12-097	16-230-840	REP-P	90-04-109	16-316-370	AMD	90-12-098
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Table of WAC Sections Affected

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16-318-385	NEW	90-03-026	16-557-020	NEW-W	90-13-073	50-36-090	AMD	90-07-011
16-318-390	NEW	90-03-026	16-557-030	NEW-W	90-05-068	50-44-010	AMD-P	90-09-091
16-318-395	NEW	90-03-026	16-557-030	NEW-W	90-13-073	50-44-010	AMD	90-12-007
16-318-400	NEW	90-03-026	16-557-040	NEW-W	90-05-068	50-44-020	AMD-P	90-09-091
16-318-405	NEW	90-03-026	16-557-040	NEW-W	90-13-073	50-44-020	AMD	90-12-007
16-318-410	NEW	90-03-026	16-557-041	NEW-W	90-05-068	50-44-030	AMD-P	90-09-091
16-318-415	NEW	90-03-026	16-557-041	NEW-W	90-13-073	50-44-030	AMD	90-12-007
16-318-420	NEW	90-03-026	16-557-050	NEW-W	90-05-068	50-44-050	NEW-P	90-09-091
16-400-010	AMD-E	90-03-034	16-557-050	NEW-W	90-13-073	50-44-050	NEW	90-12-007
16-400-010	AMD-P	90-05-065	16-557-060	NEW-W	90-05-068	51-04-010	AMD	90-02-108
16-400-010	AMD	90-09-031	16-557-060	NEW-W	90-13-073	51-04-015	NEW	90-02-108
16-400-100	AMD-E	90-03-034	16-557-070	NEW-W	90-05-068	51-04-018	NEW	90-02-108
16-400-100	AMD-P	90-05-065	16-557-070	NEW-W	90-13-073	51-04-020	AMD	90-02-108
16-400-100	AMD	90-09-031	16-557-080	NEW-W	90-05-068	51-04-025	NEW	90-02-108
16-400-210	AMD-E	90-03-034	16-557-080	NEW-W	90-13-073	51-04-030	NEW	90-02-108
16-400-210	AMD-P	90-05-065	16-570-040	AMD-P	90-03-071	51-04-035	NEW	90-02-108
16-400-210	AMD	90-09-031	16-570-040	AMD	90-07-013	51-04-037	NEW	90-02-108
16-403-142	AMD-W	90-03-036	16-575-010	NEW-P	90-17-099	51-04-040	NEW	90-02-108
16-403-142	AMD-P	90-05-066	16-575-020	NEW-P	90-17-099	51-04-050	NEW	90-02-108
16-403-142	AMD-P	90-05-067	16-622-001	NEW	90-08-069	51-04-060	NEW	90-02-108
16-403-142	AMD	90-09-032	16-622-005	NEW	90-08-069	51-04-070	NEW	90-02-108
16-403-142	AMD-W	90-11-009	16-622-010	NEW	90-08-069	51-06-010	AMD	90-02-108
16-403-155	AMD-W	90-03-036	16-622-015	NEW	90-08-069	51-06-020	AMD	90-02-108
16-403-155	AMD-P	90-05-066	16-622-020	NEW	90-08-069	51-06-030	REP	90-02-108
16-403-155	AMD-P	90-10-086	16-622-025	NEW	90-08-069	51-06-040	REP	90-02-108
16-403-155	AMD-W	90-11-009	16-622-030	NEW	90-08-069	51-06-050	REP	90-02-108
16-403-155	AMD	90-13-078	16-622-035	NEW	90-08-069	51-06-060	REP	90-02-108
16-403-190	AMD-E	90-03-035	16-622-040	NEW	90-08-069	51-06-070	AMD	90-02-108
16-403-190	AMD-W	90-03-036	16-622-045	NEW	90-08-069	51-06-080	REP	90-02-108
16-403-190	AMD-P	90-05-066	16-622-050	NEW	90-08-069	51-06-090	REP	90-02-108
16-403-190	AMD-P	90-05-067	16-622-055	NEW	90-08-069	51-06-100	REP	90-02-108
16-403-190	AMD	90-09-032	16-622-900	NEW	90-08-069	51-06-110	REP	90-02-108
16-403-190	AMD-W	90-11-009	16-752-001	AMD-P	90-16-074	51-06-120	AMD	90-02-108

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
51-08-010	AMD	90-02-108	51-13-105	NEW-P	90-17-149	72-100-001	NEW	90-16-003
51-10	AMD	90-02-110	51-13-106	NEW-P	90-17-149	72-108-010	NEW-P	90-10-102
51-11-0100	NEW-P	90-17-150	51-13-107	NEW-P	90-17-149	72-108-010	NEW	90-16-004
51-11-0101	NEW-P	90-17-150	51-13-108	NEW-P	90-17-149	72-108-020	NEW-P	90-10-102
51-11-0102	NEW-P	90-17-150	51-13-200	NEW-P	90-17-149	72-108-020	NEW	90-16-004
51-11-0103	NEW-P	90-17-150	51-13-201	NEW-P	90-17-149	72-108-030	NEW-P	90-10-102
51-11-0104	NEW-P	90-17-150	51-13-202	NEW-P	90-17-149	72-108-030	NEW	90-16-004
51-11-0105	NEW-P	90-17-150	51-13-300	NEW-P	90-17-149	72-108-040	NEW-P	90-10-102
51-11-0106	NEW-P	90-17-150	51-13-301	NEW-P	90-17-149	72-108-040	NEW	90-16-004
51-11-0107	NEW-P	90-17-150	51-13-302	NEW-P	90-17-149	72-108-060	NEW-P	90-10-102
51-11-0108	NEW-P	90-17-150	51-13-303	NEW-P	90-17-149	72-108-060	NEW	90-16-004
51-11-0109	NEW-P	90-17-150	51-13-304	NEW-P	90-17-149	72-108-070	NEW-P	90-10-102
51-11-0200	NEW-P	90-17-150	51-13-400	NEW-P	90-17-149	72-108-070	NEW	90-16-004
51-11-0201	NEW-P	90-17-150	51-13-401	NEW-P	90-17-149	72-108-080	NEW-P	90-10-102
51-11-0300	NEW-P	90-17-150	51-13-402	NEW-P	90-17-149	72-108-080	NEW	90-16-004
51-11-0301	NEW-P	90-17-150	51-13-500	NEW-P	90-17-149	72-108-090	NEW-P	90-10-102
51-11-0302	NEW-P	90-17-150	51-13-501	NEW-P	90-17-149	72-108-090	NEW	90-16-004
51-11-0303	NEW-P	90-17-150	51-13-503	NEW-P	90-17-149	72-108-100	NEW-P	90-10-102
51-11-0400	NEW-P	90-17-150	51-16-030	AMD	90-02-110	72-108-100	NEW	90-16-004
51-11-0401	NEW-P	90-17-150	51-16-030	AMD-P	90-17-153	72-120-010	NEW-P	90-10-103
51-11-0402	NEW-P	90-17-150	51-16-050	AMD	90-02-110	72-120-010	NEW	90-16-005
51-11-0500	NEW-P	90-17-150	51-16-080	AMD-P	90-07-083	72-120-015	NEW-P	90-10-103
51-11-0501	NEW-P	90-17-150	51-16-080	AMD	90-13-033	72-120-015	NEW	90-16-005
51-11-0502	NEW-P	90-17-150	51-16-090	REP-P	90-07-083	72-120-100	NEW-P	90-10-103
51-11-0503	NEW-P	90-17-150	51-16-090	REP	90-13-033	72-120-100	NEW	90-16-005
51-11-0504	NEW-P	90-17-150	51-18-010	NEW	90-02-110	72-120-200	NEW-P	90-10-103
51-11-0505	NEW-P	90-17-150	51-18-020	NEW	90-02-110	72-120-200	NEW	90-16-005
51-11-0600	NEW-P	90-17-150	51-18-030	NEW	90-02-110	72-120-205	NEW-P	90-10-103
51-11-0601	NEW-P	90-17-150	51-18-040	NEW	90-02-110	72-120-205	NEW	90-16-005
51-11-0602	NEW-P	90-17-150	51-18-050	NEW	90-02-110	72-120-210	NEW-P	90-10-103
51-11-0603	NEW-P	90-17-150	51-19-100	NEW-P	90-17-152	72-120-210	NEW	90-16-005
51-11-0604	NEW-P	90-17-150	51-19-110	NEW-P	90-17-152	72-120-220	NEW-P	90-10-103
51-11-0605	NEW-P	90-17-150	51-19-120	NEW-P	90-17-152	72-120-220	NEW	90-16-005
51-11-0606	NEW-P	90-17-150	51-19-130	NEW-P	90-17-152	72-120-225	NEW-P	90-10-103
51-11-0607	NEW-P	90-17-150	51-19-140	NEW-P	90-17-152	72-120-225	NEW	90-16-005
51-11-0608	NEW-P	90-17-150	51-19-150	NEW-P	90-17-152	72-120-230	NEW-P	90-10-103
51-11-0700	NEW-P	90-17-150	51-19-160	NEW-P	90-17-152	72-120-230	NEW	90-16-005
51-11-0701	NEW-P	90-17-150	51-19-170	NEW-P	90-17-152	72-120-234	NEW-P	90-10-103
51-11-0800	NEW-P	90-17-150	51-19-180	NEW-P	90-17-152	72-120-234	NEW	90-16-005
51-11-0900	NEW-P	90-17-150	51-19-190	NEW-P	90-17-152	72-120-236	NEW-P	90-10-103
51-11-1000	NEW-P	90-17-150	51-19-200	NEW-P	90-17-152	72-120-236	NEW	90-16-005
51-11-1001	NEW-P	90-17-150	51-19-210	NEW-P	90-17-152	72-130-010	NEW-P	90-10-104
51-11-1002	NEW-P	90-17-150	51-19-220	NEW-P	90-17-152	72-130-010	NEW	90-16-006
51-11-1003	NEW-P	90-17-150	51-19-230	NEW-P	90-17-152	72-130-020	NEW-P	90-10-104
51-11-1004	NEW-P	90-17-150	51-19-240	NEW-P	90-17-152	72-130-020	NEW	90-16-006
51-11-1005	NEW-P	90-17-150	51-19-250	NEW-P	90-17-152	72-130-030	NEW-P	90-10-104
51-11-1006	NEW-P	90-17-150	51-19-260	NEW-P	90-17-152	72-130-030	NEW	90-16-006
51-11-1007	NEW-P	90-17-150	51-19-270	NEW-P	90-17-152	72-130-035	NEW-P	90-10-104
51-11-1008	NEW-P	90-17-150	51-19-280	NEW-P	90-17-152	72-130-035	NEW	90-16-006
51-11-1009	NEW-P	90-17-150	51-19-300	NEW-P	90-17-152	72-130-040	NEW-P	90-10-104
51-11-1010	NEW-P	90-17-150	51-19-400	NEW-P	90-17-152	72-130-040	NEW	90-16-006
51-12-201	AMD-P	90-05-064	51-19-410	NEW-P	90-17-152	72-130-050	NEW-P	90-10-104
51-12-201	AMD-C	90-11-020	51-19-420	NEW-P	90-17-152	72-130-050	NEW	90-16-006
51-12-201	AMD-W	90-13-040	51-19-430	NEW-P	90-17-152	72-140-010	NEW-P	90-10-105
51-12-202	AMD-P	90-05-064	51-19-440	NEW-P	90-17-152	72-140-010	NEW	90-16-007
51-12-202	AMD-C	90-11-020	51-19-450	NEW-P	90-17-152	72-140-020	NEW-P	90-10-105
51-12-202	AMD-W	90-13-040	51-19-460	NEW-P	90-17-152	72-140-020	NEW	90-16-007
51-12-204	AMD-P	90-05-064	51-19-470	NEW-P	90-17-152	72-140-030	NEW-P	90-10-105
51-12-204	AMD-C	90-11-020	51-19-500	NEW-P	90-17-152	72-140-030	NEW	90-16-007
51-12-204	AMD-W	90-13-040	51-19-510	NEW-P	90-17-152	72-140-040	NEW-P	90-10-105
51-12-220	AMD	90-02-110	51-19-600	NEW-P	90-17-152	72-140-040	NEW	90-16-007
51-12-403	AMD	90-02-110	51-19-610	NEW-P	90-17-152	72-140-050	NEW-P	90-10-105
51-12-404	AMD	90-02-110	51-19-620	NEW-P	90-17-152	72-140-050	NEW	90-16-007
51-12-411	AMD-P	90-05-064	51-19-630	NEW-P	90-17-152	72-140-060	NEW-P	90-10-105
51-12-411	AMD-C	90-11-020	51-19-640	NEW-P	90-17-152	72-140-060	NEW	90-16-007
51-12-411	AMD-W	90-13-040	51-19-650	NEW-P	90-17-152	72-140-070	NEW-P	90-10-105
51-12-426	AMD	90-02-110	51-19-660	NEW-P	90-17-152	72-140-070	NEW	90-16-007
51-12-601	AMD	90-02-110	51-19-670	NEW-P	90-17-152	72-140-080	NEW-P	90-10-105
51-12-602	AMD-P	90-05-064	51-19-700	NEW-P	90-17-152	72-140-080	NEW	90-16-007
51-12-602	AMD-C	90-11-020	51-19-710	NEW-P	90-17-152	72-171-001	NEW-P	90-10-106
51-12-602	AMD-W	90-13-040	51-19-800	NEW-P	90-17-152	72-171-001	NEW	90-16-008
51-12-608	AMD	90-02-110	51-19-810	NEW-P	90-17-152	72-171-010	NEW-P	90-10-106
51-13-100	NEW-P	90-17-149	51-19-900	NEW-P	90-17-152	72-171-010	NEW	90-16-008
51-13-101	NEW-P	90-17-149	51-19-901	NEW-P	90-17-152	72-171-015	NEW-P	90-10-106
51-13-102	NEW-P	90-17-149	67-25-560	AMD	90-11-047	72-171-015	NEW	90-16-008
51-13-103	NEW-P	90-17-149	67-25-570	AMD	90-11-047	72-171-016	NEW-P	90-10-106
51-13-104	NEW-P	90-17-149	72-100-001	NEW-P	90-10-101	72-171-016	NEW	90-16-008

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
72-171-100	NEW-P	90-10-106	72-280-011	NEW-P	90-10-108
72-171-100	NEW	90-16-008	72-280-011	NEW	90-16-010
72-171-110	NEW-P	90-10-106	72-280-015	NEW-P	90-10-108
72-171-110	NEW	90-16-008	72-280-015	NEW	90-16-010
72-171-120	NEW-P	90-10-106	72-280-020	NEW-P	90-10-108
72-171-120	NEW	90-16-008	72-280-020	NEW	90-16-010
72-171-130	NEW-P	90-10-106	72-280-025	NEW-P	90-10-108
72-171-130	NEW	90-16-008	72-280-025	NEW	90-16-010
72-171-140	NEW-P	90-10-106	72-280-030	NEW-P	90-10-108
72-171-140	NEW	90-16-008	72-280-030	NEW	90-16-010
72-171-150	NEW-P	90-10-106	72-280-040	NEW-P	90-10-108
72-171-150	NEW	90-16-008	72-280-040	NEW	90-16-010
72-171-200	NEW-P	90-10-106	72-280-050	NEW-P	90-10-108
72-171-200	NEW	90-16-008	72-280-050	NEW	90-16-010
72-171-210	NEW-P	90-10-106	72-280-055	NEW-P	90-10-108
72-171-210	NEW	90-16-008	72-280-055	NEW	90-16-010
72-171-220	NEW-P	90-10-106	72-280-060	NEW-P	90-10-108
72-171-220	NEW	90-16-008	72-280-060	NEW	90-16-010
72-171-230	NEW-P	90-10-106	72-280-070	NEW-P	90-10-108
72-171-230	NEW	90-16-008	72-280-070	NEW	90-16-010
72-171-240	NEW-P	90-10-106	72-325-010	NEW-P	90-10-109
72-171-240	NEW	90-16-008	72-325-010	NEW	90-16-011
72-171-400	NEW-P	90-10-106	82-30-010	NEW	90-12-009
72-171-400	NEW	90-16-008	82-30-020	NEW	90-12-009
72-171-410	NEW-P	90-10-106	82-30-030	NEW	90-12-009
72-171-410	NEW	90-16-008	82-30-040	NEW	90-12-009
72-171-420	NEW-P	90-10-106	82-30-050	NEW	90-12-009
72-171-420	NEW	90-16-008	82-30-060	NEW	90-12-009
72-171-430	NEW-P	90-10-106	82-50-021	AMD-P	90-14-077
72-171-430	NEW	90-16-008	82-50-021	AMD	90-17-017
72-171-500	NEW-P	90-10-106	98-14-200	NEW-P	90-13-105
72-171-500	NEW	90-16-008	98-14-200	NEW	90-17-073
72-171-510	NEW-P	90-10-106	113-12-104	NEW-P	90-09-077
72-171-510	NEW	90-16-008	113-12-104	NEW-P	90-14-130
72-171-600	NEW-P	90-10-106	113-12-130	REP-P	90-04-029
72-171-600	NEW	90-16-008	113-12-130	REP	90-08-035
72-171-610	NEW-P	90-10-106	113-12-160	REP-P	90-04-029
72-171-610	NEW	90-16-008	113-12-160	REP	90-08-035
72-171-620	NEW-P	90-10-106	113-12-161	REP-P	90-04-029
72-171-620	NEW	90-16-008	113-12-161	REP	90-08-035
72-171-630	NEW-P	90-10-106	113-12-200	AMD-P	90-04-029
72-171-630	NEW	90-16-008	113-12-200	AMD-C	90-08-036
72-171-640	NEW-P	90-10-106	113-12-200	AMD	90-16-059
72-171-640	NEW	90-16-008	114-12-136	AMD	90-04-094
72-171-650	NEW-P	90-10-106	114-12-155	AMD-P	90-11-045
72-171-650	NEW-C	90-17-079	114-12-190	AMD-P	90-11-045
72-171-700	NEW-P	90-17-078	130-14-010	NEW-P	90-12-110
72-276-010	NEW-P	90-10-107	130-14-010	NEW	90-17-054
72-276-010	NEW	90-16-009	130-14-020	NEW-P	90-12-110
72-276-020	NEW-P	90-10-107	130-14-020	NEW	90-17-054
72-276-020	NEW	90-16-009	130-14-030	NEW-P	90-12-110
72-276-030	NEW-P	90-10-107	130-14-030	NEW	90-17-054
72-276-030	NEW	90-16-009	130-14-040	NEW-P	90-12-110
72-276-040	NEW-P	90-10-107	130-14-040	NEW	90-17-054
72-276-040	NEW	90-16-009	130-14-050	NEW-P	90-12-110
72-276-050	NEW-P	90-10-107	130-14-050	NEW	90-17-054
72-276-050	NEW	90-16-009	130-14-060	NEW-P	90-12-110
72-276-060	NEW-P	90-10-107	130-14-060	NEW	90-17-054
72-276-060	NEW	90-16-009	130-14-070	NEW-P	90-12-110
72-276-070	NEW-P	90-10-107	130-14-070	NEW	90-17-054
72-276-070	NEW	90-16-009	131-12-010	AMD-P	90-16-067
72-276-080	NEW-P	90-10-107	131-12-020	AMD-P	90-16-067
72-276-080	NEW	90-16-009	131-12-070	REP-P	90-16-067
72-276-090	NEW-P	90-10-107	131-16-055	NEW-E	90-04-066
72-276-090	NEW	90-16-009	131-16-400	AMD-P	90-16-068
72-276-100	NEW-P	90-10-107	131-16-450	NEW-E	90-15-004
72-276-100	NEW	90-16-009	131-16-450	NEW-P	90-16-068
72-276-110	NEW-P	90-10-107	131-16-500	NEW-E	90-09-069
72-276-110	NEW	90-16-009	131-16-500	NEW-P	90-13-095
72-276-120	NEW-P	90-10-107	131-16-500	NEW-E	90-15-003
72-276-120	NEW	90-16-009	131-28-026	AMD-P	90-16-069
72-276-130	NEW-P	90-10-107	131-28-090	AMD-P	90-16-069
72-276-130	NEW	90-16-009	132D-108-010	NEW	90-05-045
72-276-140	NEW-P	90-10-107	132D-108-020	NEW	90-05-045
72-276-140	NEW	90-16-009	132D-108-030	NEW	90-05-045
72-280-010	NEW-P	90-10-108	132D-108-040	NEW	90-05-045
72-280-010	NEW	90-16-010	132D-108-050	NEW	90-05-045
132D-108-060	NEW	90-05-045	132D-108-070	NEW	90-05-045
132D-108-070	NEW	90-05-045	132D-108-080	NEW	90-05-045
132D-108-080	NEW	90-05-045	132D-108-090	NEW	90-05-045
132D-108-090	NEW	90-05-045	132D-130-010	NEW	90-05-045
132D-130-010	NEW	90-05-045	132D-130-020	NEW	90-05-045
132D-130-020	NEW	90-05-045	132D-130-030	NEW	90-05-045
132D-130-030	NEW	90-05-045	132D-130-035	NEW	90-05-045
132D-130-035	NEW	90-05-045	132D-130-040	NEW	90-05-045
132D-130-040	NEW	90-05-045	132D-130-045	NEW	90-05-045
132D-130-045	NEW	90-05-045	132D-130-050	NEW	90-05-045
132D-130-050	NEW	90-05-045	132D-130-055	NEW	90-05-045
132D-130-055	NEW	90-05-045	132D-130-060	NEW	90-05-045
132D-130-060	NEW	90-05-045	132D-130-070	NEW	90-05-045
132D-130-070	NEW	90-05-045	132D-130-075	NEW	90-05-045
132D-130-075	NEW	90-05-045	132D-130-080	NEW	90-05-045
132D-130-080	NEW	90-05-045	132D-130-085	NEW	90-05-045
132D-130-085	NEW	90-05-045	132D-130-090	NEW	90-05-045
132D-130-090	NEW	90-05-045	132D-130-095	NEW	90-05-045
132D-130-095	NEW	90-05-045	132D-130-100	NEW	90-05-045
132D-130-100	NEW	90-05-045	132D-133-020	NEW	90-05-045
132D-133-020	NEW	90-05-045	132D-400-010	NEW	90-05-045
132D-400-010	NEW	90-05-045	132D-400-020	NEW	90-05-045
132D-400-020	NEW	90-05-045	132D-400-030	NEW	90-05-045
132D-400-030	NEW	90-05-045	132D-400-040	NEW	90-05-045
132D-400-040	NEW	90-05-045	132E-108-010	NEW-P	90-03-012
132E-108-010	NEW-P	90-03-012	132E-108-010	NEW	90-09-006
132E-108-010	NEW	90-09-006	132E-108-020	NEW-P	90-03-012
132E-108-020	NEW-P	90-03-012	132E-108-020	NEW	90-09-006
132E-108-020	NEW	90-09-006	132E-108-030	NEW-P	90-03-012
132E-108-030	NEW-P	90-03-012	132E-108-030	NEW	90-09-006
132E-108-030	NEW	90-09-006	132E-108-040	NEW-P	90-03-012
132E-108-040	NEW-P	90-03-012	132E-108-040	NEW	90-09-006
132E-108-040	NEW	90-09-006	132E-108-050	NEW-P	90-03-012
132E-108-050	NEW-P	90-03-012	132E-108-050	NEW	90-09-006
132E-108-050	NEW	90-09-006	132E-108-060	NEW-P	90-03-012
132E-108-060	NEW-P	90-03-012	132E-108-060	NEW	90-09-006
132E-108-060	NEW	90-09-006	132E-108-070	NEW-P	90-03-012
132E-108-070	NEW-P	90-03-012	132E-108-070	NEW	90-09-006
132E-108-070	NEW	90-09-006	132E-108-080	NEW-P	90-03-012
132E-108-080	NEW-P	90-03-012	132E-108-080	NEW	90-09-006
132E-108-080	NEW	90-09-006	132E-133-020	NEW-P	90-03-019
132E-133-020	NEW-P	90-03-019	132E-133-020	NEW	90-09-049
132E-133-020	NEW	90-09-049	132E-400-010	NEW-P	90-03-021
132E-400-010	NEW-P	90-03-021	132E-400-010	NEW	90-09-005
132E-400-010	NEW	90-09-005	132E-400-020	NEW	90-09-005
132E-400-020	NEW	90-09-005	132E-400-030	NEW-P	90-03-021
132E-400-030	NEW-P	90-03-021	132E-400-030	NEW	90-09-005
132E-400-030	NEW	90-09-005	132E-400-040	NEW-P	90-03-021
132E-400-040	NEW-P	90-03-021	132E-400-040	NEW	90-09-005
132E-400-040	NEW	90-09-005	132G-108-010	NEW-P	90-10-049
132G-108-010	NEW-P	90-10-049	132G-108-010	NEW	90-13-051
132G-108-010	NEW	90-13-051	132G-108-020	NEW-P	90-10-049
132G-108-020	NEW-P	90-10-049	132G-108-020	NEW	90-13-051
132G-108-020	NEW	90-13-051	132G-108-030	NEW-P	90-10-049
132G-108-030	NEW-P	90-10-049	132G-108-030	NEW	90-13-051
132G-108-030	NEW	90-13-051	132G-108-040	NEW-P	90-10-049
132G-108-040	NEW-P	90-10-049	132G-108-040	NEW	90-13-051
132G-108-040	NEW	90-13-051	132G-108-050	NEW-P	90-10-049
132G-108-050	NEW-P	90-10-049	132G-108-050	NEW	90-13-051
132G-108-050	NEW	90-13-051	132G-108-060	NEW-P	90-10-049
132G-108-060	NEW-P	90-10-049	132G-108-060	NEW	90-13-051
132G-108-060	NEW	90-13-051	132G-108-070	NEW-P	90-10-049
132G-108-070	NEW-P	90-10-049	132G-108-070	NEW	90-13-051
132G-108-070	NEW	90-13-051	132G-108-080	NEW-P	90-10-049
132G-108-080	NEW-P	90-10-049	132G-108-080	NEW	90-13-051
132G-108-080	NEW	90-13-051	132G-133-020	NEW-P	90-10-050
132G-133-020	NEW-P	90-10-050	132G-133-020	NEW	90-13-050
132G-133-020	NEW	90-13-050	132H-108-005	REP-P	90-03-077
132H-108-005	REP-P	90-03-077	132H-108-005	REP-E	90-03-079
132H-108-005	REP-E	90-03-079	132H-108-005	REP	90-09-066
132H-108-005	REP	90-09-066	132H-108-010	REP-P	90-03-077
132H-108-010	REP-P	90-03-077	132H-108-010	REP-E	90-03-079
132H-108-010	REP-E	90-03-079	132H-108-010	REP	90-09-066
132H-108-010	REP	90-09-066	132H-108-020	REP-P	90-03-077
132H-108-020	REP-P	90-03-077	132H-108-020	REP-E	90-03-079
132H-108-020	REP-E	90-03-079			

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
132H-108-020	REP	90-09-066	132H-108-280	REP-E	90-03-079	132J-108-160	NEW-W	90-12-108
132H-108-030	REP-P	90-03-077	132H-108-280	REP	90-09-066	132J-108-170	NEW-P	90-12-012
132H-108-030	REP-E	90-03-079	132H-108-290	REP-P	90-03-077	132J-108-170	NEW-W	90-12-108
132H-108-030	REP	90-09-066	132H-108-290	REP-E	90-03-079	132J-108-180	NEW-P	90-12-012
132H-108-040	REP-P	90-03-077	132H-108-290	REP	90-09-066	132J-108-180	NEW-W	90-12-108
132H-108-040	REP-E	90-03-079	132H-108-300	REP-P	90-03-077	132J-108-180	NEW-P	90-12-109
132H-108-040	REP	90-09-066	132H-108-300	REP-E	90-03-079	132L-20-090	REP	90-05-004
132H-108-050	REP-P	90-03-077	132H-108-300	REP	90-09-066	132L-30-010	REP-P	90-14-111
132H-108-050	REP-E	90-03-079	132H-108-310	REP-P	90-03-077	132L-30-010	REP	90-17-060
132H-108-050	REP	90-09-066	132H-108-310	REP-E	90-03-079	132L-30-020	REP-P	90-14-111
132H-108-060	REP-P	90-03-077	132H-108-310	REP	90-09-066	132L-30-020	REP	90-17-060
132H-108-060	REP-E	90-03-079	132H-108-320	REP-P	90-03-077	132L-30-030	REP-P	90-14-111
132H-108-060	REP	90-09-066	132H-108-320	REP-E	90-03-079	132L-30-030	REP	90-17-060
132H-108-070	REP-P	90-03-077	132H-108-320	REP	90-09-066	132L-30-040	REP-P	90-14-111
132H-108-070	REP-E	90-03-079	132H-108-330	REP-P	90-03-077	132L-30-040	REP	90-17-060
132H-108-070	REP	90-09-066	132H-108-330	REP-E	90-03-079	132L-30-050	REP-P	90-14-111
132H-108-080	REP-P	90-03-077	132H-108-330	REP	90-09-066	132L-30-050	REP	90-17-060
132H-108-080	REP-E	90-03-079	132H-108-410	NEW-P	90-03-077	132L-30-060	REP-P	90-14-111
132H-108-080	REP	90-09-066	132H-108-410	NEW-E	90-03-079	132L-30-060	REP	90-17-060
132H-108-090	REP-P	90-03-077	132H-108-410	NEW	90-09-066	132L-30-070	REP-P	90-14-111
132H-108-090	REP-E	90-03-079	132H-108-420	NEW-P	90-03-077	132L-30-070	REP	90-17-060
132H-108-090	REP	90-09-066	132H-108-420	NEW-E	90-03-079	132L-30-080	REP-P	90-14-111
132H-108-100	REP-P	90-03-077	132H-108-420	NEW	90-09-066	132L-30-080	REP	90-17-060
132H-108-100	REP-E	90-03-079	132H-108-430	NEW-P	90-03-077	132L-30-090	REP-P	90-14-111
132H-108-100	REP	90-09-066	132H-108-430	NEW-E	90-03-079	132L-30-090	REP	90-17-060
132H-108-110	REP-P	90-03-077	132H-108-430	NEW	90-09-066	132L-30-100	REP-P	90-14-111
132H-108-110	REP-E	90-03-079	132H-108-440	NEW-P	90-03-077	132L-30-100	REP	90-17-060
132H-108-110	REP	90-09-066	132H-108-440	NEW-E	90-03-079	132L-30-110	REP-P	90-14-111
132H-108-120	REP-P	90-03-077	132H-108-440	NEW	90-09-066	132L-30-110	REP	90-17-060
132H-108-120	REP-E	90-03-079	132H-108-450	NEW-P	90-03-077	132L-30-120	REP-P	90-14-111
132H-108-120	REP	90-09-066	132H-108-450	NEW-E	90-03-079	132L-30-120	REP	90-17-060
132H-108-130	REP-P	90-03-077	132H-108-450	NEW	90-09-066	132L-30-130	REP-P	90-14-111
132H-108-130	REP-E	90-03-079	132H-108-460	NEW-P	90-03-077	132L-30-130	REP	90-17-060
132H-108-130	REP	90-09-066	132H-108-460	NEW-E	90-03-079	132L-30-140	REP-P	90-14-111
132H-108-140	REP-P	90-03-077	132H-108-460	NEW	90-09-066	132L-30-140	REP	90-17-060
132H-108-140	REP-E	90-03-079	132H-108-470	NEW-P	90-03-077	132L-30-150	REP-P	90-14-111
132H-108-140	REP	90-09-066	132H-108-470	NEW-E	90-03-079	132L-30-150	REP	90-17-060
132H-108-150	REP-P	90-03-077	132H-108-470	NEW	90-09-066	132L-30-160	REP-P	90-14-111
132H-108-150	REP-E	90-03-079	132H-108-480	NEW-P	90-03-077	132L-30-160	REP	90-17-060
132H-108-150	REP	90-09-066	132H-108-480	NEW-E	90-03-079	132L-30-170	REP-P	90-14-111
132H-108-160	REP-P	90-03-077	132H-108-480	NEW	90-09-066	132L-30-170	REP	90-17-060
132H-108-160	REP-E	90-03-079	132H-200-040	NEW-P	90-03-076	132L-30-180	REP-P	90-14-111
132H-108-160	REP	90-09-066	132H-200-040	NEW-E	90-03-080	132L-30-180	REP	90-17-060
132H-108-170	REP-P	90-03-077	132H-200-040	NEW	90-09-065	132L-30-190	REP-P	90-14-111
132H-108-170	REP-E	90-03-079	132H-400-005	NEW-P	90-03-078	132L-30-190	REP	90-17-060
132H-108-170	REP	90-09-066	132H-400-005	NEW-E	90-03-081	132L-30-200	REP-P	90-14-111
132H-108-180	REP-P	90-03-077	132H-400-005	NEW	90-09-067	132L-30-200	REP	90-17-060
132H-108-180	REP-E	90-03-079	132H-400-010	NEW-P	90-03-078	132L-30-210	REP-P	90-14-111
132H-108-180	REP	90-09-066	132H-400-010	NEW-E	90-03-081	132L-30-210	REP	90-17-060
132H-108-190	REP-P	90-03-077	132H-400-010	NEW	90-09-067	132L-30-220	REP-P	90-14-111
132H-108-190	REP-E	90-03-079	132H-400-020	NEW-P	90-03-078	132L-30-220	REP	90-17-060
132H-108-190	REP	90-09-066	132H-400-020	NEW-E	90-03-081	132L-30-230	REP-P	90-14-111
132H-108-200	REP-P	90-03-077	132H-400-020	NEW	90-09-067	132L-30-230	REP	90-17-060
132H-108-200	REP-E	90-03-079	132H-400-030	NEW-P	90-03-078	132L-30-240	REP-P	90-14-111
132H-108-200	REP	90-09-066	132H-400-030	NEW-E	90-03-081	132L-30-240	REP	90-17-060
132H-108-210	REP-P	90-03-077	132H-400-030	NEW	90-09-067	132L-30-250	REP-P	90-14-111
132H-108-210	REP-E	90-03-079	132H-400-040	NEW-P	90-03-078	132L-30-250	REP	90-17-060
132H-108-210	REP	90-09-066	132H-400-040	NEW-E	90-03-081	132L-30-260	REP-P	90-14-111
132H-108-220	REP-P	90-03-077	132H-400-040	NEW	90-09-067	132L-30-260	REP	90-17-060
132H-108-220	REP-E	90-03-079	132J-108-010	NEW-P	90-12-109	132L-30-270	REP-P	90-14-111
132H-108-220	REP	90-09-066	132J-108-010	NEW-P	90-12-109	132L-30-270	REP	90-17-060
132H-108-230	REP-P	90-03-077	132J-108-020	NEW-P	90-12-109	132L-30-280	REP-P	90-14-111
132H-108-230	REP-E	90-03-079	132J-108-030	NEW-P	90-12-109	132L-30-280	REP	90-17-060
132H-108-230	REP	90-09-066	132J-108-040	NEW-P	90-12-109	132L-30-290	REP-P	90-14-111
132H-108-240	REP-P	90-03-077	132J-108-050	NEW-P	90-12-109	132L-30-290	REP	90-17-060
132H-108-240	REP-E	90-03-079	132J-108-060	NEW-P	90-12-109	132L-32-300	REP-P	90-14-111
132H-108-240	REP	90-09-066	132J-108-070	NEW-P	90-12-109	132L-30-300	REP	90-17-060
132H-108-250	REP-P	90-03-077	132J-108-110	NEW-P	90-12-012	132L-108-010	NEW-E	90-03-074
132H-108-250	REP-E	90-03-079	132J-108-110	NEW-W	90-12-108	132L-108-010	NEW	90-05-005
132H-108-250	REP	90-09-066	132J-108-120	NEW-P	90-12-012	132L-108-020	NEW-E	90-03-074
132H-108-260	REP-P	90-03-077	132J-108-120	NEW-W	90-12-108	132L-108-020	NEW	90-05-005
132H-108-260	REP-E	90-03-079	132J-108-130	NEW-P	90-12-012	132L-108-030	NEW-E	90-03-074
132H-108-260	REP	90-09-066	132J-108-130	NEW-W	90-12-108	132L-108-030	NEW	90-05-005
132H-108-270	REP-P	90-03-077	132J-108-140	NEW-P	90-12-012	132L-108-040	NEW-E	90-03-074
132H-108-270	REP-E	90-03-079	132J-108-140	NEW-W	90-12-108	132L-108-040	NEW	90-05-005
132H-108-270	REP	90-09-066	132J-108-150	NEW-P	90-12-012	132L-108-050	NEW-E	90-03-074
132H-108-280	REP-P	90-03-077	132J-108-150	NEW-W	90-12-108	132L-108-050	NEW	90-05-005

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132L-108-060	NEW-E	90-03-074	132L-280-090	NEW	90-05-004	132S-01-030	NEW-P	90-03-082
132L-108-060	NEW	90-05-005	132L-280-100	NEW	90-05-004	132S-01-030	NEW	90-07-006
132L-108-070	NEW-E	90-03-074	132L-280-110	NEW	90-05-004	132S-01-040	NEW-P	90-03-082
132L-108-070	NEW	90-05-005	132L-280-120	NEW	90-05-004	132S-01-040	NEW	90-07-006
132L-108-080	NEW-E	90-03-074	132L-400-010	NEW-E	90-03-073	132S-01-050	NEW-P	90-03-082
132L-108-080	NEW	90-05-005	132L-400-010	NEW	90-05-009	132S-01-050	NEW	90-07-006
132L-116-010	NEW-P	90-14-111	132L-400-020	NEW	90-10-026	132S-01-060	NEW-P	90-03-082
132L-116-020	NEW-P	90-14-111	132L-400-030	NEW	90-05-009	132S-01-060	NEW	90-07-006
132L-116-030	NEW-P	90-14-111	132L-400-040	NEW	90-05-009	132S-01-070	NEW-P	90-03-082
132L-116-040	NEW-P	90-14-111	132N-400-010	NEW-P	90-04-079	132S-01-070	NEW	90-07-006
132L-116-050	NEW-P	90-14-111	132N-400-010	NEW-C	90-10-026	132S-01-080	NEW-P	90-03-082
132L-116-060	NEW-P	90-14-111	132N-400-010	NEW-W	90-17-101	132S-01-080	NEW	90-07-006
132L-116-070	NEW-P	90-14-111	132N-400-020	NEW-P	90-04-079	132S-01-090	NEW-P	90-03-082
132L-116-080	NEW-P	90-14-111	132N-400-020	NEW-C	90-10-026	132S-01-090	NEW	90-07-006
132L-116-090	NEW-P	90-14-111	132N-400-020	NEW-W	90-17-101	132S-05-010	NEW-P	90-03-082
132L-116-100	NEW-P	90-14-111	132N-400-030	NEW-P	90-04-079	132S-05-010	NEW	90-07-006
132L-116-110	NEW-P	90-14-111	132N-400-030	NEW-C	90-10-026	132S-05-015	NEW-P	90-03-082
132L-116-120	NEW-P	90-14-111	132N-400-030	NEW-W	90-17-101	132S-05-015	NEW	90-07-006
132L-116-130	NEW-P	90-14-111	132N-400-040	NEW-P	90-04-079	132S-05-020	NEW-P	90-03-082
132L-116-140	NEW-P	90-14-111	132N-400-040	NEW-C	90-10-026	132S-05-020	NEW	90-07-006
132L-116-150	NEW-P	90-14-111	132N-400-040	NEW-W	90-17-101	132S-30-037	NEW-P	90-03-082
132L-116-160	NEW-P	90-14-111	132P-136-040	AMD-P	90-07-058	132S-30-037	NEW	90-07-006
132L-116-170	NEW-P	90-14-111	132P-136-040	AMD	90-11-077	132S-40-130	NEW-P	90-03-082
132L-116-180	NEW-P	90-14-111	132Q-01-005	REP-P	90-14-114	132S-40-130	NEW	90-07-006
132L-116-190	NEW-P	90-14-111	132Q-01-006	NEW-P	90-14-115	132S-40-135	NEW-P	90-03-082
132L-116-200	NEW-P	90-14-111	132Q-04-055	REP-P	90-14-116	132S-40-135	NEW	90-07-006
132L-116-210	NEW-P	90-14-111	132Q-04-200	AMD-P	90-14-117	132S-40-140	NEW-P	90-03-082
132L-116-220	NEW-P	90-14-111	132Q-04-210	AMD-P	90-14-117	132S-40-140	NEW	90-07-006
132L-116-230	NEW-P	90-14-111	132Q-04-220	AMD-P	90-14-117	132S-40-145	NEW-P	90-03-082
132L-116-240	NEW-P	90-14-111	132Q-04-230	AMD-P	90-14-117	132S-40-145	NEW	90-07-006
132L-116-250	NEW-P	90-14-111	132Q-04-240	AMD-P	90-14-117	132S-40-150	NEW-P	90-03-082
132L-116-260	NEW-P	90-14-111	132Q-05-060	AMD-P	90-14-118	132S-40-150	NEW	90-07-006
132L-116-270	NEW-P	90-14-111	132Q-05-080	AMD-P	90-14-118	132S-40-155	NEW-P	90-03-082
132L-116-280	NEW-P	90-14-111	132Q-06-020	AMD-P	90-14-119	132S-40-155	NEW	90-07-006
132L-116-290	NEW-P	90-14-111	132Q-06-025	AMD-P	90-14-119	132T-104-010	REP	90-03-065
132L-116-300	NEW-P	90-14-111	132Q-06-030	AMD-P	90-14-119	132T-104-020	REP	90-03-065
132L-117-010	NEW	90-17-060	132Q-09-001	REP-P	90-14-120	132T-104-030	REP	90-03-065
132L-117-020	NEW	90-17-060	132Q-09-005	REP-P	90-14-120	132T-104-040	REP	90-03-065
132L-117-030	NEW	90-17-060	132Q-09-010	REP-P	90-14-120	132T-104-060	REP	90-03-065
132L-117-040	NEW	90-17-060	132Q-09-080	REP-P	90-14-120	132T-104-070	REP	90-03-065
132L-117-050	NEW	90-17-060	132Q-09-090	REP-P	90-14-120	132T-104-080	REP	90-03-065
132L-117-060	NEW	90-17-060	132Q-09-100	REP-P	90-14-120	132T-104-090	REP	90-03-065
132L-117-070	NEW	90-17-060	132Q-09-110	REP-P	90-14-120	132T-104-100	REP	90-03-065
132L-117-080	NEW	90-17-060	132Q-09-120	REP-P	90-14-120	132T-104-110	REP	90-03-065
132L-117-090	NEW	90-17-060	132Q-09-130	REP-P	90-14-120	132T-104-120	REP	90-03-065
132L-117-100	NEW	90-17-060	132Q-09-140	REP-P	90-14-120	132T-104-121	REP	90-03-065
132L-117-110	NEW	90-17-060	132Q-09-230	REP-P	90-14-120	132T-104-130	REP	90-03-065
132L-117-120	NEW	90-17-060	132Q-09-240	REP-P	90-14-120	132T-104-200	REP	90-03-065
132L-117-130	NEW	90-17-060	132Q-09-250	REP-P	90-14-120	132T-104-210	REP	90-03-065
132L-117-140	NEW	90-17-060	132Q-09-260	REP-P	90-14-120	132T-104-240	REP	90-03-065
132L-117-150	NEW	90-17-060	132Q-09-270	REP-P	90-14-120	132T-104-250	REP	90-03-065
132L-117-160	NEW	90-17-060	132Q-09-280	REP-P	90-14-120	132T-104-260	REP	90-03-065
132L-117-170	NEW	90-17-060	132Q-09-290	REP-P	90-14-120	132T-104-265	REP	90-03-065
132L-117-180	NEW	90-17-060	132Q-09-300	REP-P	90-14-120	132T-104-270	REP	90-03-065
132L-117-190	NEW	90-17-060	132Q-09-310	REP-P	90-14-120	132T-104-280	REP	90-03-065
132L-117-200	NEW	90-17-060	132Q-09-320	REP-P	90-14-120	132U-03-010	NEW	90-05-043
132L-117-210	NEW	90-17-060	132Q-09-330	REP-P	90-14-120	132U-03-020	NEW	90-05-043
132L-117-220	NEW	90-17-060	132Q-09-340	REP-P	90-14-120	132U-03-030	NEW	90-05-043
132L-117-230	NEW	90-17-060	132Q-09-350	REP-P	90-14-120	132U-108-010	NEW	90-05-043
132L-117-240	NEW	90-17-060	132Q-09-360	REP-P	90-14-120	132U-108-020	NEW	90-05-043
132L-117-250	NEW	90-17-060	132Q-09-400	REP-P	90-14-120	132U-108-021	NEW	90-05-043
132L-117-260	NEW	90-17-060	132Q-09-410	REP-P	90-14-120	132U-108-030	NEW	90-05-043
132L-117-270	NEW	90-17-060	132Q-09-420	REP-P	90-14-120	132U-116-030	AMD	90-05-043
132L-117-280	NEW	90-17-060	132Q-09-430	REP-P	90-14-120	132U-400-010	NEW	90-05-043
132L-117-290	NEW	90-17-060	132Q-09-440	REP-P	90-14-120	132V-400-010	NEW-P	90-03-094
132L-117-300	NEW	90-17-060	132Q-09-450	REP-P	90-14-120	132V-400-010	NEW	90-07-038
132L-133-020	NEW-E	90-03-074	132Q-09-460	REP-P	90-14-120	132V-400-020	NEW-P	90-03-094
132L-133-020	NEW	90-05-005	132Q-09-470	REP-P	90-14-120	132V-400-020	NEW	90-07-038
132L-280-010	NEW	90-05-004	132Q-09-480	REP-P	90-14-120	132V-400-030	NEW-P	90-03-094
132L-280-015	NEW	90-05-004	132Q-16-045	AMD-P	90-14-121	132V-400-030	NEW	90-07-038
132L-280-020	NEW	90-05-004	132Q-20-110	AMD-P	90-14-122	132V-400-040	NEW-P	90-03-094
132L-280-030	NEW	90-05-004	132Q-94-010	AMD-P	90-14-123	132V-400-040	NEW	90-07-038
132L-280-040	NEW	90-05-004	132Q-94-150	NEW-P	90-14-124	132X-60-160	NEW-P	90-10-041
132L-280-050	NEW	90-05-004	132S-01-010	NEW-P	90-03-082	132X-60-160	NEW	90-13-064
132L-280-060	NEW	90-05-004	132S-01-010	NEW	90-07-006	132X-60-170	NEW-P	90-10-041
132L-280-070	NEW	90-05-004	132S-01-020	NEW-P	90-03-082	132X-60-170	NEW	90-13-064
132L-280-080	NEW	90-05-004	132S-01-020	NEW	90-07-006	132X-60-180	NEW-P	90-10-041

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132X-60-190	NEW-P	90-10-041	136-40-044	REP-C	90-13-001	136-310-010	NEW-P	90-17-124
132Y-108-010	NEW-P	90-02-062	136-40-048	REP-C	90-13-001	136-310-020	NEW-E	90-11-113
132Y-108-010	NEW	90-08-022	136-40-050	NEW-C	90-13-001	136-310-020	NEW-P	90-17-124
132Y-108-020	NEW-P	90-02-062	136-40-052	REP-C	90-13-001	136-310-030	NEW-E	90-11-113
132Y-108-020	NEW	90-08-022	136-40-060	NEW-C	90-13-001	136-310-030	NEW-P	90-17-124
132Y-108-030	NEW-P	90-02-062	136-40-100	REP-C	90-13-001	136-310-040	NEW-E	90-11-113
132Y-108-030	NEW	90-08-022	136-40-104	REP-C	90-13-001	136-310-040	NEW-P	90-17-124
132Y-108-040	NEW-P	90-02-062	136-40-108	REP-C	90-13-001	136-310-050	NEW-E	90-11-113
132Y-108-040	NEW	90-08-022	136-40-112	REP-C	90-13-001	136-310-050	NEW-P	90-17-124
132Y-108-050	NEW-P	90-02-062	136-40-116	REP-C	90-13-001	136-320-010	NEW-E	90-11-113
132Y-108-050	NEW	90-08-022	136-40-120	REP-C	90-13-001	136-320-010	NEW-P	90-17-124
132Y-108-060	NEW-P	90-02-062	136-40-124	REP-C	90-13-001	136-320-020	NEW-E	90-11-113
132Y-108-060	NEW	90-08-022	136-40-128	REP-C	90-13-001	136-320-020	NEW-P	90-17-124
132Y-108-070	NEW-P	90-02-062	136-40-132	REP-C	90-13-001	136-320-030	NEW-E	90-11-113
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132Y-133-020	NEW-P	90-02-063	136-40-204	REP-C	90-13-001	136-320-060	NEW-P	90-17-124
132Y-133-020	NEW	90-08-022A	136-40-208	REP-C	90-13-001	136-320-070	NEW-P	90-17-124
136-01-010	AMD	90-07-071	136-40-212	REP-C	90-13-001	136-320-080	NEW-P	90-17-124
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136-04-060	AMD	90-07-072	136-40-320	REP-C	90-13-001	136-330-020	NEW-E	90-11-113
136-04-080	AMD	90-07-072	136-40-324	REP-C	90-13-001	136-330-020	NEW-P	90-17-124
136-04-090	AMD	90-07-072	136-40-400	REP-C	90-13-001	136-330-030	NEW-P	90-17-124
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136-10-020	AMD	90-07-073	136-40-412	REP-C	90-13-001	136-340-010	NEW-P	90-17-124
136-10-030	AMD	90-07-073	136-40-416	REP-C	90-13-001	136-340-020	NEW-E	90-11-113
136-10-040	AMD	90-07-073	136-40-500	REP-C	90-13-001	136-340-020	NEW-P	90-17-124
136-10-050	AMD	90-07-073	136-40-504	REP-C	90-13-001	136-340-030	NEW-E	90-11-113
136-10-060	AMD	90-07-073	136-40-508	REP-C	90-13-001	136-340-030	NEW-P	90-17-124
136-12-010	AMD	90-07-074	136-40-512	REP-C	90-13-001	136-340-040	NEW-E	90-11-113
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136-12-030	AMD	90-07-074	136-40-604	REP-C	90-13-001	136-340-050	NEW-E	90-11-113
136-12-060	AMD	90-07-074	136-40-608	REP-C	90-13-001	136-340-050	NEW-P	90-17-124
136-12-070	AMD	90-07-074	136-40-612	REP-C	90-13-001	136-350-010	NEW-E	90-11-113
136-12-080	AMD	90-07-074	136-40-616	REP-C	90-13-001	136-350-010	NEW-P	90-17-124
136-14-010	AMD	90-07-075	136-40-620	REP-C	90-13-001	136-350-020	NEW-E	90-11-113
136-14-020	AMD	90-07-075	136-40-624	REP-C	90-13-001	136-350-020	NEW-P	90-17-124
136-14-030	AMD	90-07-075	136-40-700	REP-C	90-13-001	137-12A-010	AMD-E	90-16-046
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136-14-050	AMD	90-07-075	136-40-708	REP-C	90-13-001	137-12A-030	AMD-E	90-16-046
136-14-060	AMD	90-07-075	136-40-712	REP-C	90-13-001	137-12A-050	AMD-E	90-16-046
136-16-010	AMD	90-07-076	136-40-800	REP-C	90-13-001	137-12A-060	AMD-E	90-16-046
136-16-018	AMD	90-07-076	136-40-804	REP-C	90-13-001	137-12A-070	AMD-E	90-16-046
136-16-022	AMD	90-07-076	136-40-808	REP-C	90-13-001	137-12A-090	AMD-E	90-16-046
136-16-042	AMD	90-07-076	136-40-812	REP-C	90-13-001	139-05-925	NEW-P	90-03-085
136-16-050	AMD	90-07-076	136-130-030	AMD-E	90-16-025	139-05-925	NEW	90-07-012
136-20-010	AMD-P	90-13-003	136-130-030	AMD-P	90-17-093	148-100-001	NEW-P	90-10-110
136-20-010	AMD	90-17-075	136-130-040	AMD-E	90-16-025	148-100-001	NEW	90-16-012
136-20-020	AMD-P	90-13-003	136-130-040	AMD-P	90-17-093	148-108-010	NEW-P	90-10-111
136-20-020	AMD	90-17-075	136-130-050	AMD-E	90-16-025	148-108-010	NEW	90-16-013
136-20-030	AMD-P	90-13-003	136-130-050	AMD-P	90-17-093	148-108-020	NEW-P	90-10-111
136-20-030	AMD	90-17-075	136-130-060	AMD-E	90-16-025	148-108-020	NEW	90-16-013
136-20-040	AMD-P	90-13-003	136-130-060	AMD-P	90-17-093	148-108-030	NEW-P	90-10-111
136-20-040	AMD	90-17-075	136-130-070	AMD-E	90-16-025	148-108-030	NEW	90-16-013
136-20-060	AMD-P	90-13-003	136-130-070	AMD-P	90-17-093	148-108-040	NEW-P	90-10-111
136-20-060	AMD	90-17-075	136-160-050	AMD-P	90-17-093	148-108-040	NEW	90-16-013
136-28-010	AMD-P	90-13-002	136-160-060	AMD-E	90-16-025	148-108-060	NEW-P	90-10-111
136-28-010	AMD	90-17-076	136-160-060	AMD-P	90-17-093	148-108-060	NEW	90-16-013
136-28-020	AMD-P	90-13-002	136-220-020	AMD-E	90-16-025	148-108-070	NEW-P	90-10-111
136-28-020	AMD	90-17-076	136-220-020	AMD-P	90-17-093	148-108-070	NEW	90-16-013
136-28-030	AMD-P	90-13-002	136-220-030	AMD-E	90-16-025	148-108-080	NEW-P	90-10-111
136-28-030	AMD	90-17-076	136-220-030	AMD-P	90-17-093	148-108-080	NEW	90-16-013
136-36-010	REP	90-07-077	136-300-010	NEW-E	90-11-113	148-108-090	NEW-P	90-10-111
136-36-020	REP	90-07-077	136-300-010	NEW-P	90-17-124	148-108-090	NEW	90-16-013
136-36-030	REP	90-07-077	136-300-020	NEW-E	90-11-113	148-108-100	NEW-P	90-10-111
136-36-040	REP	90-07-077	136-300-020	NEW-P	90-17-124	148-108-100	NEW	90-16-013
136-40	AMD-C	90-17-074	136-300-030	NEW-E	90-11-113	148-130-010	NEW-P	90-10-112
136-40-010	AMD-C	90-13-001	136-300-030	NEW-P	90-17-124	148-130-010	NEW	90-16-014
136-40-020	AMD-C	90-13-001	136-300-040	NEW-E	90-11-113	148-130-020	NEW-P	90-10-112
136-40-030	AMD-C	90-13-001	136-300-040	NEW-P	90-17-124	148-130-020	NEW	90-16-014

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173-19-360	AMD	90-11-072	173-142-050	REP-P	90-11-059	173-220-210	AMD-P	90-12-086
173-19-360	AMD	90-13-089	173-142-070	REP-P	90-11-059	173-221A-010	NEW-P	90-06-071
173-19-3601	AMD-P	90-05-075	173-142-080	REP-P	90-11-059	173-221A-010	NEW	90-14-078
173-19-3601	AMD-C	90-08-122	173-142-090	REP-P	90-11-059	173-221A-020	NEW-P	90-06-071
173-19-3601	AMD	90-11-072	173-142-100	REP-P	90-11-059	173-221A-020	NEW	90-14-078
173-19-390	RE-AD	90-07-025	173-142-110	REP-P	90-11-059	173-221A-030	NEW-P	90-06-071
173-19-3910	RE-AD	90-07-028	173-158	AMD-P	90-11-059	173-221A-030	NEW	90-14-078
173-19-3910	AMD-P	90-15-058	173-158-010	AMD-P	90-11-059	173-221A-100	NEW-P	90-06-071
173-19-420	AMD-C	90-05-077	173-158-020	AMD-P	90-11-059	173-221A-100	NEW	90-14-078
173-19-420	AMD-C	90-08-122	173-158-030	RE-AD	90-06-059	173-221A-150	NEW-P	90-06-071
173-19-420	AMD	90-11-072	173-158-030	AMD-P	90-11-059	173-221A-150	NEW	90-14-078
173-19-4201	AMD-P	90-05-076	173-158-040	AMD-P	90-11-059	173-224-015	RE-AD	90-07-015
173-19-4201	AMD-C	90-08-122	173-158-045	NEW-P	90-11-059	173-224-020	RE-AD	90-07-015
173-19-4201	AMD	90-11-072	173-158-060	RE-AD	90-06-059	173-224-030	RE-AD	90-07-015
173-19-4202	AMD-P	90-05-076	173-158-060	REP-P	90-11-059	173-224-040	RE-AD	90-07-015
173-19-4202	AMD-C	90-08-122	173-158-064	NEW-P	90-11-059	173-224-050	RE-AD	90-07-015
173-19-4202	AMD	90-11-072	173-158-070	AMD-P	90-11-059	173-224-060	RE-AD	90-07-015
173-19-4203	AMD-P	90-05-076	173-158-084	NEW-P	90-11-059	173-224-070	RE-AD	90-07-015
173-19-4203	AMD-C	90-08-122	173-158-086	NEW-P	90-11-059	173-224-080	RE-AD	90-07-015
173-19-4203	AMD	90-11-072	173-158-100	REP-P	90-11-059	173-224-090	RE-AD	90-07-015
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173-19-4204	AMD	90-11-072	173-160-215	RE-AD	90-07-016	173-224-120	RE-AD	90-07-015
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173-19-4205	AMD-C	90-08-122	173-166	AMD-C	90-05-048	173-300-020	NEW-P	90-17-125
173-19-4205	AMD	90-11-072	173-166	AMD-C	90-06-010	173-300-030	NEW-P	90-17-125
173-19-4205	AMD-P	90-15-057	173-166	AMD-C	90-08-080	173-300-040	NEW-P	90-17-125
173-19-4206	AMD-P	90-05-076	173-166	AMD-W	90-15-052	173-300-050	NEW-P	90-17-125
173-19-4206	AMD-C	90-08-122	173-166-010	AMD-P	90-02-096	173-300-060	NEW-P	90-17-125
173-19-4206	AMD	90-11-072	173-166-010	AMD-W	90-15-052	173-300-070	NEW-P	90-17-125
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173-19-4507	AMD	90-07-063	173-166-020	AMD-W	90-15-052	173-300-090	NEW-P	90-17-125
173-32-010	AMD-P	90-11-122	173-166-030	AMD-P	90-02-096	173-300-100	NEW-P	90-17-125
173-32-020	AMD-P	90-11-122	173-166-030	AMD-W	90-15-052	173-300-110	NEW-P	90-17-125
173-32-030	AMD-P	90-11-122	173-166-040	AMD-P	90-02-096	173-300-120	NEW-P	90-17-125
173-32-040	AMD-P	90-11-122	173-166-040	AMD-W	90-15-052	173-300-130	NEW-P	90-17-125
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173-50-020	RE-AD	90-07-017	173-166-050	AMD-W	90-15-052	173-300-150	NEW-P	90-17-125
173-50-030	RE-AD	90-07-017	173-166-060	AMD-P	90-02-096	173-300-160	NEW-P	90-17-125
173-50-040	RE-AD	90-07-017	173-166-060	AMD-W	90-15-052	173-300-170	NEW-P	90-17-125
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173-50-050	RE-AD	90-07-017	173-166-070	AMD-W	90-15-052	173-303	PREP	90-06-002
173-50-050	AMD-P	90-12-086	173-166-080	NEW-P	90-02-096	173-303-281	AMD-P	90-10-085
173-50-060	RE-AD	90-07-017	173-166-080	NEW-W	90-15-052	173-303-282	NEW-P	90-10-085
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173-50-080	AMD-P	90-12-086	173-166-110	NEW-P	90-02-096	173-305-015	AMD-E	90-15-025
173-50-090	RE-AD	90-07-017	173-166-110	NEW-W	90-15-052	173-305-020	AMD-E	90-15-025
173-50-090	AMD-P	90-12-086	173-166-120	NEW-P	90-02-096	173-305-030	AMD-E	90-15-025
173-50-100	RE-AD	90-07-017	173-166-120	NEW-W	90-15-052	173-305-040	AMD-E	90-15-025
173-50-100	AMD-P	90-12-086	173-166-130	NEW-P	90-02-096	173-305-050	AMD-E	90-15-025
173-50-110	RE-AD	90-07-017	173-166-130	NEW-W	90-15-052	173-305-060	AMD-E	90-15-025
173-50-110	AMD-P	90-12-086	173-170-010	NEW-P	90-13-104	173-305-070	AMD-E	90-15-025
173-50-120	RE-AD	90-07-017	173-170-020	NEW-P	90-13-104	173-305-080	AMD-E	90-15-025
173-50-120	AMD-P	90-12-086	173-170-030	NEW-P	90-13-104	173-305-090	AMD-E	90-15-025
173-50-130	RE-AD	90-07-017	173-170-040	NEW-P	90-13-104	173-306-010	NEW	90-10-047
173-50-130	AMD-P	90-12-086	173-170-050	NEW-P	90-13-104	173-306-010	NEW	90-10-047
173-50-140	RE-AD	90-07-017	173-170-060	NEW-P	90-13-104	173-306-050	NEW-P	90-02-088
173-50-140	AMD-P	90-12-086	173-170-070	NEW-P	90-13-104	173-306-050	NEW	90-10-047
173-50-150	RE-AD	90-07-017	173-170-080	NEW-P	90-13-104	173-306-100	NEW-P	90-02-088
173-50-150	AMD-P	90-12-086	173-170-090	NEW-P	90-13-104	173-306-100	NEW	90-10-047
173-50-160	RE-AD	90-07-017	173-170-100	NEW-P	90-13-104	173-306-150	NEW-P	90-02-088
173-50-170	RE-AD	90-07-017	173-170-110	NEW-P	90-13-104	173-306-150	NEW	90-10-047
173-50-180	RE-AD	90-07-017	173-170-120	NEW-P	90-13-104	173-306-200	NEW-P	90-02-088
173-50-190	RE-AD	90-07-017	173-200-010	NEW-P	90-11-074	173-306-200	NEW	90-10-047
173-50-190	AMD-P	90-12-086	173-200-020	NEW-P	90-11-074	173-306-300	NEW-P	90-02-088
173-50-200	RE-AD	90-07-017	173-200-030	NEW-P	90-11-074	173-306-300	NEW	90-10-047
173-50-200	AMD-P	90-12-086	173-200-040	NEW-P	90-11-074	173-306-310	NEW-P	90-02-088
173-50-210	RE-AD	90-07-017	173-200-050	NEW-P	90-11-074	173-306-310	NEW	90-10-047
173-50-210	AMD-P	90-12-086	173-200-060	NEW-P	90-11-074	173-306-320	NEW-P	90-02-088
173-50-220	NEW	90-12-086	173-200-070	NEW-P	90-11-074	173-306-320	NEW	90-10-047
173-142-010	REP-P	90-11-059	173-200-080	NEW-P	90-11-074	173-306-330	NEW-P	90-02-088
173-142-020	REP-P	90-11-059	173-200-090	NEW-P	90-11-074	173-306-330	NEW	90-10-047
173-142-030	REP-P	90-11-059	173-200-100	NEW-P	90-11-074	173-306-340	NEW-P	90-02-088

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173-306-340	NEW	90-10-047	173-331-300	NEW-P	90-16-095	173-340-310	NEW	90-08-086
173-306-345	NEW-P	90-02-088	173-331-400	NEW-P	90-16-095	173-340-320	NEW-W	90-02-097
173-306-345	NEW	90-10-047	173-331-410	NEW-P	90-16-095	173-340-320	NEW-P	90-02-098
173-306-350	NEW-P	90-02-088	173-331-500	NEW-P	90-16-095	173-340-320	NEW	90-08-086
173-306-350	NEW	90-10-047	173-331-600	NEW-P	90-16-095	173-340-330	NEW-W	90-02-097
173-306-400	NEW-P	90-02-088	173-336-010	REP-W	90-02-097	173-340-330	NEW-P	90-02-098
173-306-400	NEW	90-10-047	173-336-010	REP-P	90-02-098	173-340-330	NEW	90-08-086
173-306-405	NEW-P	90-02-088	173-336-010	REP	90-08-120	173-340-340	NEW-W	90-02-097
173-306-405	NEW	90-10-047	173-336-020	REP-W	90-02-097	173-340-340	NEW-P	90-02-098
173-306-410	NEW-P	90-02-088	173-336-020	REP-P	90-02-098	173-340-340	NEW	90-08-086
173-306-410	NEW	90-10-047	173-336-020	REP	90-08-120	173-340-350	NEW-W	90-02-097
173-306-440	NEW-P	90-02-088	173-336-030	REP-W	90-02-097	173-340-350	NEW-P	90-02-098
173-306-440	NEW	90-10-047	173-336-030	REP-P	90-02-098	173-340-350	NEW	90-08-086
173-306-450	NEW-P	90-02-088	173-336-030	REP	90-08-120	173-340-350	AMD-P	90-15-066
173-306-450	NEW	90-10-047	173-338-010	REP-W	90-02-097	173-340-360	NEW-W	90-02-097
173-306-470	NEW-P	90-02-088	173-338-010	REP-P	90-02-098	173-340-360	NEW-P	90-02-098
173-306-470	NEW	90-10-047	173-338-010	REP	90-08-120	173-340-360	NEW	90-08-086
173-306-480	NEW-P	90-02-088	173-338-020	REP-W	90-02-097	173-340-360	AMD-P	90-15-066
173-306-480	NEW	90-10-047	173-338-020	REP-P	90-02-098	173-340-400	NEW-W	90-02-097
173-306-490	NEW-P	90-02-088	173-338-020	REP	90-08-120	173-340-400	NEW-P	90-02-098
173-306-490	NEW	90-10-047	173-338-030	REP-W	90-02-097	173-340-400	NEW	90-08-086
173-306-495	NEW-P	90-02-088	173-338-030	REP-P	90-02-098	173-340-410	NEW-W	90-02-097
173-306-495	NEW	90-10-047	173-338-030	REP	90-08-120	173-340-410	NEW-P	90-02-098
173-306-500	NEW-P	90-02-088	173-338-040	REP-W	90-02-097	173-340-410	NEW	90-08-086
173-306-500	NEW	90-10-047	173-338-040	REP-P	90-02-098	173-340-420	NEW-W	90-02-097
173-306-900	NEW-P	90-02-088	173-338-040	REP	90-08-120	173-340-420	NEW-P	90-02-098
173-306-900	NEW	90-10-047	173-338-050	REP-W	90-02-097	173-340-420	NEW	90-08-086
173-306-9901	NEW-P	90-02-088	173-338-050	REP-P	90-02-098	173-340-420	AMD-P	90-15-066
173-306-9901	NEW	90-10-047	173-338-050	REP	90-08-120	173-340-430	NEW-W	90-02-097
173-309-010	AMD-P	90-11-122	173-340	AMD-W	90-02-097	173-340-430	NEW-P	90-02-098
173-309-020	AMD-P	90-11-122	173-340	AMD-P	90-02-098	173-340-430	NEW	90-08-086
173-309-030	AMD-P	90-11-122	173-340	AMD	90-08-086	173-340-430	AMD-P	90-15-066
173-309-040	AMD-P	90-11-122	173-340-010	REP-W	90-02-097	173-340-440	NEW-P	90-15-066
173-309-050	AMD-P	90-11-122	173-340-010	REP-P	90-02-098	173-340-450	NEW-P	90-15-066
173-309-060	AMD-P	90-11-122	173-340-010	REP	90-08-086	173-340-500	NEW-W	90-02-097
173-309-070	AMD-P	90-11-122	173-340-020	REP-W	90-02-097	173-340-500	NEW-P	90-02-098
173-309-080	AMD-P	90-11-122	173-340-020	REP	90-02-098	173-340-500	NEW	90-08-086
173-309-090	AMD-P	90-11-122	173-340-020	REP-P	90-08-086	173-340-510	NEW-W	90-02-097
173-311-010	NEW-P	90-12-094	173-340-030	REP-W	90-02-097	173-340-510	NEW-P	90-02-098
173-311-020	NEW-P	90-12-094	173-340-030	REP-P	90-02-098	173-340-510	NEW	90-08-086
173-311-030	NEW-P	90-12-094	173-340-030	REP	90-08-086	173-340-520	NEW-W	90-02-097
173-311-040	NEW-P	90-12-094	173-340-040	REP-W	90-02-097	173-340-520	NEW-P	90-02-098
173-311-050	NEW-P	90-12-094	173-340-040	REP-P	90-02-098	173-340-520	NEW	90-08-086
173-312-010	AMD-P	90-11-122	173-340-040	REP	90-08-086	173-340-530	NEW-W	90-02-097
173-312-020	AMD-P	90-11-122	173-340-050	REP-W	90-02-097	173-340-530	NEW-P	90-02-098
173-312-030	AMD-P	90-11-122	173-340-050	REP-P	90-02-098	173-340-530	NEW	90-08-086
173-312-040	AMD-P	90-11-122	173-340-050	REP	90-08-086	173-340-540	NEW-W	90-02-097
173-312-050	AMD-P	90-11-122	173-340-100	NEW-W	90-02-097	173-340-540	NEW-P	90-02-098
173-315-010	AMD	90-10-058	173-340-100	NEW-P	90-02-098	173-340-540	NEW	90-08-086
173-315-040	AMD	90-10-058	173-340-100	NEW	90-08-086	173-340-550	NEW-W	90-02-097
173-315-050	AMD	90-10-058	173-340-110	NEW-W	90-02-097	173-340-550	NEW-P	90-02-098
173-315-060	AMD-P	90-12-094	173-340-110	NEW-P	90-02-098	173-340-550	NEW	90-08-086
173-319-010	NEW-P	90-16-089	173-340-110	NEW	90-08-086	173-340-560	NEW-W	90-02-097
173-319-020	NEW-P	90-16-089	173-340-120	NEW-W	90-02-097	173-340-560	NEW-P	90-02-098
173-319-030	NEW-P	90-16-089	173-340-120	NEW-P	90-02-098	173-340-560	NEW	90-08-086
173-319-040	NEW-P	90-16-089	173-340-120	NEW	90-08-086	173-340-600	NEW-W	90-02-097
173-319-050	NEW-P	90-16-089	173-340-120	AMD-P	90-15-066	173-340-600	NEW-P	90-02-098
173-319-060	NEW-P	90-16-089	173-340-130	NEW-W	90-02-097	173-340-600	NEW	90-08-086
173-321-040	AMD-P	90-11-123	173-340-130	NEW-P	90-02-098	173-340-610	NEW-W	90-02-097
173-321-050	AMD-P	90-11-123	173-340-130	NEW	90-08-086	173-340-610	NEW-P	90-02-098
173-322-010	NEW	90-10-057	173-340-140	NEW-W	90-02-097	173-340-610	NEW	90-08-086
173-322-020	NEW	90-10-057	173-340-140	NEW-P	90-02-098	173-340-700	NEW-W	90-02-097
173-322-030	NEW	90-10-057	173-340-140	NEW	90-08-086	173-340-700	NEW-P	90-02-098
173-322-040	NEW	90-10-057	173-340-200	NEW-W	90-02-097	173-340-700	NEW	90-08-086
173-322-050	NEW	90-10-057	173-340-200	NEW-P	90-02-098	173-340-700	AMD-P	90-15-066
173-322-060	NEW	90-10-057	173-340-200	NEW	90-08-086	173-340-705	NEW-P	90-15-066
173-322-070	NEW	90-10-057	173-340-200	AMD-P	90-15-066	173-340-710	NEW-P	90-15-066
173-322-080	NEW	90-10-057	173-340-210	NEW-W	90-02-097	173-340-720	NEW-P	90-15-066
173-322-090	NEW	90-10-057	173-340-210	NEW-P	90-02-098	173-340-730	NEW-P	90-15-066
173-322-100	NEW	90-10-057	173-340-210	NEW	90-08-086	173-340-740	NEW-P	90-15-066
173-322-110	NEW	90-10-057	173-340-210	AMD-P	90-15-066	173-340-745	NEW-P	90-15-066
173-322-120	NEW	90-10-057	173-340-300	NEW-W	90-02-097	173-340-750	AMD-P	90-15-066
173-331-010	NEW-P	90-16-095	173-340-300	NEW-P	90-02-098	173-340-760	AMD-P	90-15-066
173-331-100	NEW-P	90-16-095	173-340-300	NEW	90-08-086	173-340-800	NEW-W	90-02-097
173-331-200	NEW-P	90-16-095	173-340-300	AMD-P	90-15-066	173-340-800	NEW-P	90-02-098
173-331-210	NEW-P	90-16-095	173-340-310	NEW-W	90-02-097	173-340-800	NEW	90-08-086
173-331-220	NEW-P	90-16-095	173-340-310	NEW-P	90-02-098	173-340-810	NEW-W	90-02-097

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173-405-040	AMD-P	90-05-052	173-422-170	AMD	90-06-062	173-490-140	REP-P	90-05-052
173-405-040	AMD-S	90-17-126	173-422-190	NEW	90-06-062	173-490-140	REP-S	90-17-126
173-405-041	REP-P	90-05-052	173-422-195	NEW	90-06-062	173-490-150	REP-P	90-05-052
173-405-041	REP-S	90-17-126	173-422-010	AMD-P	90-06-102	173-490-150	REP-S	90-17-126
173-405-045	AMD-P	90-05-052	173-425-020	AMD-P	90-06-102	173-490-200	AMD-P	90-05-052
173-405-045	AMD-S	90-17-126	173-425-030	AMD-P	90-06-102	173-490-200	AMD-S	90-17-126
173-405-061	AMD-P	90-05-052	173-425-036	AMD-P	90-06-102	173-490-201	AMD-P	90-05-052
173-405-061	AMD-S	90-17-126	173-425-055	AMD-P	90-06-102	173-490-201	AMD-S	90-17-126
173-405-072	AMD-P	90-05-052	173-425-065	AMD-P	90-06-102	173-490-202	AMD-P	90-05-052
173-405-072	AMD-S	90-17-126	173-425-075	AMD-P	90-06-102	173-490-202	AMD-S	90-17-126
173-405-077	AMD-P	90-05-052	173-425-085	AMD-P	90-06-102	173-490-203	AMD-P	90-05-052
173-405-077	AMD-S	90-17-126	173-425-095	AMD-P	90-06-102	173-490-203	AMD-S	90-17-126
173-405-078	AMD-P	90-05-052	173-425-100	AMD-P	90-06-102	173-490-204	AMD-P	90-05-052
173-405-078	AMD-S	90-17-126	173-425-115	AMD-P	90-06-102	173-490-204	AMD-S	90-17-126
173-405-086	AMD-P	90-05-052	173-425-120	AMD-P	90-06-102	173-490-205	AMD-P	90-05-052
173-405-086	AMD-S	90-17-126	173-425-130	AMD-P	90-06-102	173-490-205	AMD-S	90-17-126
173-405-087	AMD-P	90-05-052	173-425-140	AMD-P	90-06-102	173-490-207	AMD-P	90-05-052
173-405-087	AMD-S	90-17-126	173-430-010	AMD-P	90-06-102	173-490-207	AMD-S	90-17-126
173-405-091	AMD-P	90-05-052	173-430-020	AMD-P	90-06-102	173-490-208	AMD-P	90-05-052
173-405-091	AMD-S	90-17-126	173-430-030	AMD-P	90-06-102	173-490-208	AMD-S	90-17-126
173-410-012	AMD-P	90-05-052	173-430-040	AMD-P	90-06-102	173-495-010	AMD-P	90-06-102
173-410-012	AMD-S	90-17-126	173-430-050	AMD-P	90-06-102	173-495-020	AMD-P	90-06-102
173-410-021	AMD-P	90-05-052	173-430-060	AMD-P	90-06-102	173-495-030	AMD-P	90-06-102
173-410-021	AMD-S	90-17-126	173-430-070	AMD-P	90-06-102	173-495-040	AMD-P	90-06-102
173-410-035	AMD-P	90-05-052	173-430-080	AMD-P	90-06-102	173-495-045	AMD-P	90-06-102
173-410-035	AMD-S	90-17-126	173-433	PREP	90-16-033	173-495-050	AMD-P	90-06-102
173-410-040	AMD-P	90-05-052	173-433-030	AMD-P	90-06-102	173-495-060	AMD-P	90-06-102
173-410-040	AMD-S	90-17-126	173-433-100	AMD-P	90-06-102	173-495-065	AMD-P	90-06-102
173-410-042	REP-P	90-05-052	173-433-110	AMD-P	90-06-102	173-495-070	AMD-P	90-06-102
173-410-042	REP-S	90-17-126	173-433-120	AMD-P	90-06-102	173-495-080	AMD-P	90-06-102
173-410-045	AMD-P	90-05-052	173-433-130	AMD-P	90-06-102	173-495-100	AMD-P	90-06-102
173-410-045	AMD-S	90-17-126	173-433-150	AMD-P	90-06-102	173-495-120	AMD-P	90-06-102
173-410-062	AMD-P	90-05-052	173-433-170	AMD-P	90-06-102	173-802-050	RE-AD	90-06-014
173-410-062	AMD-S	90-17-126	173-433-170	AMD-E	90-14-040	174-108	AMD	90-04-011
173-410-067	AMD-P	90-05-052	173-433-200	AMD-P	90-06-102	174-108-170	REP	90-04-011
173-410-067	AMD-S	90-17-126	173-434-010	AMD-P	90-06-102	174-108-180	REP	90-04-011
173-410-071	AMD-P	90-05-052	173-434-020	AMD-P	90-06-102	174-108-190	REP	90-04-011
173-410-071	AMD-S	90-17-126	173-434-030	AMD-P	90-06-102	174-108-200	REP	90-04-011
173-410-086	AMD-P	90-05-052	173-434-050	AMD-P	90-06-102	174-108-210	REP	90-04-011
173-410-086	AMD-S	90-17-126	173-434-070	NEW-P	90-06-102	174-108-220	REP	90-04-011
173-410-087	AMD-P	90-05-052	173-434-090	NEW-P	90-06-102	174-108-230	REP	90-04-011
173-410-087	AMD-S	90-17-126	173-434-100	AMD-P	90-06-102	174-108-240	REP	90-04-011
173-410-100	NEW-P	90-05-052	173-434-110	AMD-P	90-06-102	174-108-250	REP	90-04-011
173-410-100	NEW-S	90-17-126	173-434-120	AMD-P	90-06-102	174-108-260	REP	90-04-011
173-415-010	AMD-P	90-05-052	173-434-130	AMD-P	90-06-102	174-108-900	REP	90-04-011
173-415-010	AMD-S	90-17-126	173-434-160	AMD-P	90-06-102	174-108-90001	REP	90-04-011
173-415-020	AMD-P	90-05-052	173-434-170	AMD-P	90-06-102	174-108-90002	REP	90-04-011
173-415-020	AMD-S	90-17-126	173-434-190	AMD-P	90-06-102	174-108-910	NEW	90-04-011
173-415-030	AMD-P	90-05-052	173-434-200	AMD-P	90-06-102	174-112-130	REP	90-04-011
173-415-030	AMD-S	90-17-126	173-434-210	AMD-P	90-06-102	174-112-140	REP	90-04-011
173-415-040	AMD-P	90-05-052	173-440-010	AMD-P	90-06-102	174-112-150	REP	90-04-011
173-415-040	AMD-S	90-17-126	173-440-030	AMD-P	90-06-102	174-122-010	NEW	90-04-011
173-415-041	REP-P	90-05-052	173-440-100	AMD-P	90-06-102	174-122-020	NEW	90-04-011
173-415-041	REP-S	90-17-126	173-490-010	AMD-P	90-05-052	174-122-030	NEW	90-04-011
173-415-045	AMD-P	90-05-052	173-490-010	AMD-S	90-17-126	174-122-040	NEW	90-04-011
173-415-045	AMD-S	90-17-126	173-490-020	AMD-P	90-05-052	174-126-010	REP	90-04-011
173-415-050	AMD-P	90-05-052	173-490-020	AMD-S	90-17-126	174-126-020	REP	90-04-011
173-415-050	AMD-S	90-17-126	173-490-025	AMD-P	90-05-052	174-126-030	REP	90-04-011
173-415-051	AMD-P	90-05-052	173-490-025	AMD-S	90-17-126	174-128-010	REP	90-04-011
173-415-051	AMD-S	90-17-126	173-490-030	AMD-P	90-05-052	174-128-020	REP	90-04-011
173-415-060	AMD-P	90-05-052	173-490-030	AMD-S	90-17-126	174-128-030	REP	90-04-011
173-415-060	AMD-S	90-17-126	173-490-040	AMD-P	90-05-052	174-128-040	REP	90-04-011
173-415-070	AMD-P	90-05-052	173-490-040	AMD-S	90-17-126	174-128-042	REP	90-04-011
173-415-070	AMD-S	90-17-126	173-490-070	REP-P	90-05-052	174-128-044	REP	90-04-011
173-415-080	AMD-P	90-05-052	173-490-070	REP-S	90-17-126	174-128-046	REP	90-04-011
173-415-080	AMD-S	90-17-126	173-490-071	REP-P	90-05-052	174-128-050	REP	90-04-011
173-422-020	AMD	90-06-062	173-490-071	REP-S	90-17-126	174-128-060	REP	90-04-011
173-422-035	NEW	90-06-062	173-490-080	AMD-P	90-05-052	174-128-062	REP	90-04-011
173-422-040	AMD	90-06-062	173-490-080	AMD-S	90-17-126	174-128-064	REP	90-04-011
173-422-060	AMD	90-06-062	173-490-090	AMD-P	90-05-052	174-128-066	REP	90-04-011
173-422-070	AMD	90-06-062	173-490-090	AMD-S	90-17-126	174-128-070	REP	90-04-011
173-422-090	AMD	90-06-062	173-490-120	REP-P	90-05-052	174-128-080	REP	90-04-011
173-422-100	AMD	90-06-062	173-490-120	REP-S	90-17-126	174-128-090	REP	90-04-011
173-422-130	AMD	90-06-062	173-490-130	REP-P	90-05-052	174-128-990	REP	90-04-011
173-422-140	AMD	90-06-062	173-490-130	REP-S	90-17-126	174-130-010	NEW	90-04-011
173-422-145	AMD	90-06-062	173-490-135	REP-P	90-05-052	174-130-020	NEW	90-04-011
173-422-160	AMD	90-06-062	173-490-135	REP-S	90-17-126	174-131-010	NEW	90-04-011

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174-132-010	AMD	90-04-011	174-168-040	NEW-C	90-10-001	180-24-013	AMD-P	90-13-083
174-132-020	REP	90-04-011	174-168-040	NEW	90-13-028	180-24-013	AMD	90-17-009
174-132-030	REP	90-04-011	174-168-050	NEW-P	90-04-028	180-24-021	AMD-P	90-13-083
174-132-040	REP	90-04-011	174-168-050	NEW-C	90-10-001	180-24-021	AMD	90-17-009
174-132-050	REP	90-04-011	174-168-050	NEW	90-13-028	180-24-080	AMD-P	90-13-083
174-132-060	REP	90-04-011	174-168-060	NEW-P	90-04-028	180-24-080	AMD	90-17-009
174-132-070	REP	90-04-011	174-168-060	NEW-C	90-10-001	180-24-115	AMD-P	90-13-083
174-132-080	REP	90-04-011	174-168-060	NEW	90-13-028	180-24-115	AMD	90-17-009
174-132-090	REP	90-04-011	174-168-070	NEW-P	90-04-028	180-24-120	AMD-P	90-13-083
174-132-100	REP	90-04-011	174-168-070	NEW-C	90-10-001	180-24-120	AMD	90-17-009
174-132-110	REP	90-04-011	174-168-070	NEW	90-13-028	180-24-125	AMD-P	90-13-083
174-132-120	REP	90-04-011	174-168-080	NEW-P	90-04-028	180-24-125	AMD	90-17-009
174-133-010	NEW	90-04-011	174-168-080	NEW-C	90-10-001	180-24-130	AMD-P	90-13-083
174-133-020	NEW	90-04-011	174-168-080	NEW	90-13-028	180-24-130	AMD	90-17-009
174-135-010	NEW	90-04-011	174-276-010	NEW	90-04-011	180-24-140	AMD-P	90-13-083
174-136-010	REP	90-04-011	174-276-020	NEW	90-04-011	180-24-140	AMD	90-17-009
174-136-011	REP	90-04-011	174-276-030	NEW	90-04-011	180-24-200	AMD-P	90-13-083
174-136-012	REP	90-04-011	174-276-040	NEW	90-04-011	180-24-200	AMD	90-17-009
174-136-013	REP	90-04-011	174-276-050	NEW	90-04-011	180-24-205	AMD-P	90-13-083
174-136-014	REP	90-04-011	174-276-060	NEW	90-04-011	180-24-205	AMD	90-17-009
174-136-015	REP	90-04-011	174-276-070	NEW	90-04-011	180-24-305	AMD-P	90-13-083
174-136-016	REP	90-04-011	174-276-080	NEW	90-04-011	180-24-305	AMD	90-17-009
174-136-017	REP	90-04-011	174-276-090	NEW	90-04-011	180-24-312	AMD-P	90-13-083
174-136-018	REP	90-04-011	174-276-100	NEW	90-04-011	180-24-312	AMD	90-17-009
174-136-019	REP	90-04-011	174-276-110	NEW	90-04-011	180-24-320	AMD-P	90-13-083
174-136-02001	REP	90-04-011	174-276-120	NEW	90-04-011	180-24-320	AMD	90-17-009
174-136-021	REP	90-04-011	174-280-010	NEW	90-04-011	180-24-330	AMD-P	90-13-083
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174-136-040	REP-W	90-11-067	174-280-020	NEW	90-04-011	180-24-335	AMD-P	90-13-083
174-136-042	REP-W	90-11-067	174-280-025	NEW	90-04-011	180-24-335	AMD	90-17-009
174-136-060	REP	90-04-011	174-280-030	NEW	90-04-011	180-24-350	AMD-P	90-13-083
174-136-080	REP	90-04-011	174-280-035	NEW	90-04-011	180-25-005	AMD-P	90-13-083
174-136-090	REP	90-04-011	174-280-040	NEW	90-04-011	180-25-005	AMD	90-17-009
174-136-100	REP	90-04-011	174-280-045	NEW	90-04-011	180-25-015	AMD-P	90-13-083
174-136-110	REP	90-04-011	174-400-010	NEW	90-05-031	180-25-015	AMD	90-17-009
174-136-120	REP	90-04-011	180-10-003	AMD-P	90-13-083	180-25-025	AMD	90-04-031
174-136-130	REP	90-04-011	180-10-003	AMD	90-17-009	180-25-300	REP	90-04-032
174-136-140	REP	90-04-011	180-16-002	AMD-P	90-13-083	180-26-005	AMD-P	90-13-083
174-136-160	REP	90-04-011	180-16-002	AMD	90-17-009	180-26-005	AMD	90-17-009
174-136-170	REP	90-04-011	180-16-006	AMD-P	90-13-083	180-27-005	AMD-P	90-13-083
174-136-210	REP	90-04-011	180-16-006	AMD	90-17-009	180-27-005	AMD	90-17-009
174-136-220	REP	90-04-011	180-16-164	AMD-P	90-13-083	180-27-015	AMD-P	90-13-083
174-136-230	REP	90-04-011	180-16-164	AMD	90-17-009	180-27-015	AMD	90-17-009
174-136-240	REP	90-04-011	180-16-180	AMD-P	90-13-083	180-27-020	AMD-P	90-13-083
174-136-250	REP	90-04-011	180-16-180	AMD	90-17-009	180-27-020	AMD	90-17-009
174-136-300	REP	90-04-011	180-16-223	AMD-P	90-13-083	180-27-025	AMD-P	90-13-083
174-136-310	REP	90-04-011	180-16-223	AMD	90-17-009	180-27-025	AMD	90-17-009
174-136-320	REP	90-04-011	180-16-240	AMD-P	90-13-083	180-27-030	AMD-P	90-13-083
174-136-330	REP	90-04-011	180-16-240	AMD	90-17-009	180-27-030	AMD	90-17-009
174-157-600	REP	90-04-011	180-20-100	AMD-P	90-13-083	180-27-050	AMD	90-04-031
174-157-610	REP	90-04-011	180-20-100	AMD	90-17-009	180-27-058	AMD	90-04-031
174-157-620	REP	90-04-011	180-20-105	AMD-P	90-13-083	180-27-115	AMD-P	90-13-083
174-157-990	REP	90-04-011	180-20-105	AMD	90-17-009	180-27-115	AMD	90-17-009
174-160-010	REP	90-04-011	180-20-106	AMD-P	90-13-083	180-27-405	AMD-P	90-13-083
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174-160-030	REP	90-04-011	180-20-200	AMD-P	90-13-083	180-27-415	AMD-P	90-13-083
174-160-040	REP	90-04-011	180-20-200	AMD	90-17-009	180-27-415	AMD	90-17-009
174-162-010	REP	90-04-011	180-22-100	AMD-P	90-13-083	180-27-425	NEW	90-04-031
174-162-015	REP	90-04-011	180-22-100	AMD	90-17-009	180-29-005	AMD-P	90-13-083
174-162-020	REP	90-04-011	180-23-037	AMD-P	90-13-083	180-29-005	AMD	90-17-009
174-162-025	REP	90-04-011	180-23-037	AMD	90-17-009	180-29-080	AMD-P	90-13-083
174-162-030	REP	90-04-011	180-23-043	AMD-P	90-13-083	180-29-080	AMD	90-17-009
174-162-035	REP	90-04-011	180-23-043	AMD	90-17-009	180-29-105	AMD-P	90-13-083
174-162-040	REP	90-04-011	180-23-065	AMD-P	90-13-083	180-29-105	AMD	90-17-009
174-162-045	REP	90-04-011	180-23-065	AMD	90-17-009	180-29-110	AMD-P	90-13-083
174-168-010	NEW-W	90-03-037	180-23-077	AMD-P	90-13-083	180-29-110	AMD	90-17-009
174-168-010	NEW-P	90-04-028	180-23-077	AMD	90-17-009	180-29-300	REP	90-04-032
174-168-010	NEW-C	90-10-001	180-23-090	AMD-P	90-13-083	180-30-015	AMD-P	90-13-083
174-168-010	NEW	90-13-028	180-23-090	AMD	90-17-009	180-30-015	AMD	90-17-009
174-168-020	NEW-W	90-03-037	180-23-120	AMD-P	90-13-083	180-30-105	AMD-P	90-13-083
174-168-020	NEW-P	90-04-028	180-23-120	AMD	90-17-009	180-30-105	AMD	90-17-009
174-168-020	NEW-C	90-10-001	180-24-003	AMD-P	90-13-083	180-30-220	AMD-P	90-13-083
174-168-020	NEW	90-13-028	180-24-003	AMD	90-17-009	180-30-220	AMD	90-17-009
174-168-030	NEW-P	90-04-028	180-24-007	AMD-P	90-13-083	180-30-450	AMD-P	90-13-083
174-168-030	NEW-C	90-10-001	180-24-007	AMD	90-17-009	180-30-450	AMD	90-17-009
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180-30-495	AMD	90-17-009	180-51-075	AMD-P	90-13-083
180-30-725	AMD-P	90-13-083	180-51-075	AMD	90-17-009
180-30-725	AMD	90-17-009	180-51-080	AMD-P	90-13-083
180-31-005	AMD-P	90-13-083	180-51-080	AMD	90-17-009
180-31-005	AMD	90-17-009	180-51-085	AMD-P	90-13-083
180-32-005	AMD-P	90-13-083	180-51-085	AMD	90-17-009
180-32-005	AMD	90-17-009	180-51-100	AMD-P	90-13-083
180-33-005	AMD-P	90-13-083	180-51-100	AMD	90-17-009
180-33-005	AMD	90-17-009	180-51-105	AMD-P	90-13-083
180-33-020	AMD-P	90-13-083	180-51-105	AMD	90-17-009
180-33-020	AMD	90-17-009	180-51-115	AMD-P	90-13-083
180-33-030	AMD-P	90-13-083	180-51-115	AMD	90-17-009
180-33-030	AMD	90-17-009	180-52-015	AMD-P	90-13-083
180-34-005	AMD-P	90-13-083	180-52-015	AMD	90-17-009
180-34-005	AMD	90-17-009	180-53-005	AMD-P	90-13-083
180-34-010	AMD-P	90-13-083	180-53-005	AMD	90-17-009
180-34-010	AMD	90-17-009	180-55-005	AMD	90-17-009
180-36-005	AMD-P	90-13-083	180-55-015	AMD-P	90-13-083
180-36-005	AMD	90-17-009	180-55-015	AMD	90-17-009
180-38-005	AMD-P	90-13-083	180-56-205	AMD-P	90-13-083
180-38-005	AMD	90-17-009	180-56-205	AMD	90-17-009
180-38-025	AMD-P	90-13-083	180-56-260	AMD-P	90-13-083
180-38-025	AMD	90-17-009	180-56-260	AMD	90-17-009
180-38-030	AMD-P	90-13-083	180-57-005	AMD-P	90-13-083
180-38-030	AMD	90-17-009	180-57-005	AMD	90-17-009
180-38-040	AMD-P	90-13-083	180-57-100	AMD-P	90-13-083
180-38-040	AMD	90-17-009	180-57-100	AMD	90-17-009
180-38-045	AMD-P	90-13-083	180-58-015	AMD-P	90-13-083
180-38-045	AMD	90-17-009	180-58-015	AMD	90-17-009
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180-38-050	AMD	90-17-009	180-58-075	AMD	90-17-009
180-39-005	AMD-P	90-13-083	180-59-005	AMD-P	90-13-083
180-39-005	AMD	90-17-009	180-59-005	AMD	90-17-009
180-39-020	AMD-P	90-13-083	180-59-035	AMD-P	90-13-083
180-39-020	AMD	90-17-009	180-59-035	AMD	90-17-009
180-40-200	AMD-P	90-13-083	180-59-145	AMD-P	90-13-083
180-40-200	AMD	90-17-009	180-59-145	AMD	90-17-009
180-40-210	AMD-P	90-13-083	180-72-045	AMD-P	90-13-083
180-40-210	AMD	90-17-009	180-72-045	AMD	90-17-009
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180-40-225	AMD	90-17-009	180-75-003	AMD	90-17-009
180-40-235	AMD-P	90-13-082	180-75-005	AMD	90-02-073
180-40-235	AMD	90-17-004	180-75-018	REP	90-02-073
180-40-245	AMD-P	90-13-083	180-75-019	REP	90-02-073
180-40-245	AMD	90-17-009	180-75-020	REP	90-02-073
180-40-260	AMD-P	90-13-083	180-75-025	REP	90-02-073
180-40-260	AMD	90-17-009	180-75-026	REP	90-02-073
180-40-275	AMD-P	90-13-083	180-75-027	REP	90-02-073
180-40-275	AMD	90-17-009	180-75-030	REP	90-02-073
180-41-010	AMD-P	90-13-083	180-75-033	REP	90-02-073
180-41-010	AMD	90-17-009	180-75-034	REP	90-02-073
180-43-005	AMD-P	90-13-083	180-75-035	REP	90-02-073
180-43-005	AMD	90-17-009	180-75-037	REP	90-02-073
180-43-010	AMD-P	90-13-083	180-75-038	REP	90-02-073
180-43-010	AMD	90-17-009	180-75-039	REP	90-02-073
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180-43-015	AMD	90-17-009	180-75-042	REP	90-02-073
180-44-005	AMD-P	90-13-083	180-75-043	REP	90-02-073
180-44-005	AMD	90-17-009	180-75-044	REP	90-02-073
180-46-005	AMD-P	90-13-083	180-75-045	AMD	90-02-073
180-46-005	AMD	90-17-009	180-75-061	AMD-P	90-08-112
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180-50-100	AMD	90-17-009	180-75-065	AMD-P	90-08-112
180-50-105	AMD-P	90-13-083	180-75-065	AMD-P	90-13-083
180-50-105	AMD	90-17-009	180-75-065	AMD	90-17-009
180-50-115	AMD-P	90-13-083	180-75-081	AMD	90-02-073
180-50-115	AMD	90-17-009	180-75-084	REP	90-02-073
180-50-120	AMD-P	90-13-083	180-75-085	AMD-P	90-13-083
180-50-120	AMD	90-17-009	180-75-085	AMD	90-17-009
180-50-125	AMD-P	90-13-083	180-75-086	REP	90-02-073
180-50-125	AMD	90-17-009	180-75-087	AMD-P	90-13-083
180-50-130	AMD-P	90-13-083	180-75-087	AMD	90-17-009
180-50-130	AMD	90-17-009	180-75-090	AMD-P	90-08-112
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180-75-100	AMD	90-17-009	180-75-100	AMD-P	90-13-083
180-75-199	REP	90-02-073	180-75-199	REP	90-02-073
180-78-003	AMD-P	90-13-083	180-78-003	AMD-P	90-13-083
180-78-003	AMD	90-17-009	180-78-010	AMD-P	90-13-083
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180-78-010	AMD	90-17-009	180-78-057	AMD-P	90-08-113
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180-78-130	AMD-P	90-13-083	180-78-130	AMD	90-17-009
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180-78-191	AMD	90-13-083	180-78-191	AMD	90-02-104
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180-78-195	REP	90-17-009	180-78-197	REP	90-02-074
180-78-197	REP	90-13-083	180-78-197	REP	90-02-104
180-78-198	REP	90-17-009	180-78-198	REP	90-02-074
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180-79-230	AMD-P	90-02-073	180-79-230	AMD-E	90-09-027
180-79-230	AMD-E	90-02-073	180-79-230	AMD	90-12-075
180-79-230	AMD	90-02-073	180-79-245	AMD-P	90-08-114
180-79-245	AMD-P	90-02-073	180-79-245	AMD	90-12-075
180-79-245	AMD	90-02-073	180-79-362	AMD-P	90-08-114
180-79-362	AMD-P	90-02-073	180-79-362	AMD	90-12-075
180-79-362	AMD	90-02-073	180-79-364	AMD-P	90-08-114
180-79-364	AMD-P	90-02-073	180-79-364	AMD	90-12-075
180-79-364	AMD	90-02-073	180-81-003	AMD-P	90-13-083
180-81-003	AMD-P	90-02-073	180-81-003	AMD	90-17-009
180-81-003	AMD	90-02-073	180-85-045	AMD-P	90-08-115
180-85-045	AMD-P	90-02-073	180-85-045	AMD	90-12-076
180-85-045	AMD	90-02-073	180-85-080	REP-P	90-08-115
180-85-080	REP-P	90-02-073	180-85-080	REP	90-12-076
180-85-080	REP	90-02-073	180-85-083	REP-P	90-08-115
180-85-083	REP-P	90-02-073	180-85-083	REP	90-12-076
180-85-083	REP	90-02-073	180-85-085	AMD-P	90-08-115
180-85-085	AMD-P	90-02-073	180-85-085	AMD	90-12-076
180-85-085	AMD	90-02-073	180-85-100	AMD-P	90-08-115
180-85-100	AMD-P	90-02-073	180-85-100	AMD	90-12-076
180-85-100	AMD	90-02-073	180-85-105	AMD-P	90-08-115
180-85-105	AMD-P	90-02-073	180-85-105	AMD	90-12-076
180-85-105	AMD	90-02-073	180-85-106	NEW-P	90-08-115
180-85-106	NEW-P	90-13-083	180-85-106	NEW	90-12-076
180-85-106	NEW	90-17-009	180-85-107	NEW-P	90-08-115
180-85-107	NEW-P	90-02-073	180-85-107	NEW	90-12-076
180-85-107	NEW	90-13-083	180-85-108	NEW-P	90-08-115
180-85-108	NEW-P	90-17-009	180-85-108	NEW	90-12-076
180-85-108	NEW	90-08-112	180-85-109	NEW-P	90-08-115
180-85-109	NEW-P	90-12-121	180-85-109	NEW	90-12-076
180-85-109	NEW	90-13-083			

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180-85-115	AMD-P	90-08-115	180-96-005	AMD	90-17-009
180-85-115	AMD	90-12-076	180-96-050	AMD-P	90-13-083
180-85-202	REP-P	90-08-115	180-96-050	AMD	90-17-009
180-85-202	REP	90-12-076	180-110-010	AMD-P	90-13-083
180-85-205	AMD-P	90-08-115	180-110-010	AMD	90-17-009
180-85-205	AMD	90-12-076	180-115-005	AMD-P	90-13-083
180-86-003	NEW	90-02-076	180-115-005	AMD	90-17-009
180-86-005	NEW	90-02-076	182-12-115	AMD-P	90-04-087
180-86-010	NEW	90-02-076	182-12-115	AMD	90-12-037
180-86-012	NEW	90-02-076	192-12-050	AMD	90-08-028
180-86-015	NEW	90-02-076	192-12-350	NEW	90-08-028
180-86-020	NEW	90-02-076	192-12-355	NEW	90-08-028
180-86-030	NEW	90-02-076	192-12-360	NEW	90-08-028
180-86-035	NEW	90-02-076	192-12-365	NEW	90-08-028
180-86-040	NEW	90-02-076	192-16-004	NEW-E	90-09-057
180-86-050	NEW	90-02-076	192-16-004	NEW-P	90-11-120
180-86-055	NEW	90-02-076	192-16-004	NEW	90-17-104
180-86-065	NEW	90-02-076	192-16-250	NEW-W	90-14-094
180-86-070	NEW	90-02-076	192-16-300	NEW-W	90-14-094
180-86-075	NEW	90-02-076	192-16-305	NEW-W	90-14-094
180-86-085	NEW	90-02-076	192-16-310	NEW-W	90-14-094
180-86-090	NEW	90-02-076	192-16-315	NEW-W	90-14-094
180-86-095	NEW	90-02-076	192-16-320	NEW-W	90-14-094
180-86-097	NEW	90-02-076	192-16-325	NEW-W	90-14-094
180-86-100	NEW	90-02-076	192-16-330	NEW-W	90-14-094
180-86-105	NEW	90-02-076	192-16-335	NEW-W	90-14-094
180-86-110	NEW	90-02-076	192-16-340	NEW-W	90-14-094
180-86-115	NEW	90-02-076	192-16-345	NEW-W	90-14-094
180-86-115	REP-E	90-17-005	192-28-115	AMD-P	90-11-119
180-86-115	REP-P	90-17-151	192-28-115	AMD	90-17-103
180-86-120	NEW	90-02-076	192-28-122	NEW-P	90-11-121
180-86-130	NEW	90-02-076	192-28-122	NEW	90-17-105
180-86-135	NEW	90-02-076	192-28-130	AMD-P	90-11-119
180-86-140	NEW	90-02-076	192-28-130	AMD	90-17-103
180-86-145	NEW	90-02-076	192-28-145	NEW-P	90-11-121
180-86-150	NEW	90-02-076	192-28-145	NEW	204-93-010
180-86-155	NEW	90-02-076	192-28-150	NEW-P	90-11-121
180-86-160	NEW	90-02-076	192-28-150	NEW	90-17-105
180-86-165	NEW	90-02-076	196-08-030	REP	90-05-071
180-86-170	NEW	90-02-076	196-24-030	AMD-P	90-15-046
180-86-175	NEW	90-02-076	196-24-060	AMD-E	90-17-013
180-86-180	NEW	90-02-076	196-24-060	AMD-P	90-17-106
180-86-185	NEW	90-02-076	196-24-090	AMD	90-05-071
180-86-200	NEW	90-02-076	196-24-092	NEW	90-05-071
180-87-001	NEW	90-02-075	196-24-095	AMD-P	90-15-046
180-87-003	NEW	90-02-075	196-24-110	AMD-P	90-15-046
180-87-005	NEW	90-02-075	196-26-020	AMD	90-03-028
180-87-010	NEW	90-02-075	196-26-020	AMD-E	90-04-010
180-87-015	NEW	90-02-075	196-26-030	NEW-E	90-17-014
180-87-020	NEW	90-02-075	196-26-030	NEW-P	90-17-107
180-87-025	NEW	90-02-075	196-27-020	AMD	90-05-071
180-87-030	NEW	90-02-075	204-30-010	NEW-P	90-10-076
180-87-035	NEW	90-02-075	204-30-010	NEW	90-13-060
180-87-040	NEW	90-02-075	204-30-020	NEW-P	90-10-076
180-87-045	NEW	90-02-075	204-30-020	NEW	90-13-060
180-87-050	NEW	90-02-075	204-30-030	NEW-P	90-10-076
180-87-055	NEW	90-02-075	204-30-030	NEW	90-13-060
180-87-060	NEW	90-02-075	204-30-040	NEW-P	90-10-076
180-87-065	NEW	90-02-075	204-30-040	NEW	90-13-060
180-87-070	NEW	90-02-075	204-30-050	NEW-P	90-10-076
180-87-080	NEW	90-02-075	204-30-050	NEW	90-13-060
180-87-085	NEW	90-02-075	204-30-060	NEW-P	90-10-076
180-87-090	NEW	90-02-075	204-30-060	NEW	90-13-060
180-87-095	NEW	90-02-075	204-30-070	NEW-P	90-10-076
180-90-105	AMD-P	90-13-083	204-30-070	NEW	90-13-060
180-90-105	AMD	90-17-009	204-30-080	NEW-P	90-10-076
180-90-125	AMD-P	90-13-083	204-30-080	NEW	90-13-060
180-90-125	AMD	90-17-009	204-36-030	AMD-P	90-04-023
180-90-150	AMD-P	90-13-083	204-36-030	AMD	90-07-034
180-90-150	AMD	90-17-009	204-36-040	AMD-P	90-04-023
180-90-160	AMD-P	90-13-083	204-36-040	AMD	90-07-034
180-90-160	AMD	90-17-009	204-36-050	AMD-P	90-04-023
180-95-005	AMD-P	90-13-083	204-36-050	AMD	90-07-034
180-95-005	AMD	90-17-009	204-36-060	AMD-P	90-04-023
180-95-010	AMD-P	90-13-083	204-36-060	AMD	90-07-034
204-44-010	AMD	90-06-055	204-44-010	AMD	90-06-055
204-44-030	AMD	90-06-055	204-44-030	AMD	90-06-055
204-48-020	AMD-P	90-08-023	204-48-020	AMD-P	90-08-023
204-48-020	AMD-	90-11-021	204-48-020	AMD-	90-11-021
204-68-010	REP-P	90-13-061	204-68-010	REP-P	90-13-061
204-68-020	REP-P	90-13-061	204-68-020	REP-P	90-13-061
204-68-030	REP-P	90-13-061	204-68-030	REP-P	90-13-061
204-68-040	REP-P	90-13-061	204-68-040	REP-P	90-13-061
204-68-050	REP-P	90-13-061	204-68-050	REP-P	90-13-061
204-68-060	REP-P	90-13-061	204-68-060	REP-P	90-13-061
204-68-070	REP-P	90-13-061	204-68-070	REP-P	90-13-061
204-68-080	REP-P	90-13-061	204-68-080	REP-P	90-13-061
204-68-090	REP-P	90-13-061	204-68-090	REP-P	90-13-061
204-68-100	REP-P	90-13-061	204-68-100	REP-P	90-13-061
204-68-110	REP-P	90-13-061	204-68-110	REP-P	90-13-061
204-68-120	REP-P	90-13-061	204-68-120	REP-P	90-13-061
204-68-130	REP-P	90-13-061	204-68-130	REP-P	90-13-061
204-68-140	REP-P	90-13-061	204-68-140	REP-P	90-13-061
204-74-010	NEW-P	90-13-062	204-74-010	NEW-P	90-13-062
204-74-020	NEW-P	90-13-062	204-74-020	NEW-P	90-13-062
204-74-030	NEW-P	90-13-062	204-74-030	NEW-P	90-13-062
204-74-040	NEW-P	90-13-062	204-74-040	NEW-P	90-13-062
204-74-050	NEW-P	90-13-062	204-74-050	NEW-P	90-13-062
204-74-060	NEW-P	90-13-062	204-74-060	NEW-P	90-13-062
204-74-070	NEW-P	90-13-062	204-74-070	NEW-P	90-13-062
204-74-080	NEW-P	90-13-062	204-74-080	NEW-P	90-13-062
204-74A-010	NEW-P	90-13-062	204-74A-010	NEW-P	90-13-062
204-74A-020	NEW-P	90-13-062	204-74A-020	NEW-P	90-13-062
204-74A-030	NEW-P	90-13-062	204-74A-030	NEW-P	90-13-062
204-74A-040	NEW-P	90-13-062	204-74A-040	NEW-P	90-13-062
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204-74A-060	NEW-P	90-13-062	204-74A-060	NEW-P	90-13-062
204-82A-020	AMD-P	90-13-063	204-82A-020	AMD-P	90-13-063
204-82A-030	AMD-P	90-13-063	204-82A-030	AMD-P	90-13-063
204-82A-040	AMD-P	90-13-063	204-82A-040	AMD-P	90-13-063
204-82A-050	AMD-P	90-13-063	204-82A-050	AMD-P	90-13-063
204-82A-070	NEW-P	90-13-063	204-82A-070	NEW-P	90-13-063
204-88-030	AMD	90-06-056	204-88-030	AMD	90-06-056
204-93-010	AMD-P	90-13-063	204-93-010	AMD-P	90-13-063
204-93-020	AMD-P	90-13-063	204-93-020	AMD-P	90-13-063
204-93-030	AMD-P	90-13-063	204-93-030	AMD-P	90-13-063
204-93-040	AMD-P	90-13-063	204-93-040	AMD-P	90-13-063
204-93-050	AMD-P	90-13-063	204-93-050	AMD-P	90-13-063
204-93-060	AMD-P	90-13-063	204-93-060	AMD-P	90-13-063
204-93-070	AMD-P	90-13-063	204-93-070	AMD-P	90-13-063
204-93-080	AMD-P	90-13-063	204-93-080	AMD-P	90-13-063
204-93-090	AMD-P	90-13-063	204-93-090	AMD-P	90-13-063
204-93-100	AMD-P	90-13-063	204-93-100	AMD-P	90-13-063
204-93-110	AMD-P	90-13-063	204-93-110	AMD-P	90-13-063
204-93-150	AMD-P	90-13-063	204-93-150	AMD-P	90-13-063
204-990	REP-P	90-08-024	204-990	REP-P	90-08-024
212-17-300	AMD-P	90-04-097	212-17-300	AMD-P	90-04-097
212-17-300	AMD	90-10-006	212-17-300	AMD	90-10-006
212-17-305	AMD-P	90-04-097	212-17-305	AMD-P	90-04-097
212-17-305	AMD	90-10-006	212-17-305	AMD	90-10-006
212-17-310	AMD-P	90-04-097	212-17-310	AMD-P	90-04-097
212-17-310	AMD	90-10-006	212-17-310	AMD	90-10-006
212-17-315	AMD-P	90-04-097	212-17-315	AMD-P	90-04-097
212-17-315	AMD	90-10-006	212-17-315	AMD	90-10-006
212-17-317	NEW-P	90-04-097	212-17-317	NEW-P	90-04-097
212-17-317	NEW	90-10-006	212-17-317	NEW	90-10-006
212-17-325	AMD-P	90-04-097	212-17-325	AMD-P	90-04-097
212-17-325	AMD	90-10-006	212-17-325	AMD	90-10-006
212-17-330	AMD-P	90-04-097	212-17-330	AMD-P	90-04-097
212-17-330	AMD	90-10-006	212-17-330	AMD	90-10-006
212-17-335	AMD-P	90-04-097	212-17-335	AMD-P	90-04-097
212-17-335	AMD	90-10-006	212-17-335	AMD	90-10-006
220-12-01000B	NEW-E	90-06-058	220-12-01000B	NEW-E	90-06-058
220-12-02000A	NEW-E	90-15-040	220-12-02000A	NEW-E	90-15-040
220-16	AMD-C	90-06-025	220-16	AMD-C	90-06-025
220-16-410	AMD	90-03-068	220-16-410	AMD	90-03-068
220-16-420	NEW	90-03-068	220-16-420	NEW	90-03-068
220-16-430	NEW-C	90-07-002	220-16-430	NEW-C	90-07-002
220-16-430	NEW	90-07-003	220-16-430	NEW	90-07-003
220-16-440	NEW-P	90-02-112	220-16-440	NEW-P	90-02-112
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220-20-010	AMD-P	90-06-079	220-47-403	REP-P	90-09-093	220-56-195	AMD-P	90-02-112
220-20-017	AMD-P	90-08-008	220-47-403	REP	90-13-025	220-56-195	AMD	90-06-026
220-20-020	AMD-P	90-02-111	220-47-411	AMD-P	90-09-093	220-56-197	AMD-P	90-02-112
220-20-020	AMD	90-06-045	220-47-411	AMD	90-13-025	220-56-197	AMD	90-06-026
220-20-020	AMD-C	90-07-002	220-47-412	AMD-P	90-09-093	220-56-205	AMD-P	90-02-112
220-20-020	AMD	90-07-003	220-47-412	AMD	90-13-025	220-56-205	AMD	90-06-026
220-20-025	AMD-P	90-02-111	220-47-413	REP-P	90-09-093	220-56-230	NEW-P	90-02-112
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220-22-030	AMD-P	90-09-093	220-47-414	REP	90-13-025	220-56-235	AMD	90-06-026
220-22-030	AMD	90-13-025	220-47-500	NEW-P	90-09-093	220-56-240	AMD-P	90-02-112
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220-24-02000M	NEW-E	90-11-046	220-47-600	REP-E	90-17-008	220-56-24500H	NEW-E	90-17-012
220-24-02000M	REP-E	90-11-086	220-47-601	NEW-E	90-17-008	220-56-25500F	NEW-E	90-08-003
220-24-02000N	NEW-E	90-11-086	220-47-601	REP-E	90-17-045	220-56-25500G	NEW-E	90-17-012
220-24-02000N	REP-E	90-12-010	220-47-602	NEW-E	90-17-045	220-56-282	AMD-P	90-02-112
220-24-02000P	NEW-E	90-12-010	220-47-602	REP-E	90-17-084	220-56-282	AMD	90-06-026
220-24-02000P	REP-E	90-12-036	220-47-603	NEW-E	90-17-084	220-56-307	AMD-P	90-02-112
220-24-02000Q	NEW-E	90-12-036	220-48-01500D	NEW-E	90-06-001	220-56-307	AMD	90-06-026
220-24-02000Q	REP-E	90-13-007	220-49-02000C	NEW-E	90-10-032	220-56-310	AMD-P	90-02-112
220-24-02000R	NEW-E	90-13-007	220-49-063	NEW-C	90-07-002	220-56-310	AMD	90-06-026
220-24-02000R	REP-E	90-13-034	220-49-063	NEW	90-07-003	220-56-31000J	NEW-E	90-15-040
220-24-02000S	NEW-E	90-13-034	220-49-064	NEW-C	90-07-002	220-56-320	AMD-P	90-02-112
220-24-02000S	REP-E	90-17-082	220-49-064	NEW	90-07-003	220-56-320	AMD	90-06-026
220-24-02000T	NEW-E	90-17-082	220-52-03000F	NEW-E	90-11-012	220-56-32000R	NEW-E	90-10-035
220-24-02000T	REP-E	90-17-090	220-52-05100D	NEW-E	90-10-035	220-56-330	AMD-P	90-02-112
220-24-02000U	NEW-E	90-17-090	220-52-05100E	NEW-E	90-11-030	220-56-330	AMD	90-06-026
220-24-50000A	NEW-E	90-15-063	220-52-05100E	REP-E	90-17-085	220-56-350	AMD-P	90-02-112
220-28-41303	NEW-E	90-02-065	220-52-05100F	NEW-E	90-17-085	220-56-350	AMD	90-06-026
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220-32-05100Y	NEW-E	90-04-046	220-52-07100E	REP-E	90-11-060	220-56-36000T	NEW-E	90-07-039
220-32-05100Z	NEW-E	90-17-025	220-52-07100F	NEW-E	90-11-060	220-56-36000T	REP-E	90-10-011
220-32-05500U	NEW-E	90-10-053	220-52-07100G	NEW-E	90-13-024	220-56-36000U	NEW-E	90-10-011
220-32-05700E	NEW-E	90-03-006	220-52-07300H	NEW-E	90-03-067	220-56-380	AMD-P	90-02-112
220-32-05900R	NEW-E	90-10-034	220-52-07400A	NEW-E	90-15-040	220-56-380	AMD	90-06-026
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220-33-01000M	REP-E	90-05-030	220-55-01000A	REP-E	90-08-034	220-56-38000G	NEW-E	90-03-027
220-33-01000N	NEW-E	90-05-030	220-55-01000B	NEW-E	90-08-034	220-56-38000G	REP-E	90-04-041
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220-33-03000B	NEW-E	90-11-071	220-55-086	AMD	90-03-068	220-56-400	AMD-P	90-02-112
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220-36-02100K	NEW-E	90-14-099	220-56	AMD-C	90-06-025	220-57	AMD-C	90-06-025
220-36-023	AMD-P	90-09-092	220-56-105	AMD-P	90-02-112	220-57	AMD-C	90-06-042
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220-40-021	AMD-P	90-09-092	220-56-115	AMD-P	90-02-112	220-57-140	AMD	90-06-026
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220-40-026	REP-P	90-09-092	220-56-125	AMD-P	90-02-112	220-57-160	AMD	90-06-026
220-40-027	AMD-P	90-09-092	220-56-125	AMD	90-06-026	220-57-16000D	NEW-E	90-08-032
220-40-031	AMD-P	90-09-092	220-56-126	AMD-P	90-02-112	220-57-16000E	NEW-E	90-14-015
220-44-050	AMD-P	90-06-080	220-56-126	AMD	90-06-026	220-57-16000F	NEW-E	90-15-045
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220-44-05000B	REP-E	90-04-047	220-56-127	AMD	90-06-026	220-57-220	AMD	90-06-026
220-44-05000C	NEW-E	90-04-047	220-56-128	AMD-P	90-02-112	220-57-242	NEW-P	90-02-112
220-44-05000C	REP-E	90-07-031	220-56-128	AMD	90-06-026	220-57-242	NEW-W	90-15-050
220-44-05000D	NEW-E	90-07-031	220-56-156	AMD-C	90-06-081	220-57-260	AMD-P	90-02-112
220-44-05000D	REP-E	90-13-109	220-56-156	AMD	90-08-001	220-57-260	AMD	90-06-026
220-44-05000E	NEW-E	90-13-109	220-56-160	AMD-P	90-02-112	220-57-270	AMD-P	90-02-112
220-44-05000E	REP-E	90-16-001	220-56-160	AMD	90-06-026	220-57-270	AMD	90-06-026
220-44-05000F	NEW-E	90-16-001	220-56-165	AMD-P	90-02-112	220-57-290	AMD-P	90-02-112
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220-47-304	AMD	90-13-025	220-56-175	AMD-P	90-02-112	220-57-29000L	NEW-E	90-13-006
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220-47-313	REP	90-13-025	220-56-19000S	REP-E	90-16-064	220-57-42500T	NEW-E	90-12-064
220-47-319	AMD-P	90-09-093	220-56-19000T	NEW-E	90-16-064	220-57-465	AMD-P	90-02-112
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220-69-238	AMD	90-17-080	230-08-260	AMD-P	90-10-008	232-12-187	RE-AD-P	90-06-090
220-69-239	NEW-P	90-09-050	230-08-260	AMD	90-13-022	232-12-187	RE-AD	90-11-049
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223-08-020	AMD-P	90-16-054	230-30-102	AMD-P	90-16-063	232-28-21810	REP-P	90-15-074
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223-08-107	NEW-P	90-16-054	230-50-012	AMD	90-07-018	232-28-413	REP	90-17-095
223-08-110	REP-P	90-15-054	230-50-560	AMD-E	90-09-073	232-28-414	NEW-P	90-12-101
223-08-115	REP-P	90-15-054	230-50-560	AMD-P	90-10-008	232-28-414	NEW-W	90-13-096
223-08-120	REP-P	90-15-054	230-50-560	AMD	90-13-022	232-28-414	NEW-P	90-13-101
223-08-125	REP-P	90-15-054	230-50-580	AMD-E	90-09-073	232-28-414	NEW	90-17-095
223-08-130	REP-P	90-15-054	230-50-580	AMD-P	90-10-008	232-28-41401	NEW-E	90-16-037
223-08-135	REP-P	90-15-054	230-50-580	AMD	90-13-022	232-28-41402	NEW-E	90-17-109
223-08-140	REP-P	90-15-054	230-60-010	AMD	90-03-064	232-28-41402	NEW-P	90-17-145
223-08-147	REP-P	90-15-054	230-60-020	REP	90-03-064	232-28-511	REP-P	90-13-102
223-08-150	AMD-P	90-16-054	230-60-025	AMD	90-03-064	232-28-512	NEW-P	90-13-102
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223-08-165	AMD-P	90-16-054	230-60-065	AMD-P	90-15-064	232-28-61729	NEW	90-02-071
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248-08-270	REP 90-06-018	248-08-845	REP 90-06-018	248-19-373	REP-P 90-08-105
248-08-280	REP 90-06-018	248-14-001	AMD-P 90-13-031	248-19-373	REP 90-12-072
248-08-290	REP 90-06-018	248-14-001	AMD 90-17-123	248-19-375	REP-P 90-08-105
248-08-300	REP 90-06-018	248-14-070	AMD-C 90-04-015	248-19-375	REP 90-12-072
248-08-310	REP 90-06-018	248-14-070	AMD 90-04-071	248-19-403	REP-P 90-08-105
248-08-320	REP 90-06-018	248-14-080	AMD-P 90-13-031	248-19-403	REP 90-12-072
248-08-330	REP 90-06-018	248-14-080	AMD 90-17-123	248-19-480	AMD 90-06-019
248-08-340	REP 90-06-018	248-14-240	AMD-P 90-13-031	248-19-600	NEW-P 90-10-022
248-08-350	REP 90-06-018	248-14-240	AMD 90-17-123	248-19-600	NEW 90-13-116
248-08-360	REP 90-06-018	248-14-249	NEW-P 90-13-031	248-19-601	NEW-P 90-12-096
248-08-370	REP 90-06-018	248-14-249	NEW 90-17-123	248-19-601	NEW 90-16-058
248-08-380	REP 90-06-018	248-15-110	AMD 90-06-019	248-19-700	NEW-P 90-12-096
248-08-390	REP 90-06-018	248-16-031	AMD 90-06-019	248-19-700	NEW 90-16-058
248-08-400	REP 90-06-018	248-17-060	AMD 90-06-019	248-19-701	NEW-P 90-12-096
248-08-410	AMD 90-06-018	248-17-213	AMD-P 90-14-042	248-19-701	NEW 90-16-058
248-08-413	NEW 90-06-018	248-17-213	AMD-E 90-14-044	248-19-800	NEW-P 90-08-102
248-08-420	REP 90-06-018	248-17-230	AMD 90-06-019	248-19-800	NEW 90-12-071

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
248-19-805	NEW-P	90-08-102	248-98-005	NEW	90-07-010	248-168-030	AMD-P	90-11-063
248-19-805	NEW	90-12-071	248-98-010	AMD-P	90-02-072	248-168-030	AMD	90-17-087
248-19-806	NEW-P	90-08-102	248-98-010	AMD	90-07-010	248-168-040	AMD-P	90-11-063
248-19-806	NEW	90-12-071	248-98-015	NEW-P	90-02-072	248-168-040	AMD	90-17-087
248-19-810	NEW-P	90-08-105	248-98-015	NEW	90-07-010	248-168-050	AMD-P	90-11-063
248-19-810	NEW	90-12-072	248-98-020	AMD-P	90-02-072	248-168-050	AMD	90-17-087
248-19-811	NEW-P	90-08-105	248-98-020	AMD	90-07-010	248-168-060	AMD-P	90-11-063
248-19-811	NEW	90-12-072	248-98-025	NEW-P	90-02-072	248-168-060	AMD	90-17-087
248-19-820	NEW-P	90-08-105	248-98-025	NEW	90-07-010	248-168-070	NEW-P	90-11-063
248-19-840	NEW-P	90-08-105	248-98-030	AMD-P	90-02-072	248-168-070	NEW	90-17-087
248-19-840	NEW	90-12-072	248-98-030	AMD	90-07-010	248-170-001	NEW	90-04-082
248-19-860	NEW-P	90-08-105	248-98-035	NEW-P	90-02-072	248-170-020	NEW	90-04-082
248-19-860	NEW	90-12-072	248-98-035	NEW	90-07-010	248-170-100	NEW	90-04-082
248-19-880	NEW-P	90-08-103	248-98-040	AMD-P	90-02-072	248-170-130	NEW	90-04-082
248-19-880	NEW-W	90-10-083	248-98-040	AMD	90-07-010	248-170-160	NEW	90-04-082
248-19-882	NEW-P	90-08-103	248-98-045	NEW-P	90-02-072	248-170-200	NEW	90-04-082
248-19-882	NEW-W	90-10-083	248-98-045	NEW	90-07-010	248-170-300	NEW	90-04-082
248-19-884	NEW-P	90-08-103	248-98-050	AMD-P	90-02-072	248-170-320	NEW	90-04-082
248-19-884	NEW-W	90-10-083	248-98-050	AMD	90-07-010	248-180-010	NEW	90-03-052
248-19-886	NEW-P	90-08-103	248-98-060	AMD-P	90-02-072	248-180-020	NEW	90-03-052
248-19-886	NEW-W	90-10-083	248-98-060	AMD	90-07-010	248-320-340	NEW	90-06-018
248-21-005	AMD	90-05-038	248-98-080	AMD-P	90-02-072	248-320-350	NEW	90-06-018
248-22-005	AMD	90-06-019	248-98-080	AMD	90-07-010	248-320-360	NEW	90-06-018
248-23-010	AMD	90-06-019	248-98-085	NEW-P	90-02-072	248-320-370	NEW	90-06-018
248-25-010	AMD	90-06-019	248-98-085	NEW	90-07-010	248-320-400	NEW	90-06-018
248-26-020	AMD	90-06-019	248-98-090	AMD-P	90-02-072	248-320-410	NEW	90-06-018
248-27-025	AMD	90-06-019	248-98-090	AMD	90-07-010	248-320-500	NEW	90-06-018
248-27-035	AMD	90-06-019	248-98-095	NEW-P	90-02-072	248-554-030	AMD-C	90-04-016
248-27-045	AMD	90-06-019	248-98-095	NEW	90-07-010	248-554-030	AMD	90-04-072
248-27-055	AMD	90-06-019	248-98-098	NEW-P	90-02-072	250-14-010	NEW-E	90-16-032
248-29-020	AMD	90-06-019	248-98-098	NEW	90-07-010	250-14-010	NEW-P	90-16-055
248-31-025	AMD	90-06-019	248-98-100	AMD-P	90-02-072	250-20-001	AMD	90-04-067
248-31-035	AMD	90-06-019	248-98-100	AMD	90-07-010	250-20-011	AMD	90-04-067
248-31-045	AMD	90-06-019	248-98-102	NEW-P	90-02-072	250-20-015	AMD	90-04-067
248-31-055	AMD	90-06-019	248-98-102	NEW	90-07-010	250-20-021	AMD	90-04-067
248-33-040	AMD	90-05-038	248-98-104	NEW-P	90-02-072	250-20-031	AMD	90-04-067
248-33-060	REP	90-05-038	248-98-104	NEW	90-07-010	250-20-037	NEW	90-04-067
248-33-080	REP	90-05-038	248-98-110	AMD-P	90-02-072	250-20-041	AMD	90-04-067
248-36-025	AMD	90-06-019	248-98-110	AMD	90-07-010	250-20-051	AMD	90-04-067
248-36-035	AMD	90-06-019	248-98-120	AMD-P	90-02-072	250-20-071	AMD	90-04-067
248-36-045	AMD	90-06-019	248-98-120	AMD	90-07-010	250-20-071	AMD	90-04-067
248-36-055	AMD	90-06-019	248-98-130	NEW-P	90-02-072	250-69-010	NEW-P	90-04-068
248-38-001	NEW-P	90-14-128	248-98-130	NEW	90-07-010	250-69-010	NEW	90-09-003
248-38-010	NEW-P	90-14-128	248-98-135	NEW-P	90-02-072	250-69-020	NEW-P	90-04-068
248-38-020	NEW-P	90-14-128	248-98-135	NEW	90-07-010	250-69-020	NEW	90-09-003
248-38-030	NEW-P	90-14-128	248-98-998	NEW-P	90-02-072	250-69-030	NEW-P	90-04-068
248-38-040	NEW-P	90-14-128	248-98-998	NEW	90-07-010	250-69-030	NEW	90-09-003
248-38-050	NEW-P	90-14-128	248-98-999	REP-P	90-02-072	250-69-040	NEW-P	90-04-068
248-38-060	NEW-P	90-14-128	248-98-999	REP	90-07-010	250-69-040	NEW	90-09-003
248-38-070	NEW-P	90-14-128	248-100-016	AMD-P	90-02-095	250-69-050	NEW-P	90-04-068
248-38-080	NEW-P	90-14-128	248-100-016	AMD	90-07-033	250-69-050	NEW	90-09-003
248-38-090	NEW-P	90-14-128	248-100-021	AMD-P	90-06-063	250-69-060	NEW-P	90-04-068
248-38-100	NEW-P	90-14-128	248-100-021	AMD	90-10-036	250-69-060	NEW	90-09-003
248-38-110	NEW-P	90-14-128	248-100-086	AMD-P	90-06-063	250-69-070	NEW-P	90-04-068
248-38-120	NEW-P	90-14-128	248-100-086	AMD	90-10-036	250-69-070	NEW	90-09-003
248-55-220	AMD	90-06-019	248-100-217	NEW-P	90-06-063	250-69-080	NEW-P	90-04-068
248-55-230	REP	90-06-019	248-100-217	NEW	90-10-036	250-69-080	NEW	90-09-003
248-55-235	NEW	90-06-019	248-101-010	REP-P	90-16-098	250-69-090	NEW-P	90-04-068
248-55-240	AMD	90-06-019	248-101-011	NEW-P	90-16-098	250-69-090	NEW	90-09-003
248-55-250	REP	90-06-019	248-101-020	AMD-E	90-11-038	250-69-100	NEW-P	90-04-068
248-55-260	REP	90-06-019	248-101-020	REP-P	90-16-098	250-69-100	NEW	90-09-003
248-58-085	NEW	90-06-049	248-101-021	NEW-P	90-16-098	250-69-110	NEW-P	90-04-068
248-59-030	AMD	90-06-019	248-101-220	NEW-E	90-11-038	250-69-110	NEW	90-09-003
248-59-040	REP	90-06-019	248-101-220	REP-P	90-16-098	250-70	NEW-C	90-14-029
248-59-050	REP	90-06-019	248-101-221	NEW-P	90-16-098	250-70-010	NEW-P	90-11-130
248-59-060	REP	90-06-019	248-106-001	NEW	90-02-094	250-70-010	NEW	90-16-023
248-59-070	REP	90-06-019	248-106-010	NEW	90-02-094	250-70-020	NEW-P	90-11-130
248-59-080	REP	90-06-019	248-106-020	NEW	90-02-094	250-70-020	NEW	90-16-023
248-63-025	AMD	90-06-049	248-106-030	NEW-P	90-08-104	250-70-030	NEW-P	90-11-130
248-91-060	AMD	90-06-019	248-140-200	AMD	90-05-038	250-70-030	NEW	90-16-023
248-97-130	AMD	90-06-049	248-144-031	AMD	90-06-049	250-70-040	NEW-P	90-11-130
248-97-135	NEW	90-06-049	248-168-010	AMD-P	90-11-063	250-70-040	NEW	90-16-023
248-98-001	AMD-P	90-02-072	248-168-010	AMD	90-17-087	250-70-050	NEW-P	90-11-130
248-98-001	AMD	90-07-010	248-168-015	NEW-P	90-11-063	250-70-050	NEW	90-16-023
248-98-003	NEW-P	90-02-072	248-168-015	NEW	90-17-087	250-70-060	NEW-P	90-11-130
248-98-003	NEW	90-07-010	248-168-020	AMD-P	90-11-063	250-70-060	NEW	90-16-023
248-98-005	NEW-P	90-02-072	248-168-020	AMD	90-17-087	250-70-070	NEW-P	90-11-130
						250-70-070	NEW	90-16-023

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
250-70-080	NEW-P	90-11-130	250-75-060	NEW-P	90-16-093	275-56-016	NEW	90-03-113
250-70-080	NEW	90-16-023	250-75-070	NEW-P	90-16-093	275-56-017	NEW	90-03-113
250-70-090	NEW-P	90-11-130	250-75-080	NEW-P	90-16-093	275-56-020	AMD	90-03-113
250-70-090	NEW	90-16-023	251-01-180	AMD-P	90-09-075	275-56-025	AMD	90-03-113
250-70-100	NEW-P	90-11-130	251-01-180	AMD	90-14-018	275-56-030	REP	90-03-113
250-70-100	NEW	90-16-023	251-04-040	AMD	90-06-023	275-56-035	AMD	90-03-113
250-71-010	NEW-E	90-10-002	251-04-040	AMD-E	90-13-015	275-56-040	AMD	90-03-113
250-71-010	NEW-P	90-11-108	251-04-040	AMD-P	90-13-120	275-56-042	NEW	90-03-113
250-71-015	NEW-E	90-10-002	251-04-040	AMD	90-17-037	275-56-043	NEW	90-03-113
250-71-015	NEW-P	90-11-108	251-09-085	NEW-W	90-06-082	275-56-050	AMD	90-03-113
250-71-020	NEW-E	90-10-002	251-09-090	AMD-C	90-06-083	275-56-055	AMD	90-03-113
250-71-020	NEW-P	90-11-108	251-09-090	AMD	90-10-044	275-56-060	AMD	90-03-113
250-71-025	NEW-E	90-10-002	251-09-092	NEW-C	90-06-083	275-56-065	AMD	90-03-113
250-71-025	NEW-P	90-11-108	251-09-092	NEW	90-10-044	275-56-070	AMD	90-03-113
250-71-030	NEW-E	90-10-002	251-09-094	NEW-C	90-06-083	275-56-075	AMD	90-03-113
250-71-030	NEW-P	90-11-108	251-09-094	NEW	90-10-044	275-56-080	AMD	90-03-113
250-71-035	NEW-E	90-10-002	251-12-073	AMD-P	90-09-076	275-56-085	AMD	90-03-113
250-71-035	NEW-P	90-11-108	251-12-073	AMD	90-14-018	275-56-087	NEW	90-03-113
250-71-040	NEW-E	90-10-002	251-12-085	AMD-P	90-09-074	275-56-088	NEW	90-03-113
250-71-040	NEW-P	90-11-108	251-12-085	AMD	90-13-017	275-56-089	NEW	90-03-113
250-71-045	NEW-E	90-10-002	251-12-099	NEW-P	90-09-074	275-56-090	AMD	90-03-113
250-71-045	NEW-P	90-11-108	251-12-099	NEW	90-13-017	275-56-095	AMD	90-03-113
250-71-050	NEW-E	90-10-002	251-18-185	REP-E	90-13-016	275-56-095	AMD-C	90-04-019
250-71-050	NEW-P	90-11-108	251-18-185	REP-P	90-13-121	275-56-095	AMD-W	90-04-069
250-71-055	NEW-E	90-10-002	251-18-185	REP	90-17-037	275-56-100	AMD	90-03-113
250-71-055	NEW-P	90-11-108	251-18-240	AMD-E	90-13-016	275-56-105	AMD	90-03-113
250-71-060	NEW-E	90-10-002	251-18-240	AMD-P	90-13-121	275-56-110	AMD	90-03-113
250-71-060	NEW-P	90-11-108	251-18-240	AMD	90-17-037	275-56-115	AMD	90-03-113
250-71-065	NEW-E	90-10-002	251-18-270	REP-E	90-13-016	275-56-120	REP	90-03-113
250-71-065	NEW-P	90-11-108	251-18-270	REP-P	90-13-121	275-56-125	REP	90-03-113
250-71-070	NEW-E	90-10-002	251-18-270	REP	90-17-037	275-56-130	REP	90-03-113
250-71-070	NEW-P	90-11-108	251-18-280	AMD-E	90-13-016	275-56-135	AMD	90-03-113
250-71-075	NEW-E	90-10-002	251-18-280	AMD-P	90-13-121	275-56-140	REP	90-03-113
250-71-075	NEW-P	90-11-108	251-18-280	AMD	90-17-037	275-56-145	REP	90-03-113
250-72-010	NEW-P	90-12-093	251-22-165	AMD-P	90-09-075	275-56-150	AMD	90-03-113
250-72-010	NEW	90-16-030	251-22-165	AMD	90-14-018	275-56-155	REP	90-03-113
250-72-015	NEW-P	90-12-093	260-36-190	NEW-E	90-09-010	275-56-160	REP	90-03-113
250-72-015	NEW	90-16-030	260-36-190	NEW-P	90-14-023	275-56-165	REP	90-03-113
250-72-020	NEW-P	90-12-093	260-36-200	NEW-E	90-09-010	275-56-170	AMD	90-03-113
250-72-020	NEW	90-16-030	260-36-200	NEW-P	90-14-023	275-56-175	AMD	90-03-113
250-72-025	NEW-P	90-12-093	260-40-280	AMD-P	90-14-101	275-56-180	AMD	90-03-113
250-72-025	NEW	90-16-030	260-48-327	AMD-W	90-13-072	275-56-185	AMD	90-03-113
250-72-030	NEW-P	90-12-093	260-48-327	AMD-P	90-14-100	275-56-190	REP	90-03-113
250-72-030	NEW	90-16-030	260-60-060	AMD-P	90-14-067	275-56-195	AMD	90-03-113
250-72-035	NEW-P	90-12-093	275-16-030	AMD-P	90-14-045	275-56-200	AMD	90-03-113
250-72-035	NEW	90-16-030	275-16-030	AMD-E	90-14-057	275-56-205	AMD	90-03-113
250-72-040	NEW-P	90-12-093	275-16-030	AMD-C	90-17-111	275-56-210	AMD	90-03-113
250-72-040	NEW	90-16-030	275-16-055	AMD-C	90-04-019	275-56-215	AMD	90-03-113
250-72-045	NEW-P	90-12-093	275-16-055	AMD	90-04-075	275-56-220	AMD	90-03-113
250-72-045	NEW	90-16-030	275-16-055	AMD-E	90-17-135	275-56-225	AMD	90-03-113
250-73-010	NEW-P	90-12-092	275-16-055	AMD-P	90-17-137	275-56-230	AMD	90-03-113
250-73-010	NEW	90-16-029	275-19-050	AMD-C	90-04-017	275-56-235	AMD	90-03-113
250-73-015	NEW-P	90-12-092	275-19-050	AMD	90-04-073	275-56-240	AMD	90-03-113
250-73-015	NEW	90-16-029	275-20-080	AMD-C	90-04-018	275-56-245	AMD	90-03-113
250-73-020	NEW-P	90-12-092	275-20-080	AMD	90-04-074	275-56-250	REP	90-03-113
250-73-020	NEW	90-16-029	275-20-080	AMD-E	90-17-135	275-56-255	REP	90-03-113
250-73-025	NEW-P	90-12-092	275-20-080	AMD-P	90-17-137	275-56-260	AMD	90-03-113
250-73-025	NEW	90-16-029	275-26-022	AMD-C	90-04-018	275-56-265	REP	90-03-113
250-73-030	NEW-P	90-12-092	275-26-022	AMD	90-04-074	275-56-270	REP	90-03-113
250-73-030	NEW	90-16-029	275-27-500	AMD-C	90-04-018	275-56-275	AMD	90-03-113
250-73-035	NEW-P	90-12-092	275-27-500	AMD	90-04-074	275-56-280	REP	90-03-113
250-73-035	NEW	90-16-029	275-36-310	AMD-C	90-04-018	275-56-285	AMD	90-03-113
250-73-040	NEW-P	90-12-092	275-36-310	AMD	90-04-074	275-56-290	AMD	90-03-113
250-73-040	NEW	90-16-029	275-38-770	AMD-E	90-11-005	275-56-295	AMD	90-03-113
250-73-045	NEW-P	90-12-092	275-38-770	AMD-P	90-11-007	275-56-300	AMD	90-03-113
250-73-045	NEW	90-16-029	275-38-770	AMD	90-15-017	275-56-305	AMD	90-03-113
250-74-010	NEW-P	90-16-082	275-38-860	AMD-E	90-11-005	275-56-310	REP	90-03-113
250-74-020	NEW-P	90-16-082	275-38-860	AMD-P	90-11-007	275-56-315	REP	90-03-113
250-74-030	NEW-P	90-16-082	275-38-860	AMD	90-15-017	275-56-320	REP	90-03-113
250-74-040	NEW-P	90-16-082	275-38-906	AMD-E	90-11-005	275-56-325	REP	90-03-113
250-74-050	NEW-P	90-16-082	275-38-906	AMD-P	90-11-007	275-56-330	REP	90-03-113
250-74-060	NEW-P	90-16-082	275-38-906	AMD	90-15-017	275-56-335	AMD	90-03-113
250-75-010	NEW-P	90-16-093	275-38-960	AMD-C	90-04-018	275-56-340	AMD	90-03-113
250-75-020	NEW-P	90-16-093	275-38-960	AMD	90-04-074	275-56-345	REP	90-03-113
250-75-030	NEW-P	90-16-093	275-56-005	AMD	90-03-113	275-56-350	REP	90-03-113
250-75-040	NEW-P	90-16-093	275-56-010	AMD	90-03-113	275-56-355	AMD	90-03-113
250-75-050	NEW-P	90-16-093	275-56-015	AMD	90-03-113	275-56-360	REP	90-03-113

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
275-56-365	AMD	90-03-113	284-49-050	NEW-P	90-16-087	284-55-185	REP-P	90-04-089
275-56-370	REP	90-03-113	284-49-100	NEW-E	90-12-095	284-55-185	REP-W	90-17-100
275-56-375	REP	90-03-113	284-49-100	NEW-P	90-16-087	284-55-190	REP-P	90-04-089
275-56-380	REP	90-03-113	284-49-115	NEW-E	90-12-095	284-55-190	REP-W	90-17-100
275-56-385	AMD	90-03-113	284-49-115	NEW-P	90-16-087	284-55-205	REP-P	90-04-089
275-56-390	REP	90-03-113	284-49-300	NEW-E	90-12-095	284-55-205	REP-W	90-17-100
275-56-395	REP	90-03-113	284-49-300	NEW-P	90-16-087	284-55-210	REP-P	90-04-089
275-56-400	AMD	90-03-113	284-49-330	NEW-E	90-12-095	284-55-210	REP-W	90-17-100
275-56-405	REP	90-03-113	284-49-330	NEW-P	90-16-087	284-66-010	NEW-P	90-04-089
275-56-410	REP	90-03-113	284-49-500	NEW-E	90-12-095	284-66-010	NEW	90-07-059
275-56-415	REP	90-03-113	284-49-500	NEW-P	90-16-087	284-66-020	NEW-P	90-04-089
275-56-420	REP	90-03-113	284-49-510	NEW-E	90-12-095	284-66-020	NEW	90-07-059
275-56-425	AMD	90-03-113	284-49-510	NEW-P	90-16-087	284-66-030	NEW-P	90-04-089
275-56-430	REP	90-03-113	284-49-520	NEW-E	90-12-095	284-66-030	NEW	90-07-059
275-56-435	REP	90-03-113	284-49-520	NEW-P	90-16-087	284-66-040	NEW-P	90-04-089
275-56-440	REP	90-03-113	284-49-900	NEW-E	90-12-095	284-66-040	NEW	90-07-059
275-56-445	AMD	90-03-113	284-49-900	NEW-P	90-16-087	284-66-050	NEW-P	90-04-089
275-56-450	REP	90-03-113	284-49-999	NEW-E	90-12-095	284-66-050	NEW	90-07-059
275-56-465	NEW	90-03-113	284-49-999	NEW-P	90-16-087	284-66-060	NEW-P	90-04-089
275-56-475	NEW	90-03-113	284-55-010	REP-P	90-04-089	284-66-060	NEW	90-07-059
275-56-485	NEW	90-03-113	284-55-010	AMD-P	90-13-085	284-66-070	NEW-P	90-04-089
275-56-495	NEW	90-03-113	284-55-010	AMD	90-17-038	284-66-070	NEW	90-07-059
275-56-505	NEW	90-03-113	284-55-010	REP-W	90-17-100	284-66-080	NEW-P	90-04-089
275-56-515	NEW	90-03-113	284-55-020	REP-P	90-04-089	284-66-080	NEW	90-07-059
275-110-050	AMD-P	90-13-113	284-55-020	AMD-P	90-13-085	284-66-090	NEW-P	90-04-089
275-110-050	AMD	90-16-086	284-55-020	AMD	90-17-038	284-66-090	NEW	90-07-059
275-110-060	AMD-P	90-13-113	284-55-020	REP-W	90-17-100	284-66-100	NEW-P	90-04-089
275-110-060	AMD	90-16-086	284-55-030	REP-P	90-04-089	284-66-100	NEW	90-07-059
275-110-070	AMD-P	90-13-113	284-55-030	AMD-P	90-13-085	284-66-110	NEW-P	90-04-089
275-110-070	AMD	90-16-086	284-55-030	AMD	90-17-038	284-66-110	NEW	90-07-059
275-110-080	AMD-P	90-13-113	284-55-030	REP-W	90-17-100	284-66-120	NEW-P	90-04-089
275-110-080	AMD	90-16-086	284-55-035	REP-P	90-04-089	284-66-120	NEW	90-07-059
275-155-005	NEW-P	90-14-046	284-55-035	REP-W	90-17-100	284-66-130	NEW-P	90-04-089
275-155-005	NEW-E	90-14-059	284-55-040	REP-P	90-04-089	284-66-130	NEW	90-07-059
275-155-005	NEW	90-17-120	284-55-040	REP-W	90-17-100	284-66-140	NEW-P	90-04-089
275-155-010	NEW-P	90-14-046	284-55-045	REP-P	90-04-089	284-66-140	NEW	90-07-059
275-155-010	NEW-E	90-14-059	284-55-045	REP-W	90-17-100	284-66-150	NEW-P	90-04-089
275-155-010	NEW	90-17-120	284-55-050	REP-P	90-04-089	284-66-150	NEW	90-07-059
275-155-020	NEW-P	90-14-046	284-55-050	REP-W	90-17-100	284-66-160	NEW-P	90-04-089
275-155-020	NEW-E	90-14-059	284-55-060	REP-P	90-04-089	284-66-160	NEW	90-07-059
275-155-020	NEW	90-17-120	284-55-060	REP-W	90-17-100	284-66-170	NEW-P	90-04-089
275-155-030	NEW-P	90-14-046	284-55-065	REP-P	90-04-089	284-66-170	NEW	90-07-059
275-155-030	NEW-E	90-14-059	284-55-065	REP-W	90-17-100	284-66-180	NEW-P	90-04-089
275-155-030	NEW	90-17-120	284-55-067	REP-P	90-04-089	284-66-180	NEW	90-07-059
275-155-040	NEW-P	90-14-046	284-55-067	REP-W	90-17-100	284-66-190	NEW-P	90-04-089
275-155-040	NEW-E	90-14-059	284-55-070	REP-P	90-04-089	284-66-190	NEW	90-07-059
275-155-040	NEW	90-17-120	284-55-070	REP-W	90-17-100	284-66-200	NEW-P	90-04-089
275-155-050	NEW-P	90-14-046	284-55-080	REP-P	90-04-089	284-66-200	NEW	90-07-059
275-155-050	NEW-E	90-14-059	284-55-080	REP-W	90-17-100	284-66-210	NEW-P	90-04-089
275-155-050	NEW	90-17-120	284-55-090	REP-P	90-04-089	284-66-210	NEW	90-07-059
275-155-060	NEW-P	90-14-046	284-55-090	REP-W	90-17-100	284-66-220	NEW-P	90-04-089
275-155-060	NEW-E	90-14-059	284-55-095	REP-P	90-04-089	284-66-220	NEW	90-07-059
275-155-060	NEW	90-17-120	284-55-095	REP-W	90-17-100	284-66-230	NEW-P	90-04-089
284-02-020	AMD-P	90-14-104	284-55-115	REP-P	90-04-089	284-66-230	NEW	90-07-059
284-02-020	AMD	90-17-058	284-55-115	REP-W	90-17-100	284-66-240	NEW-P	90-04-089
284-03-060	AMD-P	90-15-022	284-55-120	REP-P	90-04-089	284-66-240	NEW	90-07-059
284-12-010	REP	90-04-060	284-55-120	REP-W	90-17-100	284-66-250	NEW-P	90-04-089
284-12-030	REP	90-04-060	284-55-125	REP-P	90-04-089	284-66-250	NEW	90-07-059
284-12-040	REP	90-04-060	284-55-125	REP-W	90-17-100	284-66-260	NEW-P	90-04-089
284-12-080	AMD	90-04-042	284-55-150	REP-P	90-04-089	284-66-260	NEW	90-07-059
284-17-121	NEW	90-04-060	284-55-150	REP-W	90-17-100	284-66-270	NEW-P	90-04-089
284-17-122	NEW	90-04-060	284-55-155	REP-P	90-04-089	284-66-270	NEW	90-07-059
284-17-123	NEW	90-04-060	284-55-155	REP-W	90-17-100	284-66-300	NEW-P	90-04-089
284-24-015	AMD-P	90-10-056	284-55-160	REP-P	90-04-089	284-66-300	NEW	90-07-059
284-24-015	AMD	90-13-041	284-55-160	REP-W	90-17-100	284-66-310	NEW-P	90-04-089
284-24-055	NEW-P	90-10-056	284-55-165	REP-P	90-04-089	284-66-310	NEW	90-07-059
284-24-055	NEW	90-13-041	284-55-165	REP-W	90-17-100	284-66-320	NEW-P	90-04-089
284-24-060	AMD-P	90-10-056	284-55-172	REP-P	90-04-089	284-66-320	NEW	90-07-059
284-24-060	AMD	90-13-041	284-55-172	REP-W	90-13-085	284-66-330	NEW-P	90-04-089
284-24-100	AMD-P	90-10-056	284-55-172	REP-P	90-17-038	284-66-330	NEW	90-07-059
284-24-100	AMD	90-13-041	284-55-172	REP-W	90-17-100	284-66-340	NEW-P	90-04-089
284-30-800	AMD-P	90-17-059	284-55-177	REP-P	90-04-089	284-66-340	NEW	90-07-059
284-49-010	NEW-E	90-12-095	284-55-177	REP-P	90-13-085	284-66-350	NEW-P	90-04-089
284-49-010	NEW-P	90-16-087	284-55-177	REP	90-17-038	284-66-350	NEW	90-07-059
284-49-020	NEW-E	90-12-095	284-55-177	REP-W	90-17-100	284-66-400	NEW-P	90-04-089
284-49-020	NEW-P	90-16-087	284-55-180	REP-P	90-04-089	284-66-400	NEW	90-07-059
284-49-050	NEW-E	90-12-095	284-55-180	REP-W	90-17-100	292-08-010	NEW-P	90-03-095

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292-08-010	NEW	90-10-059	296-04-340	AMD	90-10-019	296-17-634	AMD-P	90-08-092
292-08-020	NEW-P	90-03-095	296-04-350	AMD	90-10-019	296-17-634	AMD-C	90-11-099
292-08-020	NEW-E	90-08-077	296-04-370	AMD	90-10-019	296-17-634	AMD	90-13-018
292-08-020	NEW	90-10-059	296-06-010	AMD-P	90-02-089	296-17-679	AMD-P	90-08-092
292-08-030	NEW-P	90-03-095	296-06-010	AMD	90-07-004	296-17-679	AMD-C	90-11-099
292-08-030	NEW-E	90-08-077	296-06-020	AMD-P	90-02-089	296-17-679	AMD	90-13-018
292-08-030	NEW	90-10-059	296-06-020	AMD	90-07-004	296-17-850	AMD-P	90-16-103
292-08-040	NEW-P	90-03-095	296-06-030	AMD-P	90-02-089	296-17-870	AMD-P	90-08-092
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292-08-050	NEW-P	90-03-095	296-06-040	AMD	90-07-004	296-17-873	AMD-P	90-16-103
292-08-050	NEW-E	90-08-077	296-06-080	AMD-P	90-02-089	296-17-87301	AMD-P	90-16-103
292-08-050	NEW	90-10-059	296-06-080	AMD	90-07-004	296-17-87304	NEW-P	90-16-103
292-12-010	NEW-P	90-03-095	296-06-090	AMD-P	90-02-089	296-17-87305	AMD-P	90-16-103
292-12-010	NEW-E	90-08-077	296-06-090	AMD	90-07-004	296-17-87306	AMD-P	90-16-103
292-12-010	NEW	90-10-059	296-06-100	AMD-P	90-02-089	296-17-87307	REP-P	90-16-103
292-12-020	NEW-P	90-03-095	296-06-100	AMD	90-07-004	296-17-87308	AMD-P	90-08-092
292-12-020	NEW-E	90-08-077	296-06-110	AMD-P	90-02-089	296-17-87308	AMD-C	90-11-099
292-12-020	NEW	90-10-059	296-06-110	AMD	90-07-004	296-17-87308	AMD	90-13-018
292-12-030	NEW-P	90-03-095	296-06-120	AMD-P	90-02-089	296-17-87308	REP-P	90-16-103
292-12-030	NEW-E	90-08-077	296-06-120	AMD	90-07-004	296-17-885	AMD-P	90-08-092
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292-12-040	NEW-P	90-03-095	296-06-130	AMD	90-07-004	296-17-885	AMD	90-13-018
292-12-040	NEW-E	90-08-077	296-06-140	AMD-P	90-02-089	296-17-895	AMD-P	90-08-092
292-12-040	NEW	90-10-059	296-06-140	AMD	90-07-004	296-17-895	AMD-C	90-11-099
292-12-050	NEW-P	90-03-095	296-06-150	AMD-P	90-02-089	296-17-895	AMD	90-13-018
292-12-050	NEW-E	90-08-077	296-06-150	AMD	90-07-004	296-18A-440	AMD-P	90-09-072
292-12-050	NEW	90-10-059	296-06-170	AMD-P	90-02-089	296-18A-440	AMD	90-14-009
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292-12-060	NEW-E	90-08-077	296-06-990	REP-P	90-02-089	296-18A-450	AMD	90-14-009
292-12-060	NEW	90-10-059	296-06-990	REP	90-07-004	296-18A-480	AMD-P	90-09-072
292-12-070	NEW-P	90-03-095	296-06-99001	REP-P	90-02-089	296-18A-480	AMD	90-14-009
292-12-070	NEW-E	90-08-077	296-06-99001	REP	90-07-004	296-18A-500	AMD-P	90-09-072
292-12-070	NEW	90-10-059	296-14-010	AMD-P	90-13-112	296-18A-500	AMD	90-14-009
292-12-080	NEW-P	90-03-095	296-14-400	AMD	90-04-007	296-18A-510	AMD-P	90-09-072
292-12-080	NEW-E	90-08-077	296-14-400	AMD-P	90-13-112	296-18A-510	AMD	90-14-009
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292-12-090	NEW-E	90-08-077	296-14-970	NEW-E	90-12-105	296-18A-520	AMD-P	90-09-072
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292-12-110	NEW-P	90-03-095	296-15-020	AMD-P	90-09-071	296-20-010	AMD	90-04-057
292-12-110	NEW-E	90-08-077	296-15-020	AMD	90-14-036	296-20-01002	AMD	90-04-057
292-12-110	NEW	90-10-059	296-15-070	AMD-P	90-09-072	296-20-01002	AMD-P	90-09-072
292-12-120	NEW-P	90-03-095	296-15-070	AMD	90-14-009	296-20-01002	AMD	90-14-009
292-12-120	NEW-E	90-08-077	296-17-350	AMD-P	90-08-092	296-20-015	AMD	90-04-057
292-12-120	NEW	90-10-059	296-17-350	AMD-C	90-11-099	296-20-02001	AMD	90-04-057
292-12-130	NEW-P	90-03-095	296-17-350	AMD	90-13-018	296-20-02010	AMD	90-04-057
292-12-130	NEW-E	90-08-077	296-17-45002	AMD-P	90-08-092	296-20-022	AMD	90-04-057
292-12-130	NEW	90-10-059	296-17-45002	AMD-C	90-11-099	296-20-024	AMD	90-04-057
292-12-140	NEW-P	90-03-095	296-17-45002	AMD	90-13-018	296-20-03001	AMD	90-04-057
292-12-140	NEW-E	90-08-077	296-17-45003	AMD-P	90-08-092	296-20-045	AMD	90-04-057
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292-12-150	NEW-P	90-03-095	296-17-45003	AMD	90-13-018	296-20-097	AMD-P	90-13-112
292-12-150	NEW-E	90-08-077	296-17-50904	AMD-P	90-08-092	296-20-1103	AMD-P	90-09-072
292-12-150	NEW	90-10-059	296-17-50904	AMD-C	90-11-099	296-20-1103	AMD-W	90-14-035
292-12-160	NEW-P	90-03-095	296-17-50904	AMD	90-13-018	296-20-124	AMD	90-04-007
292-12-160	NEW-E	90-08-077	296-17-519	AMD-P	90-08-092	296-20-680	AMD	90-04-007
292-12-160	NEW	90-10-059	296-17-519	AMD-C	90-11-099	296-21-013	AMD-P	90-13-111
292-12-170	NEW-P	90-03-095	296-17-519	AMD	90-13-018	296-22-053	AMD-P	90-13-111
292-12-170	NEW-E	90-08-077	296-17-532	AMD-P	90-08-092	296-22-082	AMD-P	90-13-111
292-12-170	NEW	90-10-059	296-17-532	AMD-C	90-11-099	296-22-205	AMD-P	90-13-111
292-12-180	NEW-P	90-03-095	296-17-532	AMD	90-13-018	296-23-07907	AMD-P	90-13-111
292-12-180	NEW-E	90-08-077	296-17-57602	AMD-P	90-08-092	296-23-900	AMD-P	90-13-111
292-12-180	NEW	90-10-059	296-17-57602	AMD-C	90-11-099	296-23-910	AMD-P	90-13-111
296-04-001	AMD-P	90-06-103	296-17-57602	AMD	90-13-018	296-23A-150	AMD	90-04-057
296-04-001	AMD-S	90-07-084	296-17-590	AMD-P	90-08-092	296-23A-170	AMD	90-04-057
296-04-001	AMD-C	90-16-019	296-17-590	AMD-C	90-11-099	296-23A-340	AMD-P	90-13-111
296-04-001	AMD-S	90-17-052	296-17-590	AMD	90-13-018	296-24-020	AMD	90-03-029
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296-04-042	NEW-P	90-06-104	296-17-592	AMD-C	90-11-099	296-24-07801	AMD-W	90-11-041
296-04-042	NEW-S	90-07-085	296-17-592	AMD	90-13-018	296-24-086	AMD-W	90-11-041
296-04-042	NEW	90-16-031	296-17-59202	NEW-P	90-08-092	296-24-102	NEW	90-03-029
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296-04-160	AMD-S	90-07-084	296-17-59202	NEW	90-13-018	296-24-110	NEW-P	90-15-065
296-04-160	AMD-C	90-16-019	296-17-631	AMD-P	90-08-092	296-24-11001	NEW-P	90-15-065
296-04-160	AMD-S	90-17-052	296-17-631	AMD-C	90-11-099	296-24-11003	NEW-P	90-15-065

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296-24-11007	NEW-P 90-15-065	296-46-240	REP-P 90-14-102	296-62-40009	NEW-P 90-12-106
296-24-11009	NEW-P 90-15-065	296-46-30001	NEW-P 90-14-102	296-62-40009	NEW 90-17-051
296-24-11011	NEW-P 90-15-065	296-46-316	AMD-P 90-14-102	296-62-40011	NEW-P 90-12-106
296-24-11013	NEW-P 90-15-065	296-46-324	NEW-P 90-14-102	296-62-40011	NEW 90-17-051
296-24-11015	NEW-P 90-15-065	296-46-336	NEW-P 90-14-102	296-62-40013	NEW-P 90-12-106
296-24-11017	NEW-P 90-15-065	296-46-350	REP-P 90-14-102	296-62-40013	NEW 90-17-051
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296-24-16517	AMD 90-03-029	296-46-514	AMD-P 90-14-102	296-62-40019	NEW 90-17-051
296-24-20503	AMD 90-03-029	296-46-517	NEW-P 90-14-102	296-62-40021	NEW-P 90-12-106
296-24-20700	AMD-P 90-03-093	296-46-55001	NEW-P 90-14-102	296-62-40021	NEW 90-17-051
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296-24-75009	AMD 90-03-029	296-46-725	NEW-P 90-14-102	296-62-40025	NEW 90-17-051
296-24-76503	AMD 90-03-029	296-46-770	NEW-P 90-14-102	296-62-40027	NEW-P 90-12-106
296-24-78007	AMD 90-03-029	296-46-910	AMD-P 90-12-104	296-62-40027	NEW 90-17-051
296-24-81003	AMD 90-03-029	296-46-910	AMD 90-17-041	296-99-015	AMD 90-03-029
296-24-81005	AMD 90-03-029	296-46-915	AMD-P 90-12-104	296-99-050	AMD 90-03-029
296-24-82503	AMD 90-03-029	296-46-915	AMD 90-17-041	296-104-015	AMD-P 90-04-065
296-24-870	AMD-P 90-03-093	296-52-417	AMD 90-03-029	296-104-015	AMD 90-07-082
296-24-870	AMD 90-09-026	296-52-419	AMD 90-03-029	296-104-170	AMD-P 90-16-066
296-24-87001	AMD-P 90-03-093	296-52-461	AMD 90-03-029	296-104-195	NEW 90-04-009
296-24-87001	AMD 90-09-026	296-52-473	REP 90-03-029	296-104-200	AMD 90-04-009
296-24-87003	REP-P 90-03-093	296-52-477	AMD 90-03-029	296-104-400	AMD-P 90-16-066
296-24-87003	REP 90-09-026	296-52-481	AMD 90-03-029	296-116-075	AMD-P 90-10-060
296-24-87005	REP-P 90-03-093	296-52-509	AMD 90-03-029	296-116-075	AMD-C 90-13-076
296-24-87005	REP 90-09-026	296-52-510	NEW 90-03-029	296-116-075	AMD 90-17-094
296-24-87007	REP-P 90-03-093	296-54-569	AMD-P 90-03-093	296-116-120	AMD-C 90-08-094
296-24-87007	REP 90-09-026	296-54-569	AMD 90-09-026	296-116-120	AMD-W 90-09-016
296-24-87009	AMD-P 90-03-093	296-62-07007	REP-P 90-03-093	296-116-120	AMD-P 90-09-030
296-24-87009	AMD 90-09-026	296-62-07007	REP 90-09-026	296-116-120	AMD 90-13-065
296-24-87011	NEW-P 90-03-093	296-62-07107	AMD-P 90-03-093	296-116-130	REP-P 90-08-076
296-24-87011	NEW 90-09-026	296-62-07107	AMD 90-09-026	296-116-130	REP 90-13-077
296-24-87013	NEW-P 90-03-093	296-62-07314	AMD 90-03-029	296-116-185	AMD-P 90-03-096
296-24-87013	NEW 90-09-026	296-62-07354	NEW-P 90-15-065	296-116-185	AMD 90-09-013
296-24-87015	NEW-P 90-03-093	296-62-07507	AMD 90-03-029	296-116-300	AMD-P 90-03-097
296-24-87015	NEW 90-09-026	296-62-07515	AMD 90-03-029	296-116-300	AMD 90-08-095
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296-24-87017	NEW 90-09-026	296-62-07517	AMD 90-09-026	296-116-300	AMD-P 90-14-086
296-24-87019	NEW-P 90-03-093	296-62-07521	AMD 90-03-029	296-116-300	AMD-C 90-17-034
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296-24-87031	NEW-P 90-03-093	296-62-07521	AMD 90-17-051	296-127-016	REP-E 90-08-061
296-24-87031	NEW 90-09-026	296-62-07531	AMD-P 90-03-093	296-127-040	AMD-E 90-09-047
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296-24-87035	NEW-P 90-03-093	296-62-07544	AMD 90-03-029	296-127-045	AMD-E 90-09-047
296-24-87035	NEW 90-09-026	296-62-07713	AMD-P 90-12-106	296-127-045	AMD-P 90-17-039
296-24-87037	NEW-P 90-03-093	296-62-07713	AMD 90-17-051	296-127-045	AMD-E 90-17-040
296-24-87037	NEW 90-09-026	296-62-300	AMD-P 90-15-065	296-127-400	NEW-E 90-06-008
296-36-145	AMD-P 90-12-106	296-62-3020	AMD-P 90-15-065	296-127-400	NEW-P 90-14-001
296-36-145	AMD 90-17-051	296-62-3040	AMD-P 90-15-065	296-127-400	NEW-E 90-14-002
296-36-170	AMD-P 90-12-106	296-62-3050	AMD-P 90-15-065	296-127-410	NEW-E 90-06-008
296-36-170	AMD 90-17-051	296-62-3060	AMD-P 90-15-065	296-127-410	NEW-P 90-14-001
296-36-175	AMD-P 90-12-106	296-62-3070	AMD-P 90-15-065	296-127-410	NEW-E 90-14-002
296-36-175	AMD 90-17-051	296-62-3110	AMD-P 90-03-093	296-127-420	NEW-E 90-06-008
296-36-180	AMD-P 90-12-106	296-62-3110	AMD 90-09-026	296-127-420	NEW-P 90-14-001
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296-36-210	AMD-P 90-12-106	296-62-3112	AMD-P 90-15-065	296-127-430	NEW-E 90-06-008
296-36-210	AMD 90-17-051	296-62-3140	AMD-P 90-15-065	296-127-430	NEW-P 90-14-001
296-46-090	NEW-P 90-14-102	296-62-3160	AMD-P 90-15-065	296-127-430	NEW-E 90-14-002
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296-46-21052	NEW-P 90-14-102	296-62-40003	NEW-P 90-12-106	296-127-460	NEW-P 90-14-001
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296-131-001	AMD-C	90-12-069	296-350-030	AMD	90-09-026	308-12-320	AMD	90-17-097
296-131-001	AMD	90-14-038	296-401-175	AMD-P	90-12-104	308-12-326	AMD	90-03-032
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296-131-005	NEW-C	90-12-069	308-08-005	AMD-E	90-17-026	308-13-150	AMD-P	90-11-061
296-131-005	NEW	90-14-038	308-08-005	AMD-P	90-17-072	308-13-150	AMD	90-15-039
296-131-020	NEW-P	90-07-078	308-08-006	NEW-P	90-17-072	308-14-080	NEW-P	90-05-058
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296-131-115	NEW-P	90-07-078	308-08-130	REP-P	90-17-072	308-14-200	NEW	90-10-009
296-131-115	NEW-C	90-12-069	308-08-140	REP-P	90-17-072	308-20-107	AMD-P	90-03-018
296-131-115	NEW	90-14-038	308-08-150	REP-P	90-17-072	308-20-107	AMD	90-07-030
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296-131-120	NEW	90-14-038	308-08-190	REP-P	90-17-072	308-20-155	AMD-P	90-03-018
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296-131-125	NEW-C	90-12-069	308-08-210	AMD-P	90-17-072	308-20-210	AMD-P	90-03-018
296-131-125	NEW	90-14-038	308-08-220	REP-P	90-17-072	308-20-210	AMD	90-07-030
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296-131-126	NEW	90-14-038	308-08-240	AMD-P	90-17-072	308-25-011	NEW-W	90-12-002
296-131-130	NEW-P	90-07-078	308-08-250	REP-P	90-17-072	308-25-015	AMD-W	90-12-002
296-131-130	NEW-C	90-12-069	308-08-260	AMD-P	90-17-072	308-25-031	NEW-W	90-12-002
296-131-130	NEW	90-14-038	308-08-270	AMD-P	90-17-072	308-25-035	AMD-W	90-12-002
296-131-135	NEW-P	90-07-078	308-08-280	AMD-P	90-17-072	308-25-037	NEW-P	90-09-062
296-131-135	NEW-C	90-12-069	308-08-290	AMD-P	90-17-072	308-25-037	NEW	90-12-068
296-131-135	NEW	90-14-038	308-08-300	AMD-P	90-17-072	308-25-038	NEW-P	90-09-062
296-131-140	NEW-P	90-07-078	308-08-310	AMD-P	90-17-072	308-25-038	NEW	90-12-068
296-131-140	NEW-C	90-12-069	308-08-320	AMD-P	90-17-072	308-25-041	NEW-W	90-12-002
296-131-140	NEW	90-14-038	308-08-330	AMD-P	90-17-072	308-25-045	NEW-W	90-12-002
296-155-200	AMD-W	90-11-041	308-08-340	AMD-P	90-17-072	308-25-046	NEW-W	90-12-002
296-155-225	AMD-P	90-03-093	308-08-350	AMD-P	90-17-072	308-25-047	NEW-W	90-12-002
296-155-225	AMD-W	90-17-021	308-08-360	REP-P	90-17-072	308-25-065	AMD	90-04-094
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296-155-227	NEW-W	90-17-021	308-08-380	AMD-P	90-17-072	308-25-290	NEW	90-16-099
296-155-367	AMD-P	90-12-106	308-08-390	AMD-P	90-17-072	308-25-310	NEW-P	90-10-037
296-155-367	AMD	90-17-051	308-08-400	AMD-P	90-17-072	308-25-310	NEW	90-16-099
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296-155-48531	AMD-P	90-12-106	308-08-416	NEW-P	90-17-072	308-25-330	NEW	90-16-099
296-155-48531	AMD	90-17-051	308-08-420	REP-P	90-17-072	308-29-045	AMD-P	90-03-107
296-155-48533	AMD	90-03-029	308-08-430	REP-P	90-17-072	308-29-045	AMD	90-06-052
296-155-505	AMD	90-03-029	308-08-440	REP-P	90-17-072	308-30-030	AMD-P	90-03-107
296-155-580	REP-P	90-12-106	308-08-450	REP-P	90-17-072	308-30-030	AMD-W	90-17-024
296-155-580	REP	90-17-051	308-08-460	AMD-P	90-17-072	308-30-040	AMD-P	90-03-107
296-155-675	AMD	90-03-029	308-08-470	REP-P	90-17-072	308-30-040	AMD-W	90-17-024
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296-155-680	AMD-P	90-12-106	308-08-490	REP-P	90-17-072	308-30-050	AMD-W	90-17-024
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296-155-682	AMD	90-17-051	308-08-510	REP-P	90-17-072	308-30-070	AMD-P	90-03-107
296-155-690	AMD	90-03-029	308-08-520	REP-P	90-17-072	308-30-070	AMD-W	90-17-024
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296-155-694	AMD	90-03-029	308-08-560	REP-P	90-17-072	308-30-090	AMD-W	90-17-024
296-155-697	AMD	90-03-029	308-08-570	REP-P	90-17-072	308-30-100	AMD-P	90-03-107
296-155-697	AMD-P	90-12-106	308-08-580	REP-P	90-17-072	308-30-100	AMD	90-06-052
296-155-697	AMD	90-17-051	308-08-590	REP-P	90-17-072	308-31-055	AMD-P	90-11-096
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308-31-250	NEW	90-12-013	308-49-130	AMD	90-17-148	308-72-690	AMD-P	90-08-116
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308-31-260	NEW	90-12-013	308-49-140	AMD	90-17-148	308-77-034	AMD-P	90-08-117
308-31-270	NEW-P	90-06-064	308-49-150	AMD-P	90-14-098	308-77-034	AMD	90-13-038
308-31-270	NEW	90-12-013	308-49-150	AMD	90-17-148	308-77-040	AMD-P	90-08-117
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308-31-280	NEW	90-12-013	308-49-160	REP	90-17-148	308-77-120	AMD-P	90-08-117
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308-39-110	AMD-P	90-06-065	308-50-295	AMD-P	90-08-107	308-78-030	AMD	90-13-039
308-39-120	REP-P	90-06-065	308-50-310	AMD-W	90-03-069	308-78-040	AMD-P	90-08-118
308-39-120	REP-W	90-14-125	308-50-310	AMD-P	90-08-107	308-78-040	AMD	90-13-039
308-39-120	REP-P	90-14-129	308-50-440	AMD	90-04-094	308-78-070	AMD-P	90-08-118
308-39-125	NEW-P	90-06-065	308-51-120	AMD-P	90-07-069	308-78-070	AMD	90-13-039
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308-39-180	NEW-P	90-06-065	308-53-075	AMD-P	90-08-106	308-91-040	AMD	90-16-072
308-39-180	NEW-W	90-14-125	308-53-075	AMD	90-11-080	308-91-050	AMD-P	90-10-091
308-39-180	NEW-P	90-14-129	308-53-084	AMD-P	90-08-106	308-91-050	AMD-W	90-13-057
308-39-190	NEW-P	90-06-065	308-53-084	AMD	90-11-080	308-91-050	AMD-P	90-13-058
308-39-190	NEW-W	90-14-125	308-53-085	AMD-P	90-08-106	308-91-050	AMD	90-16-072
308-39-190	NEW-P	90-14-129	308-53-085	AMD	90-11-080	308-91-060	AMD-P	90-10-091
308-39-200	NEW-P	90-06-065	308-53-210	PREP	90-12-065	308-91-060	AMD-W	90-13-057
308-39-200	NEW-W	90-14-125	308-53-265	PREP	90-12-065	308-91-060	AMD-P	90-13-058
308-39-200	NEW-P	90-14-129	308-54-315	AMD	90-04-094	308-91-060	AMD	90-16-072
308-39-210	NEW-P	90-06-065	308-56A-090	NEW-P	90-14-069	308-91-070	AMD-P	90-10-091
308-39-210	NEW-W	90-14-125	308-56A-090	NEW-E	90-14-072	308-91-070	AMD-W	90-13-057
308-39-210	NEW-P	90-14-129	308-56A-420	AMD-P	90-06-022	308-91-070	AMD-P	90-13-058
308-39-220	NEW-P	90-06-101	308-56A-420	AMD	90-10-013	308-91-070	AMD	90-16-072
308-40-107	NEW-P	90-04-085	308-56A-500	NEW-P	90-06-015	308-91-080	AMD-P	90-10-091
308-40-107	NEW	90-08-011	308-56A-500	NEW-E	90-06-016	308-91-080	AMD-W	90-13-057
308-40-115	NEW-P	90-07-067	308-56A-500	NEW	90-11-091	308-91-080	AMD-P	90-13-058
308-40-115	NEW	90-11-083	308-56A-505	NEW-P	90-06-015	308-91-080	AMD	90-16-072
308-40-125	AMD-E	90-04-083	308-56A-505	NEW-E	90-06-016	308-91-090	AMD-P	90-10-091
308-40-125	AMD	90-04-094	308-56A-505	NEW	90-11-091	308-91-090	AMD-W	90-13-057
308-40-130	REP	90-05-039	308-56A-510	NEW-P	90-06-015	308-91-090	AMD-P	90-13-058
308-40-135	NEW	90-05-039	308-56A-510	NEW-E	90-06-016	308-91-090	AMD	90-16-072
308-40-150	NEW-P	90-07-068	308-56A-510	NEW	90-11-091	308-91-160	REP-P	90-10-091
308-40-150	NEW-P	90-14-079	308-56A-515	NEW-P	90-06-015	308-91-160	REP-W	90-13-057
308-40-150	NEW-W	90-14-081	308-56A-515	NEW-E	90-06-016	308-91-160	REP-P	90-13-058
308-40-151	NEW-P	90-07-068	308-56A-515	NEW	90-11-091	308-91-160	REP	90-16-072
308-40-151	NEW-P	90-14-079	308-56A-520	NEW-P	90-06-015	308-93-010	AMD	90-08-018
308-40-151	NEW-W	90-14-081	308-56A-520	NEW-E	90-06-016	308-93-050	AMD	90-08-018
308-40-152	NEW-P	90-07-068	308-56A-520	NEW	90-11-091	308-93-140	AMD	90-08-018
308-40-152	NEW-P	90-14-079	308-66-150	AMD-P	90-04-048	308-93-660	NEW	90-08-018
308-40-152	NEW-W	90-14-081	308-66-150	AMD-C	90-12-089	308-93-670	NEW-P	90-14-071
308-41-025	REP-P	90-14-043	308-66-152	NEW-P	90-04-048	308-93-670	NEW-E	90-14-074
308-41-025	REP	90-17-088	308-66-152	NEW-C	90-12-089	308-96A-105	AMD-P	90-14-070
308-42-045	AMD-P	90-04-095	308-66-190	AMD-P	90-06-022	308-96A-105	AMD-E	90-14-073
308-42-045	AMD	90-16-070	308-66-190	AMD	90-10-013	308-96A-106	NEW-P	90-14-070
308-42-060	AMD-P	90-04-095	308-67-010	NEW	90-03-022	308-96A-106	NEW-E	90-14-073
308-42-060	AMD	90-16-070	308-72-509	NEW-P	90-08-116	308-96A-120	AMD-P	90-14-070
308-42-145	AMD-P	90-04-095	308-72-509	NEW	90-13-037	308-96A-120	AMD-E	90-14-073
308-42-145	AMD-W	90-16-035	308-72-520	AMD-P	90-08-116	308-100-010	AMD-P	90-14-039
308-48-165	REP-P	90-14-098	308-72-520	AMD	90-13-037	308-100-010	AMD	90-17-028
308-48-165	REP	90-17-148	308-72-540	AMD-P	90-08-116	308-100-210	NEW-P	90-14-039
308-48-800	AMD-P	90-04-110	308-72-540	AMD	90-13-037	308-100-210	NEW	90-17-028
308-48-800	AMD	90-07-024	308-72-542	NEW-P	90-08-116	308-104-050	AMD-P	90-14-039

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
308-104-050	AMD	90-17-028	308-124C-020	AMD-W	90-11-008	308-124H-220	NEW	90-10-010
308-104-145	NEW-P	90-14-039	308-124C-020	AMD-P	90-11-098	308-124H-230	NEW-C	90-05-072
308-104-145	NEW	90-17-028	308-124E-014	AMD-P	90-02-103	308-124H-230	NEW	90-10-010
308-115-405	AMD	90-04-094	308-124E-014	AMD-C	90-05-073	308-124H-240	NEW-C	90-05-072
308-117-500	AMD	90-04-094	308-124E-014	AMD	90-09-014	308-124H-240	NEW	90-10-010
308-120-165	AMD	90-04-059	308-124H	AMD-P	90-02-102	308-124H-250	NEW-C	90-05-072
308-120-275	AMD	90-04-094	308-124H	AMD-C	90-05-072	308-124H-250	NEW	90-10-010
308-120-620	NEW	90-04-059	308-124H	AMD	90-10-010	308-124H-260	NEW-C	90-05-072
308-121-030	REP-P	90-12-117	308-124H-011	NEW-P	90-02-102	308-124H-260	NEW	90-10-010
308-121-030	REP	90-17-043	308-124H-011	NEW-C	90-05-072	308-124H-270	NEW-C	90-05-072
308-121-040	REP-P	90-12-117	308-124H-011	NEW	90-10-010	308-124H-270	NEW	90-10-010
308-121-040	REP	90-17-043	308-124H-020	REP-P	90-02-102	308-124H-280	NEW-C	90-05-072
308-121-050	REP-P	90-12-117	308-124H-020	REP-C	90-05-072	308-124H-280	NEW	90-10-010
308-121-050	REP	90-17-043	308-124H-020	REP	90-10-010	308-124H-290	NEW-C	90-05-072
308-121-055	REP-P	90-12-117	308-124H-021	NEW-P	90-02-102	308-124H-290	NEW	90-10-010
308-121-055	REP	90-17-043	308-124H-021	NEW-C	90-05-072	308-124H-300	NEW-C	90-05-072
308-121-060	REP-P	90-12-117	308-124H-021	NEW	90-10-010	308-124H-300	NEW	90-10-010
308-121-060	REP	90-17-043	308-124H-025	NEW-P	90-02-102	308-124H-310	NEW-C	90-05-072
308-121-070	REP-P	90-12-117	308-124H-025	NEW-C	90-05-072	308-124H-310	NEW	90-10-010
308-121-070	REP	90-17-043	308-124H-025	NEW	90-10-010	308-124H-320	NEW-C	90-05-072
308-121-110	NEW-P	90-10-084	308-124H-030	REP-P	90-02-102	308-124H-320	NEW	90-10-010
308-121-110	NEW-C	90-12-115	308-124H-030	REP-C	90-05-072	308-124H-330	NEW-C	90-05-072
308-121-110	NEW	90-17-042	308-124H-030	REP	90-10-010	308-124H-330	NEW	90-10-010
308-121-120	NEW-P	90-10-084	308-124H-033	REP-P	90-02-102	308-124H-340	NEW-C	90-05-072
308-121-120	NEW-C	90-12-115	308-124H-033	REP-C	90-05-072	308-124H-340	NEW	90-10-010
308-121-120	NEW	90-17-042	308-124H-033	REP	90-10-010	308-124H-510	NEW-C	90-05-072
308-121-130	NEW-P	90-10-084	308-124H-035	AMD-P	90-02-102	308-124H-510	NEW	90-10-010
308-121-130	NEW-C	90-12-115	308-124H-035	AMD-C	90-05-072	308-124H-520	NEW-C	90-05-072
308-121-130	NEW	90-17-042	308-124H-035	AMD	90-10-010	308-124H-520	NEW	90-10-010
308-121-140	NEW-P	90-10-084	308-124H-036	AMD-P	90-02-102	308-124H-530	NEW-C	90-05-072
308-121-140	NEW-C	90-12-115	308-124H-036	AMD-C	90-05-072	308-124H-530	NEW	90-10-010
308-121-140	NEW	90-17-042	308-124H-036	AMD	90-10-010	308-124H-540	NEW-C	90-05-072
308-121-145	NEW-P	90-10-084	308-124H-037	AMD-P	90-02-102	308-124H-540	NEW	90-10-010
308-121-145	NEW-C	90-12-115	308-124H-037	AMD-C	90-05-072	308-124H-550	NEW-C	90-05-072
308-121-145	NEW	90-17-042	308-124H-037	AMD	90-10-010	308-124H-550	NEW	90-10-010
308-121-150	NEW-P	90-10-084	308-124H-038	REP-P	90-02-102	308-124H-560	NEW-C	90-05-072
308-121-150	NEW-C	90-12-115	308-124H-038	REP-C	90-05-072	308-124H-560	NEW	90-10-010
308-121-150	NEW	90-17-042	308-124H-038	REP	90-10-010	308-124H-570	NEW-C	90-05-072
308-121-155	NEW-P	90-10-084	308-124H-040	REP-P	90-02-102	308-124H-570	NEW	90-10-010
308-121-155	NEW-C	90-12-115	308-124H-040	REP-C	90-05-072	308-124H-580	NEW-C	90-05-072
308-121-155	NEW	90-17-042	308-124H-040	REP	90-10-010	308-124H-580	NEW	90-10-010
308-121-160	NEW-P	90-10-084	308-124H-041	NEW-P	90-02-102	308-124H-800	NEW-P	90-10-075
308-121-160	NEW-C	90-12-115	308-124H-041	NEW-C	90-05-072	308-124H-800	NEW-W	90-11-008
308-121-160	NEW	90-17-042	308-124H-041	NEW	90-10-010	308-124H-800	NEW-P	90-11-098
308-121-165	NEW-P	90-10-084	308-124H-043	REP-P	90-02-102	308-124I-010	NEW-P	90-02-102
308-121-165	NEW-C	90-12-115	308-124H-043	REP-C	90-05-072	308-124I-020	NEW-P	90-02-102
308-121-165	NEW	90-17-042	308-124H-043	REP	90-10-010	308-124I-030	NEW-P	90-02-102
308-121-170	NEW-P	90-10-084	308-124H-045	REP-P	90-02-102	308-124I-040	NEW-P	90-02-102
308-121-170	NEW-C	90-12-115	308-124H-045	REP-C	90-05-072	308-124I-050	NEW-P	90-02-102
308-121-170	NEW	90-17-042	308-124H-045	REP	90-10-010	308-124I-060	NEW-P	90-02-102
308-121-175	NEW-P	90-10-084	308-124H-050	REP-P	90-02-102	308-124I-070	NEW-P	90-02-102
308-121-175	NEW-C	90-12-115	308-124H-050	REP-C	90-05-072	308-124I-080	NEW-P	90-02-102
308-121-175	NEW	90-17-042	308-124H-050	REP	90-10-010	308-124I-090	NEW-P	90-02-102
308-121-180	NEW-P	90-10-084	308-124H-051	NEW-P	90-02-102	308-124I-100	NEW-P	90-02-102
308-121-180	NEW-C	90-12-115	308-124H-051	NEW-C	90-05-072	308-124I-110	NEW-P	90-02-102
308-121-180	NEW	90-17-042	308-124H-051	NEW	90-10-010	308-124I-120	NEW-P	90-02-102
308-122-275	AMD	90-04-094	308-124H-055	REP-P	90-02-102	308-124I-130	NEW-P	90-02-102
308-122-500	AMD-E	90-05-016	308-124H-055	REP-C	90-05-072	308-124I-140	NEW-P	90-02-102
308-122-500	AMD-P	90-05-040	308-124H-055	REP	90-10-010	308-124J-010	NEW-P	90-02-102
308-122-500	AMD-W	90-10-100	308-124H-060	REP-P	90-02-102	308-124J-020	NEW-P	90-02-102
308-122-503	REP	90-05-015	308-124H-060	REP-C	90-05-072	308-124J-030	NEW-P	90-02-102
308-122-503	REP-E	90-05-017	308-124H-060	REP	90-10-010	308-124J-040	NEW-P	90-02-102
308-122-550	REP	90-05-015	308-124H-061	NEW-P	90-02-102	308-124J-050	NEW-P	90-02-102
308-122-550	REP-E	90-05-017	308-124H-061	NEW-C	90-05-072	308-124J-060	NEW-P	90-02-102
308-122-555	REP	90-05-015	308-124H-061	NEW	90-10-010	308-124J-070	NEW-P	90-02-102
308-122-555	REP-E	90-05-017	308-124H-062	NEW-P	90-02-102	308-124J-080	NEW-P	90-02-102
308-122-560	REP	90-05-015	308-124H-062	NEW-C	90-05-072	308-125-010	NEW-P	90-17-147
308-122-560	REP-E	90-05-017	308-124H-062	NEW	90-10-010	308-125-020	NEW-P	90-17-147
308-122-565	REP	90-05-015	308-124H-065	REP-P	90-02-102	308-125-030	NEW-P	90-17-147
308-122-565	REP-E	90-05-017	308-124H-065	REP-C	90-05-072	308-125-040	NEW-P	90-17-147
308-122-570	REP	90-05-015	308-124H-065	REP	90-10-010	308-125-050	NEW-P	90-17-147
308-122-570	REP-E	90-05-017	308-124H-070	REP-P	90-02-102	308-125-060	NEW-P	90-17-147
308-122-575	REP	90-05-015	308-124H-070	REP-C	90-05-072	308-125-070	NEW-P	90-17-147
308-122-575	REP-E	90-05-017	308-124H-070	REP	90-10-010	308-125-080	NEW-P	90-17-147
308-122-580	REP	90-05-015	308-124H-210	NEW-C	90-05-072	308-125-090	NEW-P	90-17-147
308-122-580	REP-E	90-05-017	308-124H-210	NEW	90-10-010	308-125-100	NEW-P	90-17-147
308-124C-020	AMD-P	90-10-075	308-124H-220	NEW-C	90-05-072	308-125-110	NEW-P	90-17-147

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
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308-125-130	NEW-P 90-17-147	308-173-250	NEW-P 90-10-084	315-08-020	NEW-P 90-07-086
308-125-140	NEW-P 90-17-147	308-173-255	NEW-C 90-12-115	315-08-030	NEW 90-11-040
308-125-150	NEW-P 90-17-147	308-173-260	NEW-P 90-10-084	315-08-030	NEW-P 90-07-086
308-125-160	NEW-P 90-17-147	308-173-265	NEW-C 90-12-115	315-08-040	NEW 90-11-040
308-125-170	NEW-P 90-17-147	308-173-270	NEW-P 90-10-084	315-08-040	NEW-P 90-07-086
308-125-180	NEW-P 90-17-147	308-173-275	NEW-C 90-12-115	315-08-040	NEW 90-11-040
308-125-190	NEW-P 90-17-147	308-173-280	NEW-P 90-10-084	315-11-480	AMD 90-03-023
308-125-200	NEW-P 90-17-147	308-173-285	NEW-C 90-12-115	315-11-490	AMD 90-03-023
308-125-210	NEW-P 90-17-147	308-173-290	NEW-P 90-10-084	315-11-491	AMD 90-03-023
308-125-210	NEW-P 90-17-147	308-173-295	NEW-C 90-12-115	315-11-530	NEW-P 90-03-109
308-127-010	REP-P 90-04-088	308-173-300	NEW-P 90-10-084	315-11-530	NEW 90-06-060
308-127-010	REP 90-07-023	308-173-305	NEW-C 90-12-115	315-11-531	NEW-P 90-03-109
308-127-020	REP-P 90-04-088	308-173-310	NEW-P 90-10-084	315-11-531	NEW 90-06-060
308-127-020	REP 90-07-023	308-173-315	NEW-C 90-12-115	315-11-532	NEW-P 90-03-109
308-127-030	REP-P 90-04-088	308-173-320	AMD 90-04-094	315-11-532	NEW 90-06-060
308-127-030	REP 90-07-023	308-175-140	AMD-E 90-06-004	315-11-532	NEW-P 90-03-109
308-127-035	NEW-P 90-04-088	308-175-200	AMD-P 90-11-019	315-11-540	NEW-P 90-03-109
308-127-035	NEW 90-07-023	308-175-200	AMD-P 90-11-019	315-11-540	NEW 90-06-060
308-127-040	AMD-P 90-04-088	308-175-200	AMD 90-14-131	315-11-540	NEW-P 90-03-109
308-127-040	AMD 90-07-023	308-177-110	AMD 90-04-094	315-11-541	NEW 90-06-060
308-127-100	REP-P 90-04-088	308-180-120	AMD-P 90-05-053	315-11-541	NEW-P 90-03-109
308-127-100	REP 90-07-023	308-180-120	AMD 90-11-093	315-11-542	NEW 90-06-060
308-127-105	NEW-P 90-04-088	308-180-150	AMD-P 90-08-002	315-11-542	NEW-P 90-07-086
308-127-105	NEW 90-07-023	308-180-150	AMD 90-12-114	315-11-550	NEW 90-11-040
308-127-110	AMD-P 90-04-088	308-180-210	AMD-P 90-08-002	315-11-550	NEW-P 90-07-086
308-127-110	AMD 90-07-023	308-180-210	AMD 90-12-114	315-11-551	NEW 90-11-040
308-127-120	AMD-P 90-04-088	308-180-250	AMD-P 90-08-002	315-11-551	NEW-P 90-07-086
308-127-120	AMD 90-07-023	308-180-250	AMD 90-12-114	315-11-552	NEW 90-11-040
308-127-130	AMD-P 90-04-088	308-180-260	AMD 90-04-094	315-11-560	NEW-P 90-11-127
308-127-130	AMD 90-07-023	308-180-260	AMD-P 90-08-009	315-11-560	NEW 90-15-014
308-127-140	AMD-P 90-04-088	308-190-010	AMD 90-04-094	315-11-561	NEW-P 90-11-127
308-127-140	AMD 90-07-023	308-190-010	AMD-P 90-08-009	315-11-561	NEW 90-15-014
308-127-155	REP-P 90-04-088	308-300	NEW-E 90-14-021	315-11-562	NEW-P 90-11-127
308-127-155	REP 90-07-023	308-300	NEW-P 90-14-022	315-11-562	NEW 90-15-014
308-127-160	NEW-P 90-04-088	308-300	NEW 90-17-062	315-11-570	NEW-P 90-11-127
308-127-160	NEW 90-07-023	308-300-075	NEW-E 90-14-021	315-11-570	NEW 90-15-014
308-127-200	AMD-P 90-04-088	308-300-075	NEW-P 90-14-022	315-11-571	NEW-P 90-11-127
308-127-200	AMD 90-07-023	308-300-075	NEW 90-17-062	315-11-571	NEW 90-15-014
308-127-210	AMD-P 90-04-088	308-310-010	AMD 90-04-094	315-11-571	AMD-P 90-16-094
308-127-210	AMD 90-07-023	308-320-010	NEW 90-02-060	315-11-572	NEW-P 90-11-127
308-127-220	REP-P 90-04-088	308-320-010	NEW-E 90-02-061	315-11-572	NEW 90-15-014
308-127-220	REP 90-07-023	308-320-020	NEW 90-02-060	315-11-580	NEW-P 90-16-094
308-127-225	NEW-P 90-04-088	308-320-020	NEW-E 90-02-061	315-11-581	NEW-P 90-16-094
308-127-225	NEW 90-07-023	308-320-030	NEW 90-02-060	315-11-582	NEW-P 90-16-094
308-127-300	AMD-P 90-04-088	308-320-030	NEW-E 90-02-061	315-11-582	AMD-P 90-16-094
308-127-300	AMD 90-07-023	308-320-040	NEW 90-02-060	315-33-010	NEW-P 90-03-109
308-128B-060	REP 90-03-098	308-320-040	NEW-E 90-02-061	315-33-010	NEW 90-06-060
308-128B-080	AMD 90-03-099	308-320-050	NEW 90-02-060	315-33-020	NEW-P 90-03-109
308-138-080	AMD 90-04-094	308-320-050	NEW-E 90-02-061	315-33-020	NEW 90-06-060
308-152-030	AMD 90-04-094	308-320-060	NEW 90-02-060	315-33-030	NEW-P 90-03-109
308-152-030	AMD-P 90-08-009	308-320-060	NEW-E 90-02-061	315-33-030	NEW 90-06-060
308-158-010	NEW-P 90-16-097	308-320-070	NEW 90-02-060	315-33-040	NEW-P 90-03-109
308-158-020	NEW-P 90-16-097	308-320-070	NEW-E 90-02-061	315-33-040	NEW 90-06-060
308-158-030	NEW-P 90-16-097	308-320-080	NEW 90-02-060	315-33-050	NEW-P 90-03-109
308-158-040	NEW-P 90-16-097	308-320-080	NEW-E 90-02-061	315-33-050	NEW 90-06-060
308-171-001	AMD-P 90-04-096	308-320-090	NEW 90-02-060	315-33-060	NEW-P 90-03-109
308-171-001	AMD 90-16-071	308-320-090	NEW-E 90-02-061	315-33-060	NEW 90-06-060
308-171-010	AMD-P 90-04-096	308-320-100	NEW-W 90-11-068	315-33-070	NEW-P 90-03-109
308-171-010	AMD 90-16-071	308-400-042	AMD 90-04-050	315-33-070	NEW 90-06-060
308-171-020	AMD-P 90-04-096	308-400-095	AMD 90-04-050	315-34-010	NEW-P 90-16-094
308-171-020	AMD 90-16-071	314-12-135	NEW-P 90-10-088	315-34-020	NEW-P 90-16-094
308-171-041	NEW-P 90-04-096	314-12-135	NEW 90-14-003	315-34-030	NEW-P 90-16-094
308-171-041	NEW-W 90-16-036	314-12-175	AMD-P 90-10-087	315-34-040	NEW-P 90-16-094
308-171-041	NEW-P 90-16-096	314-12-175	REP 90-14-012	315-34-050	NEW-P 90-16-094
308-171-045	AMD-P 90-16-096	314-16-170	AMD-P 90-03-088	315-34-060	NEW-P 90-16-094
308-171-301	AMD-P 90-16-096	314-16-170	AMD-W 90-17-018	316-55-001	AMD-P 90-03-039
308-171-320	AMD-P 90-16-096	314-20-020	AMD-P 90-10-090	316-55-001	AMD 90-06-047
308-173-130	AMD 90-04-094	314-20-025	NEW-P 90-03-089	316-55-005	NEW-P 90-03-039
308-173-210	NEW-P 90-10-084	314-20-025	NEW-W 90-17-019	316-55-005	NEW 90-06-047
308-173-210	NEW-C 90-12-115	314-40-020	AMD-P 90-10-089	316-55-010	AMD-P 90-03-039
308-173-220	NEW-P 90-10-084	314-40-020	AMD 90-14-004	316-55-010	AMD 90-06-047
308-173-220	NEW-C 90-12-115	314-60-040	AMD 90-02-109	316-55-020	AMD-P 90-03-039
308-173-230	NEW-P 90-10-084	315-04-132	AMD-P 90-07-086	316-55-020	AMD 90-06-047
308-173-230	NEW-C 90-12-115	315-04-132	AMD 90-11-040	316-55-030	AMD-P 90-03-039
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308-173-245	NEW-P 90-10-084	315-08-010	NEW-P 90-07-086	316-55-050	AMD 90-06-047

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316-55-070	AMD	90-06-047	332-130-070	AMD	90-06-028	352-37-020	NEW	90-07-050
316-55-090	RE-AD-P	90-03-039	332-130-080	AMD-P	90-03-066	352-37-030	NEW-P	90-04-106
316-55-090	RE-AD	90-06-047	332-130-080	AMD	90-06-028	352-37-030	NEW-E	90-06-006
316-55-110	AMD-P	90-03-039	332-130-090	AMD-P	90-03-066	352-37-030	NEW	90-07-050
316-55-110	AMD	90-06-047	332-130-090	AMD	90-06-028	352-37-040	NEW-P	90-04-106
316-55-120	NEW-P	90-03-039	352-12-020	AMD-P	90-04-108	352-37-040	NEW-E	90-06-006
316-55-120	NEW	90-06-047	352-12-020	AMD	90-07-062	352-37-040	NEW	90-07-050
316-55-130	RE-AD-P	90-03-039	352-12-020	AMD-E	90-08-121	352-37-050	NEW-P	90-04-106
316-55-130	RE-AD	90-06-047	352-12-030	AMD-P	90-04-108	352-37-050	NEW-E	90-06-006
316-55-150	RE-AD-P	90-03-039	352-12-030	AMD	90-07-062	352-37-050	NEW	90-07-050
316-55-150	RE-AD	90-06-047	352-12-030	AMD-E	90-08-121	352-37-060	NEW-P	90-04-106
316-55-160	AMD-P	90-03-039	352-20-010	AMD-P	90-04-108	352-37-060	NEW-E	90-06-006
316-55-160	AMD	90-06-047	352-20-010	AMD	90-07-062	352-37-060	NEW	90-07-050
316-55-170	RE-AD-P	90-03-039	352-20-010	AMD-E	90-08-121	352-37-070	NEW-P	90-04-106
316-55-170	RE-AD	90-06-047	352-20-050	AMD-P	90-04-108	352-37-070	NEW-E	90-06-006
316-55-500	AMD-P	90-03-039	352-20-050	AMD	90-07-062	352-37-070	NEW	90-07-050
316-55-500	AMD	90-06-047	352-20-050	AMD-E	90-08-121	352-37-080	NEW-P	90-04-106
316-55-505	AMD-P	90-03-039	352-32-010	AMD-P	90-04-108	352-37-080	NEW-E	90-06-006
316-55-505	AMD	90-06-047	352-32-010	AMD-W	90-07-064	352-37-080	NEW	90-07-050
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316-55-510	RE-AD	90-06-047	352-32-011	NEW-P	90-16-105	352-37-090	NEW-E	90-06-006
316-55-515	AMD-P	90-03-039	352-32-045	AMD-P	90-04-108	352-37-090	NEW	90-07-050
316-55-515	AMD	90-06-047	352-32-045	AMD	90-07-062	352-37-100	NEW-P	90-04-106
316-55-517	NEW-P	90-03-039	352-32-045	AMD-E	90-08-121	352-37-100	NEW-E	90-06-006
316-55-517	NEW	90-06-047	352-32-050	AMD-P	90-04-108	352-37-100	NEW	90-07-050
316-55-520	REP-P	90-03-039	352-32-050	AMD	90-07-062	352-37-110	NEW-P	90-04-106
316-55-520	REP	90-06-047	352-32-050	AMD-E	90-08-121	352-37-110	NEW-E	90-06-006
316-55-525	AMD-P	90-03-039	352-32-235	AMD	90-04-025	352-37-110	NEW	90-07-050
316-55-525	AMD	90-06-047	352-32-250	AMD-P	90-04-108	352-37-120	NEW-P	90-04-106
316-55-600	RE-AD-P	90-03-039	352-32-250	AMD	90-07-062	352-37-120	NEW-E	90-06-006
316-55-600	RE-AD	90-06-047	352-32-250	AMD-E	90-08-121	352-37-120	NEW	90-07-050
316-55-700	NEW-P	90-03-039	352-32-25001	AMD-P	90-04-108	352-37-130	NEW-P	90-04-106
316-55-700	NEW	90-06-047	352-32-25001	AMD	90-07-062	352-37-130	NEW-E	90-06-006
316-55-710	NEW-P	90-03-039	352-32-25001	AMD-E	90-08-121	352-37-130	NEW	90-07-050
316-55-710	NEW	90-06-047	352-32-251	AMD	90-04-024	352-37-140	NEW-P	90-04-106
316-55-730	NEW-P	90-03-039	352-32-252	AMD-P	90-04-108	352-37-140	NEW-E	90-06-006
316-55-730	NEW	90-06-047	352-32-252	AMD	90-07-062	352-37-140	NEW	90-07-050
316-85-001	NEW-P	90-03-040	352-32-252	AMD-E	90-08-121	352-37-150	NEW-P	90-04-106
316-85-001	NEW	90-06-046	352-32-270	AMD-P	90-06-108	352-37-150	NEW-E	90-06-006
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316-85-010	NEW	90-06-046	352-36-010	REP-P	90-06-109	352-37-160	NEW-P	90-04-106
316-85-020	NEW-P	90-03-040	352-36-010	REP	90-10-024	352-37-160	NEW-E	90-06-006
316-85-020	NEW	90-06-046	352-36-020	REP-P	90-06-109	352-37-160	NEW	90-07-050
316-85-030	NEW-P	90-03-040	352-36-020	REP	90-10-024	352-37-170	NEW-P	90-04-106
316-85-030	NEW	90-06-046	352-36-025	REP-P	90-06-109	352-37-170	NEW-E	90-06-006
316-85-040	NEW-P	90-03-040	352-36-025	REP	90-10-024	352-37-170	NEW	90-07-050
316-85-040	NEW	90-06-046	352-36-030	REP-P	90-06-109	352-37-180	NEW-P	90-04-106
316-85-050	NEW-P	90-03-040	352-36-030	REP	90-10-024	352-37-180	NEW-E	90-06-006
316-85-050	NEW	90-06-046	352-36-040	REP-P	90-06-109	352-37-180	NEW	90-07-050
316-85-060	NEW-P	90-03-040	352-36-040	REP	90-10-024	352-37-190	NEW-P	90-04-106
316-85-060	NEW	90-06-046	352-36-050	REP-P	90-06-109	352-37-190	NEW-E	90-06-006
316-85-070	NEW-P	90-03-040	352-36-050	REP	90-10-024	352-37-190	NEW	90-07-050
316-85-070	NEW	90-06-046	352-36-060	REP-P	90-06-109	352-37-200	NEW-P	90-04-106
316-85-080	NEW-P	90-03-040	352-36-060	REP	90-10-024	352-37-200	NEW-E	90-06-006
316-85-080	NEW	90-06-046	352-36-070	REP-P	90-06-109	352-37-200	NEW	90-07-050
316-85-090	NEW-P	90-03-040	352-36-070	REP	90-10-024	352-37-210	NEW-P	90-04-106
316-85-090	NEW	90-06-046	352-36-080	REP-P	90-06-109	352-37-210	NEW-E	90-06-006
316-85-100	NEW-P	90-03-040	352-36-080	REP	90-10-024	352-37-210	NEW	90-07-050
316-85-100	NEW	90-06-046	352-36-090	REP-P	90-06-109	352-40-125	NEW-E	90-13-009
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326-30-030	AMD	90-06-040	352-36-100	REP-P	90-06-109	352-40-127	NEW-E	90-13-009
326-30-03902	NEW	90-06-041	352-36-100	REP	90-10-024	352-40-127	NEW-P	90-16-106
326-30-03903	NEW-E	90-13-023	352-36-110	REP-P	90-06-109	352-40-130	AMD-E	90-13-009
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332-24-700	NEW	90-15-061	352-36-115	REP-P	90-06-109	352-40-140	AMD-E	90-13-009
332-26-010	NEW-E	90-15-012	352-36-115	REP	90-10-024	352-40-140	AMD-P	90-16-106
332-26-020	NEW-E	90-15-012	352-36-120	REP-P	90-06-109	352-40-900	AMD-E	90-13-009
332-26-030	NEW-E	90-15-012	352-36-120	REP	90-10-024	352-40-900	AMD-P	90-16-106
332-26-030	REP-E	90-17-015	352-36-130	REP-P	90-06-109	352-64-020	AMD	90-04-064
332-26-040	NEW-E	90-15-012	352-36-130	REP	90-10-024	352-64-030	AMD	90-04-064
332-26-050	NEW-E	90-15-012	352-36-140	REP-P	90-06-109	352-64-040	AMD	90-04-064
332-26-060	NEW-E	90-15-012	352-36-140	REP	90-10-024	352-64-050	AMD	90-04-064
332-26-080	NEW-E	90-17-015	352-37-010	NEW-P	90-04-106	352-64-060	AMD	90-04-064
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332-130-030	AMD-P	90-03-066	352-37-010	NEW	90-07-050	352-64-080	AMD	90-04-064
332-130-030	AMD	90-06-028	352-37-020	NEW-P	90-04-106	352-65-010	NEW-P	90-09-070

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352-65-020	NEW 90-13-008	356-15-100	AMD-P 90-11-112	356-34-130	REP 90-10-018
352-65-030	NEW-P 90-09-070	356-15-100	AMD-E 90-15-036	356-34-140	REP-P 90-03-101
352-65-030	NEW 90-13-008	356-15-100	AMD 90-15-037	356-34-140	REP-C 90-07-053
352-65-040	NEW-P 90-09-070	356-15-125	AMD-P 90-03-102	356-34-140	REP-E 90-10-017
352-65-040	NEW 90-13-008	356-15-125	AMD-C 90-07-054	356-34-140	REP 90-10-018
352-65-050	NEW-P 90-09-070	356-15-125	AMD-C 90-10-015	356-34-160	REP-P 90-03-101
352-65-050	NEW 90-13-008	356-15-125	AMD-C 90-12-017	356-34-160	REP-C 90-07-053
352-65-060	NEW-P 90-09-070	356-15-125	AMD-W 90-13-066	356-34-160	REP-E 90-10-017
352-65-060	NEW 90-13-008	356-15-130	AMD-P 90-10-039	356-34-160	REP 90-10-018
352-66-010	NEW-P 90-04-107	356-15-130	AMD-E 90-11-042	356-34-170	REP-P 90-03-101
352-66-010	NEW 90-07-051	356-15-130	AMD 90-13-068	356-34-170	REP-C 90-07-053
352-66-020	NEW-P 90-04-107	356-22-010	AMD-C 90-03-047	356-34-170	REP-E 90-10-017
352-66-020	NEW 90-07-051	356-22-010	AMD 90-05-029	356-34-170	REP 90-10-018
352-66-030	NEW-P 90-04-107	356-22-070	AMD-P 90-08-072	356-34-180	REP-P 90-03-101
352-66-030	NEW 90-07-051	356-22-070	AMD 90-12-020	356-34-180	REP-C 90-07-053
352-66-040	NEW-P 90-04-107	356-22-11001	REP-C 90-03-047	356-34-180	REP-E 90-10-017
352-66-040	NEW 90-07-051	356-22-11001	REP 90-05-029	356-34-180	REP 90-10-018
352-66-050	NEW-P 90-04-107	356-22-111	NEW-C 90-03-047	356-34-190	REP-P 90-03-101
352-66-050	NEW 90-07-051	356-22-111	NEW 90-05-029	356-34-190	REP-C 90-07-053
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352-66-060	NEW 90-07-051	356-22-120	AMD 90-05-029	356-34-190	REP 90-10-018
352-66-070	NEW-P 90-04-107	356-26-040	AMD-P 90-12-018	356-34-200	REP-P 90-03-101
352-66-070	NEW 90-07-051	356-26-040	AMD-C 90-15-033	356-34-200	REP-C 90-07-053
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352-66-080	NEW 90-07-051	356-26-060	AMD-E 90-12-021	356-34-200	REP 90-10-018
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352-66-090	NEW 90-07-051	356-26-060	AMD-P 90-16-050	356-34-210	REP-C 90-07-053
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352-66-110	NEW-P 90-04-107	356-30-145	AMD-C 90-05-027	356-34-220	REP-P 90-03-101
352-66-110	NEW 90-07-051	356-30-145	AMD-C 90-07-055	356-34-220	REP-C 90-07-053
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352-66-120	NEW 90-07-051	356-30-145	AMD-W 90-11-043	356-34-220	REP 90-10-018
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352-75-050	NEW 90-10-052	356-30-280	AMD-C 90-05-027	356-37-030	NEW 90-07-057
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352-75-060	NEW 90-10-052	356-30-280	AMD-W 90-11-043	356-37-040	NEW 90-07-057
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356-05-210	AMD 90-03-044	356-34-110	REP 90-10-018	356-37-090	NEW-P 90-03-101
356-06-020	AMD-P 90-08-074	356-34-113	REP-P 90-03-101	356-37-090	NEW 90-07-057
356-06-020	AMD-E 90-12-026	356-34-113	REP-C 90-07-053	356-37-100	NEW-P 90-03-101
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356-06-080	AMD-P 90-08-075	356-34-115	REP-E 90-10-017	356-37-120	NEW 90-07-057
356-06-080	AMD-E 90-12-021	356-34-115	REP 90-10-018	356-37-130	NEW-P 90-03-101
356-06-080	AMD 90-12-022	356-34-117	REP-P 90-03-101	356-37-130	NEW 90-07-057
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356-14-240	AMD-C 90-07-054	356-34-118	REP-P 90-03-101	356-37-150	NEW 90-07-057
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356-14-240	AMD-W 90-13-066	356-34-119	REP-P 90-03-101	356-42-056	NEW-W 90-17-022
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356-46-135	NEW	90-15-035	371-08-125	AMD-P	90-14-097	374-30-050	NEW-P	90-10-094
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388-49-020	AMD	90-12-057	388-76-045	NEW	90-03-051	388-82-160	NEW-C	90-17-113
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388-49-080	AMD	90-12-055	388-76-087	NEW	90-03-051	388-83-029	NEW-P	90-08-048
388-49-180	AMD-P	90-09-086	388-76-090	AMD	90-03-051	388-83-029	NEW-E	90-08-052
388-49-180	AMD	90-12-058	388-76-095	NEW-C	90-04-015	388-83-029	NEW	90-12-060
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388-49-190	AMD-P	90-11-016	388-76-110	NEW	90-03-051	388-83-032	AMD	90-12-052
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392-134-002	AMD-P	90-11-128	392-137-150	NEW-E	90-12-074	392-140-079	AMD	90-16-002
392-134-002	AMD	90-16-002	392-137-150	NEW-P	90-15-070	392-140-190	NEW	90-06-007
392-134-005	AMD-P	90-11-128	392-137-155	NEW-E	90-12-074	392-140-191	NEW	90-06-007
392-134-005	AMD	90-16-002	392-137-155	NEW-P	90-15-070	392-140-192	NEW	90-06-007
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392-134-030	AMD	90-16-002	392-137-160	NEW-P	90-15-070	392-140-194	NEW	90-06-007
392-135-005	AMD-P	90-11-128	392-137-190	NEW-E	90-12-074	392-140-195	NEW	90-06-007
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392-135-030	AMD-P	90-11-128	392-137-195	NEW-E	90-12-074	392-140-197	NEW	90-06-007
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392-136-003	AMD	90-16-002	392-137-205	NEW-P	90-15-070	392-140-202	NEW	90-06-007
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392-137-001	AMD-P	90-11-128	392-137-230	NEW-E	90-12-074	392-140-302	AMD-P	90-11-128
392-137-001	REP-E	90-12-074	392-137-230	NEW-P	90-15-070	392-140-302	AMD	90-16-002
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392-137-003	REP-E	90-12-074	392-137-245	NEW-P	90-15-070	392-140-338	NEW	90-12-081
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392-137-015	REP-E	90-12-074	392-138-030	AMD	90-16-002	392-140-402	NEW	90-11-028
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392-137-020	AMD	90-16-002	392-138-100	AMD-P	90-11-128	392-140-405	NEW-P	90-07-045
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392-137-051	REP-E	90-12-074	392-139-122	AMD	90-16-002	392-140-410	NEW	90-11-028
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