

Washington State Register

March 15, 2000

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ISSUE 00-06



IN THIS ISSUE

Aging and Adult Services Administration
Agriculture, Department of
Assistance Programs, Division of
Attorney General's Office
Bates Technical College
Benton Clean Air Authority
Child Support, Division of
Children's Administration
Clemency and Pardons Board
Convention and Trade Center
Eastern Washington University
Ecology, Department of
Economic Services Administration
Education, State Board of
Everett Community College
Fish and Wildlife, Department of
Forest Practices Board
General Administration, Department of
Governor, Office of the
Health, Department of
Health, State Board of

Horse Racing Commission
Housing Finance Commission
Insurance Commissioner, Office of the
Labor and Industries, Department of
Licensing, Department of
Liquor Control Board
Management Services Administration
Medical Assistance Administration
Personnel Resources Board
Pharmacy, Board of
Pierce College
Public Employment Relations Commission
Public Instruction, Superintendent of
Revenue, Department of
Shoreline Community College
Social and Health Services, Department of
Southwest Air Pollution Control Authority
Tacoma Community College
Washington State Patrol
WorkFirst Division

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 (360) 786-6697.

REPLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of March 2000 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.

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following nine sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process. Expedited repeals are not consistently filed and may not appear in every issue of the register.
- (c) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (d) **EXPEDITED ADOPTION**-includes the full text of rules being changed using the expedited adoption process. Expedited adoptions are not consistently filed and may not appear in every issue of the Register.
- (e) **PERMANENT**-includes the full text of permanently adopted rules.
- (f) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (g) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (h) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (i) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

2. 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 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.

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) 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.

4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one 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.

5. 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].

1999 - 2000

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
99 - 13	May 26, 99	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 27, 99	Aug 24, 99
99 - 14	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 10, 99	Sep 8, 99
99 - 15	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 24, 99	Sep 21, 99
99 - 16	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 7, 99	Oct 5, 99
99 - 17	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 21, 99	Oct 19, 99
99 - 18	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 15, 99	Oct 5, 99	Nov 2, 99
99 - 19	Aug 25, 99	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 26, 99	Nov 23, 99
99 - 20	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 9, 99	Dec 7, 99
99 - 21	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 23, 99	Dec 21, 99
99 - 22	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 7, 99	Jan 4, 00
99 - 23	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 21, 99	Jan 19, 00
99 - 24	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 15, 99	Jan 4, 00	Feb 1, 00
00 - 01	Nov 24, 99	Dec 8, 99	Dec 22, 99	Jan 5, 00	Jan 25, 00	Feb 23, 00
00 - 02	Dec 8, 99	Dec 22, 99	Jan 5, 00	Jan 19, 00	Feb 8, 00	Mar 7, 00
00 - 03	Dec 22, 99	Jan 5, 00	Jan 19, 00	Feb 2, 00	Feb 22, 00	Mar 21, 00
00 - 04	Jan 5, 00	Jan 19, 00	Feb 2, 00	Feb 16, 00	Mar 7, 00	Apr 4, 00
00 - 05	Jan 19, 00	Feb 2, 00	Feb 16, 00	Mar 1, 00	Mar 21, 00	Apr 18, 00
00 - 06	Feb 2, 00	Feb 16, 00	Mar 1, 00	Mar 15, 00	Apr 4, 00	May 2, 00
00 - 07	Feb 23, 00	Mar 8, 00	Mar 22, 00	Apr 5, 00	Apr 25, 00	May 23, 00
00 - 08	Mar 8, 00	Mar 22, 00	Apr 5, 00	Apr 19, 00	May 9, 00	Jun 6, 00
00 - 09	Mar 22, 00	Apr 5, 00	Apr 19, 00	May 3, 00	May 23, 00	Jun 20, 00
00 - 10	Apr 5, 00	Apr 19, 00	May 3, 00	May 17, 00	Jun 6, 00	Jul 5, 00
00 - 11	Apr 26, 00	May 10, 00	May 24, 00	Jun 7, 00	Jun 27, 00	Jul 25, 00
00 - 12	May 10, 00	May 24, 00	Jun 7, 00	Jun 21, 00	Jul 11, 00	Aug 8, 00
00 - 13	May 24, 00	Jun 7, 00	Jun 21, 00	Jul 5, 00	Jul 25, 00	Aug 22, 00
00 - 14	Jun 7, 00	Jun 21, 00	Jul 5, 00	Jul 19, 00	Aug 8, 00	Sep 6, 00
00 - 15	Jun 21, 00	Jul 5, 00	Jul 19, 00	Aug 2, 00	Aug 22, 00	Sep 19, 00
00 - 16	Jul 5, 00	Jul 19, 00	Aug 2, 00	Aug 16, 00	Sep 5, 00	Oct 3, 00
00 - 17	Jul 26, 00	Aug 9, 00	Aug 23, 00	Sep 6, 00	Sep 26, 00	Oct 24, 00
00 - 18	Aug 9, 00	Aug 23, 00	Sep 6, 00	Sep 20, 00	Oct 10, 00	Nov 7, 00
00 - 19	Aug 23, 00	Sep 6, 00	Sep 20, 00	Oct 4, 00	Oct 24, 00	Nov 21, 00
00 - 20	Sep 6, 00	Sep 20, 00	Oct 4, 00	Oct 18, 00	Nov 7, 00	Dec 5, 00
00 - 21	Sep 20, 00	Oct 4, 00	Oct 18, 00	Nov 1, 00	Nov 21, 00	Dec 19, 00
00 - 22	Oct 4, 00	Oct 18, 00	Nov 1, 00	Nov 15, 00	Dec 5, 00	Jan 3, 01
00 - 23	Oct 25, 00	Nov 8, 00	Nov 22, 00	Dec 6, 00	Dec 26, 00	Jan 23, 01
00 - 24	Nov 8, 00	Nov 22, 00	Dec 6, 00	Dec 20, 00	Jan 9, 01	Feb 6, 01

¹ All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

² A 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.

³ At 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.

⁴ A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

REGULATORY FAIRNESS ACT

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

Small Business Economic Impact Statements (SBEIS)

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

Mitigation

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

When is an SBEIS Required?

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

When is an SBEIS Not Required?

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

There is less than minor economic impact on business;

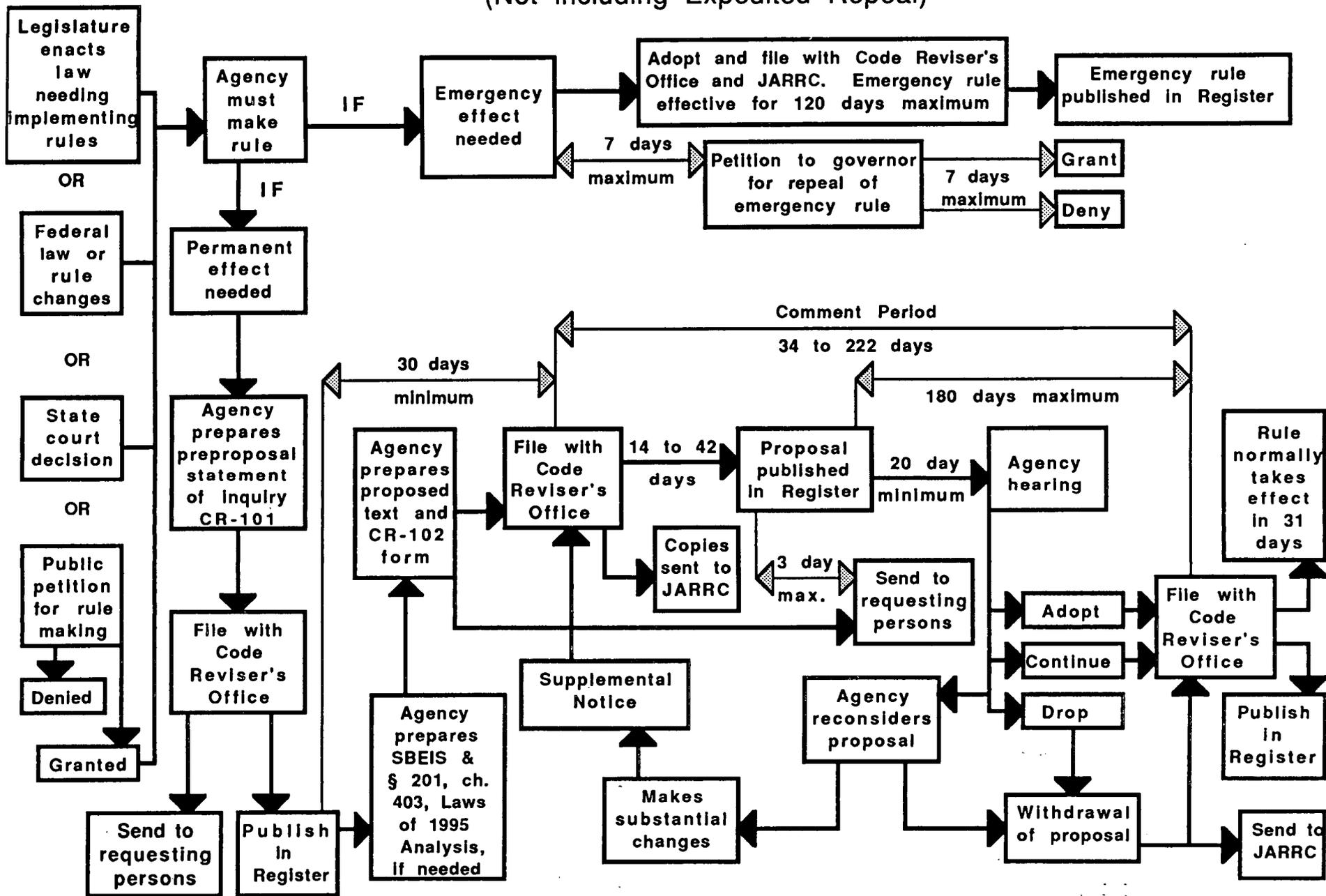
The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

RULE-MAKING PROCESS

(Not including Expedited Repeal)



WSR 00-06-001**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed February 17, 2000, 10:44 a.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, WAC 308-96A-099, 308-96A-135, 308-96A-145, 308-96A-175, 308-96A-176, 308-96A-180, 308-96A-202, 308-96A-203, 308-96A-400 and 308-96A-410; chapter 308-97 WAC, Vehicle license interstate and intrastate permits, WAC 308-97-230; and chapter 308-57 WAC, Motor vehicle excise tax, WAC 308-57-005, 308-57-010, 308-57-020, 308-57-030, 308-57-110, 308-57-120, 308-57-130, 308-57-135, 308-57-140, 308-57-210, 308-57-230, 308-57-240, and 308-57-500.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules may be amended or repealed to comply with the implementation of Initiative 695.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TDD (360) 664-8885.

February 16, 2000

Deborah McCurley, Administrator
Title and Registration Services**WSR 00-06-007****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed February 18, 2000, 1:07 p.m.]

Subject of Possible Rule Making: Chapter 308-63 WAC, Wreckers review in accordance with Governor Gary Locke's Executive Order 97-02.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.80.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Review of current rules to ensure necessity, effectiveness, efficiency, clarity, intent, coordination with other jurisdictions and agencies, cost benefits and fairness.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Patrol to review WAC with Department of Licensing program employees.

Process for Developing New Rule: Elicit input from industry/stakeholders and those program employees who enforce these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gail Saul, Dealer Services, Department of Licensing, P.O. Box 9039, Olympia, WA 98507-9039, phone (360) 902-3709, fax (360) 586-6703, e-mail gsaul@dol.wa.gov.

February 11, 2000

Fred Stephens
Director**WSR 00-06-019****WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH**

[Filed February 23, 2000, 9:25 a.m.]

The State Board of Health would like to withdraw the preproposal statement of inquiry on HIV/AIDS which was filed August 19, 1997, as WSR 97-17-080. The board took recently adopted changes to the HIV/AIDS rules under WSR 99-17-077 which was filed with your office August 13, 1999. For this reason, WSR 97-17-080 is no longer necessary.

If you have any questions, please contact (360) 236-4102.

Don Sloma
Executive Director**WSR 00-06-022****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed February 23, 2000, 3:30 p.m.]

Subject of Possible Rule Making: Repeal WAC 388-502-0205 Civil rights.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.08.500, 74.08.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify program requirements to comply with the clear-writing standards in the Governor's Executive Order 97-02, the department is repealing the portion of this WAC that states enrolled providers shall not discriminate against any employee or applicant for employment. This language is already incorporated into federal antidiscrimination laws, which makes it unnecessary to be repeated in rule. Providers will still be required to follow department rules that ensure all participating providers will not discriminate against any client. This policy is being incorporated into WAC 388-502-0020 General requirements for providers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department invites the interested public to review and provide input on this action. Information about how to participate is available by contacting the DSHS representative below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Regulatory Improvement Program Manager, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1342, fax (360) 586-9727, e-mail sayrek@dshs.wa.gov.

February 22, 2000
Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-06-031
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed February 25, 2000, 10:57 a.m.]

Subject of Possible Rule Making: Chapter 308-65 WAC, Hulk haulers/scrap processors, review in accordance with Governor Gary Locke's Executive Order 97-02.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.79.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Review of current rules to ensure necessity, effectiveness, efficiency, clarity, intent, coordination with other jurisdictions and agencies, cost benefits and fairness.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Patrol to review WAC with Department of Licensing program employees.

Process for Developing New Rule: Elicit input from industry/stakeholders and those program employees who enforce these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gail Saul, Dealer Services, Department of Licensing, P.O. Box 9039, Olympia, WA 98507-9039, phone (360) 902-3709, fax (360) 586-6703, e-mail gsaul@dol.wa.gov.

February 24, 2000
Fred Stephens
Director

WSR 00-06-032

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed February 25, 2000, 10:58 a.m.]

Subject of Possible Rule Making: Chapter 308-80 WAC, Transporters, review in accordance with Governor Gary Locke's Executive Order 97-02.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.76.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Review of current rules to ensure necessity, effectiveness, efficiency, clarity, intent, coordination with other jurisdictions and agencies, cost benefits and fairness.

Process for Developing New Rule: Elicit input from industry/stakeholders and those program employees who enforce these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gail Saul, Dealer Services, Department of Licensing, P.O. Box 9039, Olympia, WA 98507-9039, phone (360) 902-3709, fax (360) 586-6703, e-mail gsaul@dol.wa.gov.

February 24, 2000
Fred Stephens
Director

WSR 00-06-033

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed February 25, 2000, 10:58 a.m.]

Subject of Possible Rule Making: Chapter 308-90 WAC, Vessel dealer registration, review in accordance with Governor Gary Locke's Executive Order 97-02.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.02.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Review of current rules to ensure necessity, effectiveness, efficiency, clarity, intent, coordination with other jurisdictions and agencies, cost benefits and fairness.

Process for Developing New Rule: Elicit input from industry/stakeholders and those program employees who enforce these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gail Saul, Dealer Services, Department of Licensing, P.O. Box 9039, Olympia, WA 98507-9039, phone (360) 902-3709, fax (360) 586-6703, e-mail gsaul@dol.wa.gov.

February 24, 2000
Fred Stephens
Director

WSR 00-06-034

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed February 25, 2000, 10:59 a.m.]

Subject of Possible Rule Making: Chapter 308-94 WAC, Snowmobiles and off-road and nonhighway vehicles, review in accordance with Governor Gary Locke's Executive Order 97-02.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.10.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Review of current rules to ensure necessity, effectiveness, efficiency, clarity, intent, coordination with other jurisdictions and agencies, cost benefits and fairness.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will consult with the Washington State Parks and Recreation Commission snowmobile advisory committee as is required by statute.

Process for Developing New Rule: Elicit input from industry/stakeholders and those program employees who enforce these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gail Saul, Dealer Services, Department of Licensing, P.O. Box 9039, Olympia, WA 98507-9039,

phone (360) 902-3709, fax (360) 586-6703, e-mail gsaul@dol.wa.gov.

February 24, 2000
Fred Stephens
Director

WSR 00-06-039

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)
(Division of Child Support)

[Filed February 28, 2000, 2:38 p.m.]

Subject of Possible Rule Making: The Division of Child Support intends to review all the rules in chapters 388-11, 388-13, and 388-14 WAC under the Governor's Executive Order 97-02. As part of the review, DCS intends to repeal those rules which are no longer needed, revise those which need to be revised for clarity and usability, and establish a new chapter of the WAC, chapter 388-14A WAC, which will contain all of the rules relating to the Division of Child Support. This will entail repealing the entirety of chapters 388-11, 388-13, and 388-14 WAC. Certain of DCS's rules have been adopted under EO 97-02 and will be renumbered but not otherwise revised. Shown below is a list of rules indicating which rules are planned for revision and/or repeal.

Current WAC number	Current Title	Repeal	Revise and Renumber	Renumber w/o revision
388-11-011	Definitions		X	
388-11-015	Credits allowed—Debt satisfaction		X	
388-11-045	Service requirements—Tolling		X	
388-11-048	Request for paternity tests—Liability for costs		X	
388-11-065	Defenses to liability		X	
388-11-067	Equitable estoppel		X	
388-11-100	Duty of the administrative law judge		X	
388-11-120	Default—Vacate		X	
388-11-135	Service		X	
388-11-140	Modification		X	
388-11-145	Notice to parties		X	
388-11-150	Consent order and agreed settlement		X	
388-11-155	Duration of obligation		X	
388-11-170	Collection of debts determined		X	
388-11-180	Procedural reference		X	
388-11-205	Assessing support		X	
388-11-210	Administrative orders		X	
388-11-215	Health insurance		X	
388-11-220	Liability for birth costs		X	
388-11-280	Credit for dependent benefits		X	
388-11-285	Notice and finding of financial responsibility ¹	X		
388-11-290	Notice and finding of parental responsibility	X		
388-11-295	Notice and finding of medical responsibility	X		
388-11-300	Amending notices		X	
388-11-305	UIFSA—Notices served in another state		X	
388-11-310	Request for late hearing—Good cause		X	

388-11-315	Temporary administrative orders ²	X		
388-11-320	What is the division of child support's DCS most wanted Internet site?			X
388-11-325	Whose picture can go on the division of child support's DCS most wanted Internet site?			X
388-11-330	How does a noncustodial parent avoid being posted on the DCS most wanted Internet site?			X
388-11-335	When does DCS remove a noncustodial parent from the DCS most wanted Internet site?			X
388-11-340	What information does the division of child support post to the DCS most wanted Internet site?			X
388-11-400	Physical custodians—Rights to participate in hearings ³	X		
388-11-410	Notice of proposed child support amount	X		
388-11-415	Support establishment notice—Physical custodian accepts proposed child support amount	X		
388-11-420	Support establishment notice—Physical custodian objects to the proposed child support amount	X		
388-11-425	Hearings on support establishment notices	X		
388-11-430	Settlement and consent order	X		
Chapter 388-13	Recovery of support payments		X	
388-14-010	Office of support enforcement as the Title IV-D agency		X	
388-14-020	Definitions		X	
388-14-030	Confidentiality		X	
388-14-035	Requests for address disclosure—Form of request		X	
388-14-040	Authorization for address release		X	
388-14-045	Requests for address disclosure—Notice of request—Standards for nonrelease		X	
388-14-050	Requests for address disclosure—Hearings		X	
388-14-100	Absent parent's responsibility—Liability		X	
388-14-200	Families accepting assistance must assign certain support rights to the state		X	
388-14-201	Cooperation with division of child support		X	
388-14-202	Effects of noncooperation		X	
388-14-203	Medical assistance only—Assignment of support rights—Cooperation		X	
388-14-205	Responsibilities of the office		X	
388-14-210	Support payments to the office of support enforcement		X	
388-14-220	Subpoena power		X	
388-14-250	Payments to the family		X	
388-14-260	Interstate cases		X	
388-14-270	Distribution of support payments ⁴		X	
388-14-271	Notice of intent to distribute support money		X	
388-14-272	Notice to recover a support payment		X	
388-14-273	Payment distribution payment services only cases		X	
388-14-274	Distribution notice		X	
388-14-276	Total vs. total notice		X	
388-14-300	Nonassistance support enforcement services—Persons eligible for services		X	
388-14-310	Nonassistance support enforcement application		X	
388-14-350	Location of absent parents		X	
388-14-360	Cooperation with other states		X	
388-14-365	Reassignment by state administering an approved plan		X	
388-14-370	Cooperative arrangements with courts and law enforcement officials		X	
388-14-376	Recovery of excess daycare and special child rearing expense payments		X	
388-14-385	The division of child support's grievance and dispute resolution method is called a conference board			X
388-14-386	How to apply for a conference board			X
388-14-387	Explanation of the conference board process			X
388-14-388	Scope of authority of conference board chair defined			X
388-14-390	Hearing when collection action is initiated against a bank account—Exemptions—Burden of proof		X	
388-14-395	Limitation on collection of support payments from head of household—Request for conference board—Burden of proof		X	
388-14-410	Release of information to consumer reporting agency		X	

388-14-415	Notice of support owed		X	
388-14-420	Once a support enforcement case is opened, under what circumstances can it be closed?			X
388-14-421	Under what circumstances may DCS deny a request to close a support enforcement case?			X
388-14-422	Who is mailed notice of DCS' intent to close a case?			X
388-14-423	What if I do not agree with the case closure notice?			X
388-14-424	What happens to payments that come in after a case is closed?			X
388-14-427	Payroll deduction notice—Order to withhold and deliver—Wage assignments—Agreements for electronic service		X	
388-14-435	Notice of support debt		X	
388-14-440	Notice to payee		X	
388-14-445	Notice of proposed settlement ⁵	X		
388-14-450	Debt adjustment notice		X	
388-14-460	Notice of intent to enforce—Health insurance coverage		X	
388-14-480	Notice of enrollment—Health insurance coverage—Issuance and termination		X	
388-14-490	All Washington employers must report new hires to the Washington state support registry			X
388-14-495	Registering an order from another state for enforcement or modification		X	
388-14-500	The division of child support will accept oral requests for hearing or conference board			X
388-14-510	What is the division of child support's license suspension program?			X
388-14-520	The notice of noncompliance and intent to suspend licenses			X
388-14-530	Who is subject to the DCS license suspension program?			X
388-14-540	How do I avoid having my license suspended for failure to pay child support?			X
388-14-550	Signing a repayment agreement will avoid certification for noncompliance			X
388-14-560	How to obtain a release of certification for noncompliance			X
388-14-570	Administrative hearings regarding license suspension are limited in scope			X

¹ The rules on support establishment notices (notice and finding of financial responsibility, notice and finding of parental responsibility, and notice and finding of medical responsibility[]) are being repealed and rewritten as chapter 388-14A WAC under CR-101 published [as] WSR 98-19-122. The CR-102 will be filed in March 2000, with the rule-making hearing tentatively planned for May 9, 2000, for an effective date in June 2000.

² WAC 388-11-315 is being repealed and replaced by rules in chapter 388-14A WAC under CR-101 filed [as] WSR 98-19-123, CR-102 filed February 2000, rule-making hearing set for April 4, 2000, for an effective date in May 2000.

³ The revisions to the support establishment notices provide for service of the support establishment notice on the custodial parent and the noncustodial parent at the same time, with equal rights for each parent to participate. WAC 388-11-400 through 388-11-430 are being repealed. See endnote 1, above.

⁴ In addition to 97-02 review, this rule will be updated to reflect the new federal distribution rules effective October 1, 2000.

⁵ See endnote 1, above.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, Governor's Executive Order 97-02.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In an effort to make its rules easier to use, DCS intends to combine all its rules into one chapter of the Washington Administrative Code. DCS is reviewing and revising existing rules for clarity, readability and usability.

Process for Developing New Rule: The DSHS Division of Child Support encourages the public to participate in the development of new rules. You can find information on DCS rule making at www.wa.gov/dshs/esarules/dcs.htm. You can contact the DCS Rules Coordinator, Nancy Koptur, at (360) 664-5065 for more details. DCS encourages public participation by means of the Internet and by public meetings to discuss rule making. See our website for details.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Koptur, DCS Rules Coordinator, Division of Child Support Headquarters, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065 or 1-800-457-6202, fax (360) 664-5055, e-mail nkoptur@dshs.wa.gov, TDD/TTY (360) 664-5011.

February 25, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-06-041

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed February 28, 2000, 3:56 p.m.]

Subject of Possible Rule Making: Aquaculture disease control rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080, 75.58.010, 75.58.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department needs to update its procedures for aquaculture disease control, in response to increased aquaculture in the state and the presence of invasive species potentially carrying pathogens. Rules will increase the level of detection of pathogens and protect wild stocks as well as aquaculture-grown fish and shellfish.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will coordinate aquaculture disease control rule promulgation with the Washington State Department of Agriculture.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program Assistant Director, 600 Capitol Way, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by July 3, 2000, expected proposal filing July 5, 2000.

February 28, 2000

Evan Jacoby

Rules Coordinator

WSR 00-06-053

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed February 29, 2000, 9:53 a.m.]

Subject of Possible Rule Making: WAC 458-40-660 Timber excise tax—Stumpage value tables.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.330 and 84.33.096.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The law (RCW 84.33.091) requires that the stumpage value tables be revised twice each year. The stumpage values are established by the department so that timber harvesters are appraised of the timber values on which the timber excise tax is calculated.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington State Department of Natural Resources both regulate forest practices, they are not involved in valuation for purposes of taxation. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the valuation revisions provided in this rule.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted if they are received two weeks before the date of adoption. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting or later public hearing. A draft of the

amended rule may be obtained after April 15, 2000, upon request. Written comments or requests for the draft rule may be directed to Ed Ratcliffe, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-3505, fax (360) 664-0693.

Location and Date of Public Meeting: Department of Revenue Conference Room, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on April 17, 2000, at 10 a.m.

Assistance for Persons with Disabilities: Contact Ginny Dale by April 7, 2000, TDD 1-800-451-7985, or (360) 586-0721.

February 29, 2000

Claire Hesselholt

Rules Manager

Legislation and Policy

WSR 00-06-054

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed February 29, 2000, 10:49 a.m.]

Subject of Possible Rule Making: WAC 180-51-075 (2)(c) Social studies requirement—Mandatory courses—Equivalencies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.230.170, 28A.230.060, and 28A.-230.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The previous adoption of this rule inadvertently deleted the above mentioned section.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis at (360) 753-6715.

February 29, 2000

Larry Davis

Executive Director

WSR 00-06-057

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 00-01—Filed February 29, 2000, 2:04 p.m.]

Subject of Possible Rule Making: Requirements to meter water use.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.03.360.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 1993, the Washington state legislature substantially revised RCW 90.03.360. The revised statute directs ecology to require that the following diversions or withdrawals be metered or measured: (1) All new surface water diversions; (2) all existing water diversions or withdrawals of one cubic foot per second or greater; and (3) all diversions from waters in which the Washington Department of Fish and Wildlife has determined the status of salmon to be threatened or critical. Chapter 508-64 WAC, adopted in 1988, no longer conforms to the intent of RCW 90.03.060. This rule proposal would amend or replace chapter 508-64 WAC to ensure that state metering requirements are consistent with RCW 90.03.060.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state Department of Health regulates the construction and operation of drinking water systems. The federal Bureau of Reclamation provides water under contract to a number of irrigation districts, which in turn hold state water rights. The state Department of Fish and Wildlife is responsible for identifying those waters with depressed or critical salmon stocks. It will be necessary to coordinate with all of these agencies in developing and writing this rule. They will be invited to participate on the technical advisory committee.

Process for Developing New Rule: Ecology will make a substantial effort to involve the public in discussions regarding the issues involved in this proposal. We anticipate the establishment of a technical advisory group to provide guidance to ecology regarding appropriate metering technology and data collection protocol. Ecology will hold at least two public workshops prior to proposing the rules and at least two public hearings on the rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. For information regarding the administrative aspects of the rule (e.g., schedule of adoption, etc.) please contact Jeff Marti at (360) 407-6636 or by e-mail at metering@ecy.wa.gov by mail at Water Resources Program, Department of Ecology, P.O. Box 47600, Olympia, WA, 98504-7600.

February 28, 2000

Keith E. Phillips
Program Manager

WSR 00-06-060
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed March 1, 2000, 8:14 a.m.]

Subject of Possible Rule Making: A letter will be sent to applicant when applicant does not attend initial scheduled appointment for food assistance. WAC 388-406-0060 Denial

of applications, a new section needs to be added and related sections may need to be amended.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.057.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule will specify that the department, prior to denying the food assistance application, will send a letter to the client if the client fails to attend the scheduled initial appointment. The letter will remind the client that they missed their scheduled appointment and inform the client to contact the department to be rescheduled.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: DSHS welcomes the public to take part in developing this rule. Anyone interested in participating should contact the staff person indicated below. After the rule is drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Yanagida, Program Manager, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3104, fax (360) 413-3493, e-mail yanagln@dshs.wa.gov.

February 29, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-06-077
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 1, 2000, 10:03 a.m.]

Subject of Possible Rule Making: Factory assembled structures' rules (chapters 296-150C, 296-150F, 296-150M, 296-150P, 296-150R, and 296-150V WAC).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.22.340, 43.22.450, and 43.22.480.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this project is to make several nonsubstantive changes to include:

- Clarifying and housekeeping amendments,
- Amendments that were identified on the department's August 1997 rule review plan, and
- Incorporate necessary policy into rule as directed by the Governor's Executive Order 97-02 on Regulatory Improvement.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This subject is solely regulated by the Department of Labor and Industries. No other state or federal agencies are involved.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individuals listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josh Swanson, phone (360) 902-6411, fax (360) 902-5292, e-mail swaj235@lni.wa.gov, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400.

March 1, 2000

Gary Moore
Director

WSR 00-06-038
EXPEDITED REPEAL
DEPARTMENT OF ECOLOGY

[Order 00-04—Filed February 28, 2000, 11:46 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 173-202 WAC, Washington forest practices rules and regulations to protect water quality, WAC 173-202-010 Authority and 173-202-020 Certain WAC sections adopted by reference.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Reason the Expedited Repeal of the Rule is Appropriate: ESHB 2091, which passed during the 1999 legislative session, removed the requirement for ecology to coadopt the forest practices rules.

February 27, 2000
Megan White
Program Manager

EXPEDITED ADOPTION



WSR 00-06-005
PROPOSED RULES
SOUTHWEST AIR
POLLUTION CONTROL AUTHORITY

[Filed February 18, 2000, 11:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-02-072.

Title of Rule: SWAPCA 491, Emission Standards and Controls for Sources Emitting Gasoline Vapors.

Purpose: To update SWAPCA 491 to be consistent with chapter 173-491 WAC and to incorporate language similar to that proposed by Oregon DEQ for gasoline marine vessel loading and unloading vapor control requirements.

Statutory Authority for Adoption: RCW 70.94.141 and [70.94.]151.

Statute Being Implemented: RCW 70.94.141 and 70.94.165.

Summary: This proposal will make SWAPCA 491 consistent with chapter 173-491 WAC and the rules adopted by Oregon DEQ under OAR 340-232-0030.

Reasons Supporting Proposal: To provide consistency between chapter 173-491 WAC and SWAPCA 491 and to incorporate similar rules adopted by Oregon DEQ for vapor control requirements for gasoline emissions from marine vessel loading and unloading operations.

Name of Agency Personnel Responsible for Drafting: Paul Mairose, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058 *30; Implementation: Randy Peltier, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058 *22; and Enforcement: Robert Elliott, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058 *12.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed changes will:

(1) Provide consistency between chapter 173-491 WAC and SWAPCA 491 for implementation of Stage II requirements.

(2) Incorporate language similar to that adopted by Oregon DEQ in OAR 340-232-0030 for marine vessel vapor control requirements for gasoline vapors.

(3) Provide for annual air-to-liquid testing on all vacuum assisted Stage II control systems. Currently, only a portion of the vacuum assist Stage II systems undergo annual testing as a result of the type of system and the date of installation. Due to the complexity of these systems, numerous failures are reported for this type of system. Annual testing will level the playing field for all vacuum assist systems and provide consistency with actions in other areas of Washington and California.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: SWAPCA Office, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, on April 13, 2000, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Mary Allen, (360) 574-3058 *10, by March 31, 2000, TDD (360) 574-3058.

Submit Written Comments to: Paul Mairose, 1308 N.E. 134th Street, Vancouver, WA 98685, fax (360) 576-0925, by March 31, 2000.

Date of Intended Adoption: April 13, 2000.

February 15, 2000

Robert D. Elliott

Executive Director

SWAPCA 491
EMISSION STANDARDS AND CONTROLS FOR
SOURCES EMITTING GASOLINE VAPORS

491-010 Policy and Purpose

491-015 Applicability

491-020 Definitions

491-030 Registration

491-040 Gasoline Vapor Control Requirements

491-050 Failures, Certification, Testing and Recordkeeping

491-060 Severability

SWAPCA 491-010 Policy and Purpose

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.165 RCW. Original adoption WSR 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-102 filed 10/21/96, effective 11/21/96]

(1) It is the policy of the Southwest Air Pollution Control Authority (SWAPCA) under the authority provided in Chapter 70.94.141, 70.94.152 and 70.94.331 RCW to provide for the systematic control of air pollution from air contaminant sources within the jurisdiction of SWAPCA.

(2) It is the purpose of this regulation to establish standards for the control of air contaminants emitted from gasoline marketing and dispensing sources within the jurisdiction of SWAPCA including Clark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties.

AMENDATORY SECTION

SWAPCA 491-015 Applicability

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.165 RCW. Original adoption WSR 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-102 filed 10/21/96, effective 11/21/96]

This regulation applies to gasoline marketing operations within SWAPCA jurisdiction, including the storage, transport, and transfer of gasoline, transfer from storage tanks into

PROPOSED

transport tanks, marine vessel loading and unloading, and transfer from storage tanks into motor vehicles. This regulation applies to facilities with above ground and underground storage tanks.

AMENDATORY SECTION

WAC 491-020 Definitions

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.165 RCW. Original adoption WSR 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-102 filed 10/21/96, effective 11/21/96]

The definitions of terms contained in SWAPCA 400 are by this reference incorporated into this regulation. Unless a different meaning is clearly required by context, the following words and phrases, as used in this regulation, shall have the following meanings:

(1) "Bottom loading" means the filling of a tank through a 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) "Bunkering" means, for purpose of this rule, refueling a vessel with a fuel product where the intended use of that gasoline or fuel product is for combustion in the onboard engine of the marine vessel.

(4) "Canister capture rate" means canister effectiveness times the percent of light duty vehicles that have onboard vapor recovery systems.

(5) "Canister effectiveness" means the percent of refueling vapors recovered by a representative onboard vapor recovery system.

(6) "Centroid" means the geometric center of a gas pump or a bank of gas pumps or, if a station has more than one bank of pumps, the geometric center of each bank of pumps.

((3))7) "Certified vapor recovery system" means a vapor recovery system which has been certified by the California Air Resources Board (CARB). Only Stage II vapor recovery systems with a single coaxial hose can be certified. SWAPCA may certify vapor recovery systems in addition to those certified by the California Air Resources Board as of the effective date of the regulation.

(8) "Gas freed" means a marine vessel's cargo tank has been certified by a Marine Chemist as "Safe for Workers" according to the requirements outlined in the National Fire Protection Association Rule 306.

((4))9) "Gasoline" means a petroleum distillate which is a liquid at standard conditions and has a true vapor pressure greater than four pounds per square inch absolute (4.0 psia) at twenty degrees C (20 °C), and is used as a fuel for internal combustion engines. Also any liquid sold as a vehicle fuel with a true vapor pressure greater than four pounds per square inch absolute at twenty degrees C (20 °C) shall be considered "gasoline" for purpose of this regulation.

((5))10) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks (above ground or underground).

((6))11) "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.

((7))12) "Leak free" means a liquid leak of less than four drops per minute.

(13) "Lightering" means the transfer of fuel product into a cargo tank from one marine tank vessel to another.

(14) "Loading event" means the loading or lightering of gasoline into a marine tank vessel's cargo tank, or the loading of any product into a marine tank vessel's cargo tank where the prior cargo was gasoline. The event begins with the connection of a marine tank vessel to a storage or cargo tank by means of piping or hoses for the transfer of a fuel product from the storage or cargo tank(s) into the receiving marine tank vessel. The event ends with disconnection of the pipes and/or hoses upon completion of the loading process.

(15) "Marine tank vessel" means any marine vessel constructed or converted to carry liquid bulk cargo that transports gasoline.

(16) "Marine terminal" means any facility or structure used to load or unload any fuel product cargo into or from marine tank vessels.

(17) "Marine vessel" means any tugboat, tanker, freighter, passenger ship, barge or other boat, ship or watercraft.

(18) "Modified" means any physical change in equipment, or change in the method of operation, of a gasoline dispensing facility, terminal, or loading or unloading facility, that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted. The term modified shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section. Section 7411 exempts changes in gasoline throughput not resulting directly from a physical change.

(19) "NAAQS" means National Ambient Air Quality Standard.

(20) "Ozone contributing county" means a county in which the emissions have contributed to the formation of ozone in any county or area where violation of federal ozone standards have been measured, and includes: Cowlitz, Island, Kitsap, Lewis, Skagit, Thurston, Wahkiakum, and Whatcom counties.

(21) "Permanent residence" means a single-family or multi-family dwelling or any other facility designed for use as permanent housing.

((8))22) "SWAPCA" means the Southwest Air Pollution Control Authority.

((9))23) "Stage I" means gasoline vapor recovery during all gasoline marketing transfer operations except motor vehicle refueling.

((40))24) "Stage II" means gasoline vapor recovery during motor vehicle refueling operations from stationary tanks.

((44))25) "Submerged fill line" means any discharge pipe or nozzle which meets either of the following conditions:

- Where the tank is filled from the top, the end of (upper cut of the bevel on) the discharge pipe or nozzle must be totally submerged when the liquid level is six inches from the bottom of the tank, or;

- Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is eighteen inches from the bottom of the tank.

~~((12))26~~ "Submerged loading" means the filling of a tank with a submerged fill line.

~~((13))27~~ "Suitable cover" means a door, hatch, cover, lid, pipe cap, pipe blind, valve, or similar device that prevents the accidental spilling or emitting of gasoline. Pressure relief valves, aspirator vents, or other devices specifically required for safety and fire protection are not included.

~~((14))28~~ "Throughput" means the amount of material passing through a facility.

~~((15))29~~ "Top off" means to attempt to dispense gasoline to a motor vehicle fuel tank after a vapor recovery dispensing nozzle has shut off automatically.

~~((16))30~~ "Transport tank" means a container used for shipping gasoline over roadways.

~~((17))31~~ "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined by methods described in American Petroleum Institute (API) Bulletin 2517, 1980.

~~((18))32~~ "Upgraded" means the modification of a gasoline storage tank, including tank installation or replacement, or piping to add cathodic protection, tank lining or spill and overflow protection that involved removal of ground or ground cover above a portion of the product piping.

~~((19))33~~ "Vapor balance system" means a system consisting of the transport tank, gasoline vapor transfer lines, storage tank, and all tank vents designed to route displaced gasoline vapors from a tank being filled with liquid gasoline.

~~((20))34~~ "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.

~~((21))35~~ "Vapor control system" means a system designed and operated to reduce or limit the emission of gasoline vapors emission into the ambient air.

~~((22))36~~ "Vapor-mounted seal" means a primary seal mounted continuously around the circumference of the tank 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.

~~((23))37~~ "Vapor tight" means a leak of less than one hundred percent of the lower explosive limit on a combustible gas detector measured at a distance of one inch from the source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.

~~((24))38~~ "WDOE" or "Ecology" means the Washington Department of Ecology.

~~((25))39~~ "Western Washington counties" means the following counties: Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.

AMENDATORY SECTION

SWAPCA 491-030 Registration

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.151 RCW and 70.94.165 RCW. Original adoption WSR 93-16-

011 filed 7/22/93, effective 8/22/93; 96-21-102 filed 10/21/96, effective 11/21/96]

(1) The owner or operator of a gasoline loading terminal, bulk gasoline plant, or gasoline dispensing facility subject to the provisions of SWAPCA 491-040 (2) through (5) shall register the facility annually ~~((the facility-))~~ with SWAPCA. ~~((Annual registration shall be made by the owner or operator on a form provided by SWAPCA within sixty days of receipt of the form. Such registration form shall require information relevant to determining whether the facility is in compliance with this regulation and be accompanied by the following fee:~~

~~Gasoline loading terminals—five hundred dollars~~

~~Bulk gasoline plants—two hundred dollars~~

~~Gasoline dispensing facilities—one hundred dollars~~

~~Gasoline transport tankers—fifty dollars.~~

~~The amount of the fees collected shall only be used to administer the registration program for facilities subject to this regulation.))~~ Facilities subject to registration under this section shall be assessed fees consistent with and as required in SWAPCA 400-100.

(2) Administration of the registration program shall be consistent with the Registration Program requirements of SWAPCA 400-100. ~~((include:~~

~~(a) Initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution;~~

~~(b) On-site inspections necessary to verify compliance with registration requirements;~~

~~(c) Data storage and retrieval systems necessary for support of the registration program;~~

~~(d) Emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration;~~

~~(e) Staff review, including engineering analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements;~~

~~(f) Clerical and other office support provided in direct furtherance of the registration program;~~

~~(g) Administrative support provided in directly carrying out the registration program.))~~

(3) SWAPCA will provide a written verification of registration to owners or operators of facilities subject to the provisions of SWAPCA 491-040 (2) through ~~((5))6~~. Such verification shall be available for inspection by SWAPCA personnel during normal business hours.

(4) The owner or operator of a gasoline loading terminal or a gasoline dispensing facility (non-major source) shall maintain total annual gasoline throughput records for the most recent ~~((two)) three~~ calendar years. Such records shall be available for inspection by SWAPCA personnel during normal business hours.

AMENDATORY SECTION

SWAPCA 491-040 Gasoline Vapor Control Requirements

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.165 RCW. Original adoption WSR 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-102 filed 10/21/96, effective 11/21/96]

(1) Fixed-roof gasoline storage tanks.

(a) All fixed-roof gasoline storage tanks having a nominal storage capacity greater than forty thousand (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, subparts K, Ka and Kb).

(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 (a)(i) of this subsection or its equivalent.

(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 (a)(ii) and (iii) of this subsection are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears, or other openings consistent with 40 CFR 60 subparts Ka and Kb.

(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 subsection (3)(b) of this section shall be exempt from the requirements of subsection (1) of this section.

(e) All fixed roof gasoline storage tanks subject to this section shall comply no later than December 31, 1993 or at the time that the throughput is exceeded.

(2) Gasoline loading terminals.

(a) This section shall apply to all gasoline loading terminals with an average annual gasoline throughput greater than 7.2 million gallons on a calendar basis and shall comply no later than December 31, 1993 or when the throughput is exceeded.

(b) (~~Loading facilities~~) Facilities loading gasoline into any transport tank shall be equipped with a vapor control system (VCS) as described in (c) of this subsection and comply with the following conditions:

(i) The loading facility shall employ submerged or bottom loading for all transport tanks.

(ii) The VCS shall be connected during the entire loading of all transport tanks.

(iii) The loading of all transport tanks shall be performed such that the transfer is at all times vapor tight. 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 when disconnected. The point of closure shall be on the tank side of any hose or intermediate connecting line.

(c) (~~Vapor control system (VCS)~~) The VCS shall be designed and built according to accepted industrial practices and meet the following conditions:

(i) The VCS shall not allow organic vapors emitted to the ambient air to exceed thirty-five milligrams per liter (35

mg/l) (three hundred twenty-two milligrams per gallon or 322 mg/gal) of gasoline loaded.

(ii) The VCS shall be equipped with a device to monitor the system while the VCS is in operation.

(iii) The back pressure in the VCS collection lines shall not exceed the transport tank's pressure relief settings.

(3) Bulk gasoline plants and transport tanks.

(a) This section shall apply to all bulk gasoline plants with an average annual gasoline throughput greater than 7.2 million gallons on a calendar basis and shall comply no later than December 31, 1993, or when the throughput is exceeded, and gasoline transport tanks.

(b) Deliveries to bulk gasoline plant storage tanks.

(i) The owner or operator of a bulk gasoline plant 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 properly. 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.

(ii) Storage tank requirements. All storage tanks with a nominal capacity greater than five hundred fifty (550) gallons and used for the storage of gasoline shall comply with the following conditions:

(A) Each storage tank shall be equipped with a submerged fill line.

(B) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.

(C) 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 when disconnected.

(D) 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 but in no case greater than ninety percent of the tank's safe working pressure.

(iii) Transport tank requirements. All transport tanks transferring gasoline to storage tanks in a bulk gasoline plant shall comply with the following conditions:

(A) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.

(B) 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 when disconnected.

(C) 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.

(c) Gasoline transfer operations.

(i) No owner or operator of a bulk gasoline plant or transport tank shall allow the transfer of gasoline between a stationary storage tank and a transport tank except when the following conditions exist:

(A) The transport tanks are being submerged filled or bottom loaded.

(B) The loading of all transport tanks, except those exempted under (c)(ii) of this subsection are being performed using a vapor balance system.

(C) The transport tanks are equipped to balance vapors and maintained in a leak tight condition in accordance with subsection (6) of this section.

(D) The vapor return lines are connected between the transport tank and the stationary storage tank and the vapor balance system is operated properly.

(ii) Transport tanks used for gasoline that meet all of the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines if:

(A) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of subsection (4) of this section; and

(B) The transport tank has a total nominal capacity less than four thousand gallons and is constructed so that it would require the installation of four or more separate vapor balance fittings.

(4) Gasoline dispensing facilities (Stage I).

(a) This section shall apply to the delivery of gasoline to gasoline dispensing facilities with an annual gasoline throughput greater than three hundred sixty thousand gallons in Cowlitz, Lewis, Skamania and Wahkiakum Counties. For Clark County, this section applies to gasoline dispensing facilities with greater than 200,000 gallons annual throughput on a calendar year basis. All facilities subject to this section shall comply when the throughput is exceeded.

(b) All gasoline storage tanks of the facilities defined in (a) of this subsection shall be equipped with submerged or bottom fill lines and fittings to vapor balance gasoline vapors with the delivery transport tank.

(c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of (b) of this subsection if installed prior to January 1, 1979.

(d) 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. In addition, no owner or operator of a transport tank shall load gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily.

(e) All gasoline dispensing facilities subject to this section shall be equipped with CARB or SWAPCA certified Stage I vapor recovery fittings or equipment.

(f) Only two point Stage I fittings shall be used with vacuum assist type Stage II systems. Coaxial Stage I fittings may continue to be used for balance type Stage II systems and systems without Stage II gasoline vapor recovery controls.

(g) All Stage I gasoline vapor recovery equipment shall be maintained in proper working order at all times. All Stage I gasoline vapor recovery equipment shall be maintained in accordance with the CARB Executive Order(s) certifying the equipment or system. Whenever a Stage I gasoline vapor recovery system or component is determined to be defective

or not operating properly, the owner or operator shall immediately take the system out of service until repairs are made. Systems shall not be returned to service until the defective system is operating properly.

(h) Any alteration of the equipment, parts, design, or operation of the Stage I gasoline vapor recovery system as certified by CARB is prohibited, and shall not be performed without submittal of a Notice of Construction application and prior approval from SWAPCA.

(i) All new gasoline dispensing facilities shall have a tank tightness test performed at the time of installation to ensure proper connection and absence of leaks refer to WDOE publication 91-43 "Tank Owner/Operator's Guide to Tightness Testing"). Results of the testing shall be submitted to SWAPCA within 14 calendar days of testing.

(j) Pressure/vacuum valves shall be installed as required by the CARB Executive Order that certified the particular Stage I or Stage II vapor recovery system or equipment. Relief set points shall be as provided in the applicable CARB Executive Order and local fire ordinances.

(5) Gasoline dispensing facilities (Stage II).

(a) This section shall apply to the refueling of motor vehicles for the general public from stationary tanks at all gasoline dispensing facilities (~~located in Cowlitz, Lewis, and Wahkiakum Counties with an annual gasoline throughput greater than one million two hundred thousand gallons (1,200,000). For Clark county, this section shall apply to gasoline dispensing facilities with an annual gasoline throughput greater than six hundred thousand gallons (600,000); these facilities shall install Stage II controls by December 31, 1998 or at the time of a facility upgrade (see definition). Skamania County is exempt from Stage II requirements as provided in Substitute House Bill 2376, as passed by the Washington State Legislature in 1996.~~) as follows:

(1) For Clark County, all facilities dispensing 600,000 gallons in a calendar year or greater;

(2) For Cowlitz County, all facilities dispensing 1.2 million gallons in a calendar year or greater;

(3) For Lewis, Skamania and Wahkiakum Counties, Stage II vapor control equipment is not required unless the facility exceeds the throughput and distance requirements below:

Gallons Throughput (millions)	Distance to Property Line (meters)
1.5	20
2.0	25
2.5	28
3.0	32
3.5	35
4.0	38
5.0	43
6.0	49
8.0	58
10.0	66
12.0	75
16.0	90
20.0	103
25.0	118

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(i) When the throughput is not shown in the chart, interpolate to get the distance for that throughput.

(ii) The allowable distance shall be measured from the centroid of the pumps to the nearest point on the property line of the nearest lot on which a permanent residence is located. However, if the permanent residence is located at least twice the allowable distance from the centroid of the pumps, the requirements of (3) of this subsection shall not apply.

(b) Stage II vapor control equipment may be removed from any gasoline dispensing facility located in Lewis, Wahkiakum or Skamania County as in (a) above, or from any facility in Cowlitz County dispensing less than 1.2 million gallons annually, by submittal of a complete Notice of Construction and receipt of an Order of Approval, provided that the requirements of subsection (a) above are met.

(c)(i) Beginning on July 1, 2001, and each year thereafter, the Department of Ecology will publish the canister capture rate for use with this rule.

(ii) When the canister capture rate reaches 15% and there are no major exceptions, waivers, or other adjustments to the EPA onboard canister regulations or program implementation, the Department of Ecology will revise the state rules and incorporate the effect of canisters.

(d) The owner or operator of a new or modified gasoline dispensing facility shall file a Notice of Construction as provided in SWAPCA 400-110, and obtain an Order of Approval prior to commencing construction or modification.

(e) The owner or operator of any gasoline dispensing facility may elect to submit a site-specific analysis of the requirement for a Stage II vapor recovery system under (a) of this subsection and request the Department of Ecology to evaluate it subject to the fees described in (f) of this subsection. The Department of Ecology will review and evaluate a second tier analysis described under WAC 173-460-090 within 45 days of determining that the analysis submitted is complete and no additional information is needed. The requirements for gasoline vapor control shall be determined as a result of that process.

(f) The fee for new source review of a gasoline dispensing facility under this section shall be the same as the fee under SWAPCA 400-110 except, if a site-specific review is elected under (e) of this subsection, the fee shall be as provided under WAC 173-400-116 (3)(c) for a tier two analysis.

((b)g) All gasoline dispensing facilities subject to this section shall be equipped with a CARB or SWAPCA certified Stage II vapor recovery system.

((e)h) The owner or operator of a gasoline dispensing facility subject to this section shall not transfer or allow the transfer of gasoline from stationary tanks into motor vehicle fuel tanks unless a certified Stage II vapor recovery system is used.

((d)i) All Stage II vapor recovery equipment shall be installed in accordance with the system's certification requirements and shall be maintained to be leak free, vapor tight, and in good working order.

((e)j) Whenever a Stage II vapor recovery system component is determined to be defective, the owner or operator shall take the system out of service until it has been repaired, replaced, or adjusted, as necessary.

((f)k) The owner or operator of each gasoline dispensing facility utilizing a Stage II system shall conspicuously post operating instructions for the system in the gasoline dispensing area. The instructions shall clearly describe how to fuel vehicles correctly using the vapor recovery nozzles and include a warning against topping off. Additionally, the instructions shall include a prominent display of SWAPCA's or Department of Ecology's toll free telephone number (800-633-0709 or 800-272-3780) for complaints regarding the operation and condition of the vapor recovery system(~~nozzles~~).

((g)l) Every retailer and wholesale purchaser-consumer (gasoline dispensing facility) handling over 10,000 gallons per month shall equip each pump from which gasoline or methanol is introduced into motor vehicles with a nozzle that dispenses fuel at a flowrate not to exceed 10 gallons per minute as provided in 40 CFR 80.22 Subpart B.

((h)m) All new or upgraded facilities with Stage II gasoline vapor recovery controls shall conduct a performance test upon installation prior to placing in service. For balance type systems, the owner/operator shall conduct and pass a back pressure/blockage test. For vacuum assist systems, the owner/operator shall conduct and pass performance testing every 12 months (~~in accordance with the applicable CARB Executive Order certifying the system~~). Results of all testing shall be submitted to SWAPCA within 14 calendar days of test completion.

((i)n) Pressure/vacuum valves shall be installed as required by the CARB Executive Order that certified the particular Stage I or Stage II vapor recovery system or equipment. Relief set points shall be as provided in the applicable CARB Executive Order and local fire ordinances.

(6) Loading or Unloading Gasoline into Marine Tank Vessels

(a) Applicability. This rule applies to loading events at any location within the Vancouver ozone air quality maintenance area when gasoline is placed into a marine tank vessel cargo tank; or when any liquid is placed into a marine tank vessel cargo tank that had previously held gasoline. The owner or operator of each marine terminal and marine tank vessel is responsible for and must comply with this rule. All facilities shall be in compliance no later than June 1, 2001.

(b) Exemptions. The following activities are exempt from the marine vapor control emission limits of this rule:

(i) Marine vessel bunkering (refueling);

(ii) Lightering when neither vessel is berthed at a marine terminal dock,

(iii) Loading when both of the following conditions are met:

The vessel has been gas freed (regardless of the prior cargo), and

When loading any products other than gasoline.

(c) Vapor Collection System. The owner or operator of a marine terminal subject to this rule must equip each loading berth with a vapor collection system that is designed to collect all displaced VOC vapors during the loading of marine tank vessels. The owner or operator of a marine tank vessel subject to this rule must equip each marine tank vessel with a vapor collection system that is designed to collect all dis-

placed VOC vapors during the loading of marine tank vessels. The collection system must be designed such that all displaced VOC vapors collected during any loading event are vented only to the control device.

(d) Marine Vapor Control Emission Limits. Vapors that are displaced and collected during marine tank vessel loading events must meet one of the following:

(i) Vapors must be reduced from the uncontrolled condition by at least 95 percent by weight, as determined by EPA Method 25 or other methods approved in writing by SWAPCA, or

(ii) Vapor emissions shall not exceed 5.7 grams per cubic meter (2 pounds per 1000 barrels) of liquid loaded.

(e) Operating Practice and Maintenance.

(i) All hatches, pressure relief valves, connections, gauging ports and vents associated with the loading of fuel product into marine tank vessels must be maintained to be leak free and vapor tight.

(ii) The owner or operator of any marine tank vessel must certify to SWAPCA that the vessel is leak free, vapor tight, and in good working order based on an annual inspection using EPA Method 21 or other methods approved in writing by SWAPCA.

(iii) Gaseous leaks must be detected using EPA Method 21 or other methods approved in writing by SWAPCA.

(iv) Loading must cease anytime gas or liquid leaks are detected. Loading may continue only after leaks are repaired or if documentation is provided to SWAPCA that the repair of leaking components is technically infeasible without dry-docking the vessel or cannot otherwise be undertaken safely. Subsequent loading events involving the leaking components are prohibited until the leak is repaired. Any liquid or gaseous leak detected by SWAPCA staff is a violation of this rule.

(f) Monitoring and Record-Keeping.

Marine terminal operators must maintain operating records for at least five years of each loading event at their terminal. Marine tank vessel owners and operators are responsible for maintaining operating records for at least five years for all loading events involving each of their vessels. Records must be made available to SWAPCA upon request. These records must include but are not limited to:

(i) The location of each loading event.

(ii) The date of arrival and departure of the vessel.

(iii) The name, registry and legal owner of each marine tank vessel participating in the loading event.

(iv) The type and amount of fuel product loaded into the marine tank vessel.

(v) The prior cargo carried by the marine tank vessel. If the marine tank vessel has been gas freed, then the prior cargo can be recorded as gas freed.

(vi) The description of any gaseous or liquid leak, date and time of leak detection, leak repair action taken and screening level after completion of the leak repair.

(g) Lightering exempted from controls by subsection 6(b) of this rule must be curtailed from 2:00 AM until 2:00 PM when SWAPCA declares a Clean Air Action (CAA) day. If SWAPCA declares a second CAA day before 2:00 PM of the first curtailment period, then such uncontrolled lightering must be curtailed for an additional 24 hours until 2:00 PM on

the second day. If a third CAA day in a row is declared, then uncontrolled lightering is permissible for a 12 hour period starting at 2 PM on the second CAA day and ending at 2 AM on the third CAA day. Uncontrolled lightering must be curtailed from 2 AM until 2 PM on the third CAA day. If SWAPCA continues to declare CAA days consecutively after the third day, the curtailment and loading pattern used for the third CAA day will apply.

(h) Safety/Emergency Operations. Nothing in this rule is intended to:

(i) Require any act or omission that would be in violation of any regulation or other requirement of the United States Coast Guard; or

(ii) Prevent any act that is necessary to secure the safety of a vessel or the safety of passengers or crew.

AMENDATORY SECTION

SWAPCA 491-050 Failures, Certification, Testing and Recordkeeping

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.165 RCW. Original adoption WSR 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-102 filed 10/21/96, effective 11/21/96]

This section shall apply to all gasoline transport tanks equipped for gasoline vapor collection and all vapor collection systems at gasoline loading terminals, and bulk gasoline plants as described in subsections (2) and (3) of SWAPCA 491-040.

(1) Failures.

During the months of May, June, July, August, and September any failure of a vapor collection system at a bulk gasoline plant or gasoline loading terminal to comply with this section requires the immediate discontinuation of gasoline transfer operations for the failed part of the system. Other transfer points that can continue to operate in compliance may be used. The loading or unloading of the transport tank connected to the failed part of the vapor collection system may be completed during the other months of the year. Upon completion of loading or unloading of a transport tank connected at the time of the failure, gasoline transfer operations shall be discontinued for the failed part of the system.

(2) Certification.

(a) The owner or operator of a gasoline loading terminal or bulk gasoline plant shall only allow the transfer of gasoline between the facility and a transport tank or a marine vessel if 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 or marine vessel. Certification is required annually as provided in SWAPCA 490-202 and SWAPCA 491-040 (6)(e).

(b) The owner or operator of a transport tank shall not make any connection to the tank or marine vessel for the purpose of loading or unloading gasoline, except in the case of an emergency, unless the gasoline transport tank or marine vessel has successfully completed the annual certification testing requirements in (3) of this subsection, and such certification is confirmed either by:

PROPOSED

(i) Having on file with each gasoline loading or unloading facility at which gasoline is transferred a current leak test certification for the transport tank; or

(ii) For transport tanks (tanker trucks), displaying 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 (3) of this subsection;

(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.

(iii) For marine vessels, displaying a sticker/certification with the other Coast Guard required certifications (e.g. in the vessel ecology box, ship's bridge or tankerman's shack) which:

(A) Shows the date that the marine vessel last passed the test required in (3) of this subsection;

(B) Shows the identification number of the marine vessel; and

(C) Expires not more than one year from the date of the leak tight test.

(c) The owner or operator 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 and marine vessels equipped for emission control such that:

(A) The tank pressure will not exceed a pressure of eighteen inches of water or a vacuum of six 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 one inch from potential leak sources; and

(C) There are no visible liquid leaks except for a liquid leak of less than four drops per minute at the product loading connection during delivery.

(D) Upon disconnecting transfer fittings, liquid leaks do not exceed ten milliliters (0.34 fluid ounces) per disconnect averaged over three disconnects.

(ii) Repair and retest a vapor collection system that exceeds the limits of (2)(c)(i) of this subsection within fifteen days.

(d) SWAPCA may, at any time, monitor a gasoline transport tank, marine vessel and vapor collection system during loading or unloading operations by the procedure in (3) of this subsection to confirm continuing compliance with this section.

(3) Testing and monitoring.

(a) The owner or operator of a gasoline transport tank, marine vessel or vapor collection system shall, at his own expense, demonstrate compliance with (1) and (2) of this subsection, respectively. All tests shall be made by, or under the direction of, a person qualified to perform the tests and approved by WDOE or SWAPCA.

(b) Testing to determine compliance with this section shall use procedures approved by SWAPCA. See testing requirements in SWAPCA 490 for transport tanks and section 491-040 (6)(e) for marine vessels.

(c) Monitoring to confirm continuing leak tight conditions shall use procedures approved by SWAPCA.

(4) Recordkeeping.

(a) The owner or operator of a gasoline transport tank, marine vessel 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 this section shall, as a minimum, contain:

(i) The transport tank or marine vessel identification number;

(ii) The transport tank or marine vessel capacity;

(iii) The transport tank initial test pressure and the time of the reading;

(iv) The transport tank final test pressure and the time of the reading;

(v) The transport tank initial test vacuum and the time of the reading;

(vi) The transport tank final test vacuum and the time of the reading;

(vii) At the top of each report page the company name, date, and location of the tests on that page; and

(viii) Name and title of the person conducting the test.

(c) The owner or operator of a gasoline transport tank shall annually certify that the transport tank or marine vessel passed the required tests.

(d) Copies of all records required under this section shall immediately be made available to SWAPCA (~~the department~~), upon written request, at any reasonable time.

(5) Preventing evaporation. All persons shall take reasonable measures to prevent the spilling, discarding in sewers, storing in open containers, or handling of gasoline in a manner that will result in evaporation to the ambient air.

SWAPCA 491-060 Severability

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption WSR 96-21-102 filed 10/21/96, effective 11/21/96]

The provisions of this regulation are severable and if any provision is held invalid, the application of such provision to the other circumstances and the remainder of this regulation shall not be affected.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Southwest Air Pollution Control Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

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 00-06-037

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed February 28, 2000, 10:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-02-026.

Title of Rule: Accident-reporting threshold.

Purpose: To update the accident-reporting threshold from \$500 to \$700, as economic times have changed.

Statutory Authority for Adoption: RCW 46.52.030.

Summary: RCW 46.52.030 requires the agency to adopt rules to update the accident-reporting threshold. The threshold has not changed in ten years. Using Office of Financial Management growth factors the estimated threshold in 1999 was \$699. Starting January 1, 2000, the agency intends to raise the threshold to \$700.

Reasons Supporting Proposal: Economic growth.

Name of Agency Personnel Responsible for Drafting: Mr. Gene McDaniel, P.O. Box 42600, Olympia, WA 98504, (360) 753-0658; Implementation and Enforcement: Commander Jim LaMunyon, P.O. Box 42600, Olympia, WA 98504, (360) 586-2340.

Name of Proponent: State Patrol, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The accident-reporting threshold rule establishes the dollar amount at which motor vehicle property damage accidents must be reported to the state. The amount was established from OFM growth factors and set at \$700. The increase from \$500 will allow police officers more time for more serious crime investigation.

Proposal Changes the Following Existing Rules: Current RCW sets the threshold at \$500. Per the RCW an agency rule is being implemented to update the threshold to \$700.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The reporting threshold does not impact small business. Motor vehicle damage repair is not tied to the accident-reporting threshold.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Commercial Vehicle Division Conference Room, Ground Floor, General Administration Building, 210 11th S.W., Olympia, WA 98504, on April 4, 2000, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Gene McDaniel by March 31, 2000, (360) 753-0658.

Submit Written Comments to: Mr. Gene McDaniel, P.O. Box 42600, Olympia, WA 98504, fax (360) 753-0770, by March 31, 2000.

Date of Intended Adoption: April 4, 2000.

February 28, 2000

Annette M. Sandberg

Chief

Chapter 446-85 WAC

ACCIDENT-REPORTING THRESHOLD

NEW SECTION

WAC 446-85-005 Promulgation. By authority of RCW 46.52.030(5), the chief of the Washington state patrol hereby establishes the following rule for the accident-reporting threshold based on the inflationary index as recommended by the office of financial management.

NEW SECTION

WAC 446-85-010 Accident-reporting threshold. Beginning January 1, 2000, the accident-reporting threshold for property damage accidents shall be seven hundred dollars.

WSR 00-06-042

PROPOSED RULES

**DEPARTMENT OF
FISH AND WILDLIFE**

[Filed February 28, 2000, 3:59 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-02-084.

Title of Rule: Recreational licenses.

Purpose: Amends the fee charged for the two consecutive day combination fishing license.

Other Identifying Information: Adopts as a permanent rule emergency rule WAC 220-55-17000A.

Statutory Authority for Adoption: RCW 77.32.470(5).

Statute Being Implemented: RCW 77.32.470(5).

Summary: Amends the permanent rule charging a fee of \$9 for a two consecutive day combination fishing license to a fee of \$6.

Reasons Supporting Proposal: Provides a simplified short term combination license at the same price as the previous separate licenses.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: James Lux, 1111 Washington Street, Olympia, 902-2444; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Provides for the minimum necessary transaction fee to create a more accurate licensing system and a more rapid return to the state for revenue collected.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Through SB 5020, the 1999 legislature provided authority to the Fish and Wildlife Commission to create and sell combination licenses at or below a fee equal to the total cost of the individual licenses contained within the combination. In order to further simplify the licensing structure and to reduce confusion to the public, the agency proposed to combine the two day resident/nonresident fishing license (\$6) with the two day resident/nonresident shellfish/seaweed license into one two day combination resident/nonresident license. The public in the future would only need to purchase one short-term license to fish in Washington. The proposed rule set the fee for the two day combination resident/nonresident license at \$6. The current rule provides for a fee of \$9 in 2000 and \$9 for residents in 2001 and \$12 for nonresidents in 2001.

PROPOSED

PROPOSED

Proposal Changes the Following Existing Rules: Reduces the amount of the short-term recreational license fee.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This fee reduction affects recreational fishers, not license dealers. There is no change in the dealer fee.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Yakima Convention Center, 10 North 8th Street, Yakima, WA, on April 7-8, 2000, at 12:00 noon.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 31, 2000, TDD (360) 902-2295, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98504-1091, fax (360) 902-2944, by April 6, 2000.

Date of Intended Adoption: April 7, 2000.

February 28, 2000

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 99-223 [99-233], filed 12/30/99, effective 4/1/00)

WAC 220-55-170 Reduced rate combination temporary fishing and shellfish license. There is hereby created a combination temporary fishing and shellfish license that is valid for two consecutive days and allows the holder to fish for and possess fish and shellfish taken from state and offshore waters. The fee for this license is ~~((nine))~~ six dollars for both residents and nonresidents ~~((until April 1, 2001, when the fee for this license would be nine dollars for residents and twelve dollars for nonresidents))~~. This license is not valid for game fish species for an eight-consecutive-day period beginning on the opening day of the lowland lake fishing season.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

**WSR 00-06-043
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed February 28, 2000, 4:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-02-084.

Title of Rule: Point of sale customer transaction fee (changes to rules relating to the collection of a transaction fee from the sale of hunting and fishing licenses).

Purpose: Temporarily reduces the amount charged as a transaction fee from 10% to 9.5% to correspond with the transaction fee costs needed to reimburse the contractor for providing automated license vending services to the Department of Fish and Wildlife.

Statutory Authority for Adoption: RCW 77.32.050.

Statute Being Implemented: RCW 77.32.050.

Summary: Reduces the transaction fee charged to purchasers of hunting and fishing licenses to the minimum necessary to pay for the automated license vending system.

Reasons Supporting Proposal: Provides better public service, meets recommendations from the Office of the State Auditor, improves revenue collection, and improves data necessary for fish and wildlife management.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: James Lux, 1111 Washington Street, Olympia, 902-2444; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Provides for the minimum necessary transaction fee to create a more accurate licensing system and a more rapid return to the state for revenue collected.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The department is implementing a new automated licensing system that will be simpler and more convenient to our customers. Through SB 5020, the 1999 legislature provided authority to the Fish and Wildlife Commission to set a transaction fee to be used to pay a contractor to provide automated licensing privileges. The department has declared a successful bidder for the automated licensing system, and a transaction fee of 9.5% is needed to proceed with development and implementation of the system. The commission previously had set the transaction fee at 10% of the value of the license being purchased through WAC 220-50-180. The new system will reduce the time needed for a license transaction, reduce the time and paperwork burden on license dealers, improve the timeliness of revenue collection, and improve the accuracy of licensing information. It will also provide for sales using the Internet and interactive voice response which will provide additional opportunities to the public.

Proposal Changes the Following Existing Rules: Reduces the amount charged license customers as a transaction fee from 10% to 9.5%.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The reduction of the transaction fee will not affect small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulic rules.

Hearing Location: Yakima Convention Center, 10 North 8th Street, Yakima, WA, on April 7-8, 2000, at 12:00 noon.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 31, 2000, TDD (360) 902-2295, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98504-1091, fax (360) 902-2944, by April 6, 2000.

Date of Intended Adoption: April 7, 2000.
February 28, 2000
Evan Jacoby
Rules Coordinator

WSR 00-06-047
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed February 28, 2000, 9:21 a.m.]

AMENDATORY SECTION (Amending Order 99-234, filed 12/30/99, effective 1/30/00)

WAC 220-55-180 Point-of-sale transaction fee. The point-of-sale transaction fee shall be used to operate an automated recreational licensing system. This fee shall be applied to all automated licensing system purchases of recreational hunting and fishing licenses and, if authorized by the commission pursuant to RCW 77.32.450(2), automated licensing system fees paid for second animals ((if authorized by the commission pursuant to RCW 77.32.450(2))). The transaction fee shall be ten percent of the value of the license transaction, excluding any applicable dealer fees except that for the period July 1, 2000, through June 30, 2006, the transaction fee shall be nine and one-half percent of the value of the license transaction, excluding any applicable dealer fee.

WSR 00-06-045
WITHDRAWAL OF PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
(By the Code Reviser's Office)
[Filed February 29, 2000, 9:19 a.m.]

WAC 392-172-107, 392-172-109 and 392-172-161, proposed by the Superintendent of Public Instruction in WSR 99-17-101 appearing in issue 99-17 of the State Register, which was distributed on September 1, 1999, is withdrawn by the code reviser's office 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 00-06-046
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(By the Code Reviser's Office)
[Filed February 29, 2000, 9:20 a.m.]

WAC 388-550-4500, proposed by the Department of Social and Health Services in WSR 99-17-110 appearing in issue 99-17 of the State Register, which was distributed on September 1, 1999, is withdrawn by the code reviser's office 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

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-30-331 Reduction in force—Transition pool program.

Purpose: This rule pertains to Reduction in force—Transition pool program.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow the Reduction in force—Transition pool program, to become a permanent program in the Department of Personnel.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: In 1993, the board adopted a reduction in force transition pool (RTP) resolution to provide a transition process to minimize the effect of staff reductions on state employees while meeting state agencies' need to fill vacant positions. Frequently since 1993, the resolution has been extended. In consulting with state agencies, employee organization representatives, and other interested parties, it is apparent that there is a permanent need for the RTP.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal governmental operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on May 11, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by May 4, 2000, TDD (360) 753-4107, or (360) 664-6280.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by May 9, 2000.

Date of Intended Adoption: May 11, 2000.

February 28, 2000
Dennis Karras
Secretary

PROPOSED

AMENDATORY SECTION (Amending WSR 93-16-022, filed 7/23/93, effective 8/23/93)

WAC 356-30-331 Reduction in force—Transition pool program. ~~((The director of personnel or designee may waive the appropriate rules to implement the reduction in force transition pool resolution adopted by the board on July 8, 1993.))~~ The department of personnel is responsible for administering the reduction in force transition pool program. The director shall develop and implement appropriate operating procedures to facilitate this program.

(1) To administer the program, the director or designee may waive provisions of Title 356 WAC that:

(a) Require employees seeking transfer and voluntary demotion in lieu of reduction in force to meet approved minimum qualifications;

(b) Authorize only the director to waive minimum qualifications;

(c) Allow qualifying examinations for transfers or voluntary demotions; and

(d) Limit the conversion of temporary employees to probationary status.

(2) The program applies to:

(a) All permanent employees separated by reduction in force or notified by the agency personnel representative that they are at risk of reduction in force; and

(b) Return to work employees in those agencies that are participating in the return to work pilot program.

(3) Agencies, including those agencies with local list authority, shall adhere to the operating procedures established by the director.

(4) Employees participating in the reduction in force transition pool program shall have no right of appeal within this program.

WSR 00-06-048

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed February 28, 2000, 9:22 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 251-19-085 Appointment—Police corps program.

Purpose: This new rule pertains to appointments in the police corps program.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

Summary: This new rule is for initiation of the police corps program in higher education and explains how appointments are made in the program.

Summary of Police Corps Program and Proposed Rule

The police corps program was initiated by the federal Violent Crime Control and Law Enforcement Act of 1994 and amended in 1999. It is designed to address violent crime by helping law enforcement agencies increase the number of

officers with advanced education and training assigned to community patrol. The police corps is a nationwide college scholarship and reimbursement program for students who agree to work in a state or local law enforcement agency for at least four years after graduation*. They receive up to \$30,000 (\$7500 each year) at the end of each of the four years to reimburse them for college expenses. The employing agency is reimbursed \$10,000 at the end of each of the four years. After graduation people in the program must be assigned, to the extent feasible, in community and preventative patrol. People in the program who wish to pursue a graduate study must first complete their post-graduation service commitment.

The legislation requires that agencies may not participate if their current work force (at the time of assignment of a program participant) has declined in size more than 5% since June 21, 1989. In addition, no graduate will be assigned to an agency that has members who have been laid off but not rehired. No department shall receive the yearly \$10,000 reimbursement for any year in which the average size of the department has declined by more than 2% since January 1, 1993, or in which it has laid off officers.

Police corps participants are selected on a competitive basis. They go through the institution's selection process and attend the police academy. They become classified employees after they graduate from the academy and pass their probationary period.

*In Washington, the program is operated by the Criminal Justice Training Commission. They will operate the program in Washington on a reimbursement-only basis, and not grant scholarships. However, the federal legislation provides parameters for granting scholarships if the agency operating the program chooses to incorporate that aspect.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Interinstitutional Personnel Officers Committee, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The police corps program was initiated by the federal Violent Crime Control and Law Enforcement Act of 1994 and amended in 1999. It is designed to address violent crime by helping law enforcement agencies increase the number of officers with advanced education and training assigned to community patrol. The police corps program is a nationwide college scholarship and reimbursement program for students who agree to work in a state or local law enforcement agency for at least four years after graduation.

Police corps participants are selected on a competitive basis. They go through the institution's selection process and attend the police academy. They become classified employees after they graduate from the academy and pass their probationary period.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

PROPOSED

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on May 11, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by May 4, 2000, TDD (360) 753-4107, or (360) 664-6280.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by May 9, 2000.

Date of Intended Adoption: May 11, 2000.

February 28, 2000

Dennis Karras

Secretary

NEW SECTION

WAC 251-19-085 Appointment—Police corps program. Appointment may be made of an applicant, upon meeting the minimum qualifications and passing the examination and completing the required training, to implement the terms and conditions of the federal Police Corps Act. This appointment will become permanent upon successful completion of the probationary or trial service period. Eligibles who are appointed and have gone through the Police Corps program shall be in the classified service of an institution. Eligibles who are appointed shall have the rights and benefits provided by these rules to other classified employees.

WSR 00-06-049

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed February 28, 2000, 9:23 a.m.]

Continuance of WSR 00-04-054.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 359-40-010 Reasons for layoff, 359-40-020 Seniority, 359-40-050 Layoff procedure, 359-40-060 Alternate review period, 359-14-010 Maintenance of eligible lists, 359-14-020 Name removal, 359-14-030 Referrals, 359-14-050 Noncompetitive eligible list, 359-14-070 Combined eligible lists, 359-14-080 Specialized qualifications, 359-14-100 Eligible list designations, and 359-14-130 Internal procedure for transfer, lateral moves, and voluntary demotion.

Purpose: These rules pertain to layoff, seniority, layoff procedure, alternate review period, maintenance of eligible lists, name removal, referrals, noncompetitive eligible list, combined eligible lists, specialized qualifications, eligible list designations, and internal procedure for transfer, lateral moves, and voluntary demotions.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

Summary: These new rules are a result of the taskforce on layoff merger rules.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These new rules pertain to layoff, seniority, layoff procedure, alternate review period, maintenance of eligible lists, name removal, referrals, noncompetitive eligible list, combined eligible lists, specialized qualifications, eligible list designations, and internal procedure for transfer, lateral moves, and voluntary demotions. The above new rule proposals are a result of the taskforce on layoff merger rules.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on April 20, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by April 13, 2000, TDD (360) 753-4107, or (360) 664-6280.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by April 18, 2000.

Date of Intended Adoption: April 20, 2000.

February 28, 2000

Dennis Karras

Secretary

WSR 00-06-050

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed February 28, 2000, 9:24 a.m.]

Continuance of WSR 00-04-052.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 251-08-115 Salary—Layoff, reversion, demotion, 251-09-080 Standby pay, 251-23-040 Affirmative action plans—Content, 356-14-045 Salaries—Comparable worth, 356-26-040 Registers—Name removal for cause—Ground enumerated—Requirements, and 356-30-075 Appointments—Veterans—Noncompetitive.

Purpose: These rules pertain to standby pay, affirmative action plans, salaries - comparable worth, registers, and appointments - veterans.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

Summary: These modifications are housekeeping in nature.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These rule modifications are housekeeping in nature and are proposed to bring higher education rules into compliance with Initiative 200.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on April 20, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by April 13, 2000, TDD (360) 753-4107, or (360) 664-6280.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by April 18, 2000.

Date of Intended Adoption: April 20, 2000.

February 28, 2000

Dennis Karras

Secretary

**WSR 00-06-051
PROPOSED RULES
PERSONNEL RESOURCES BOARD**

[Filed February 28, 2000, 9:24 a.m.]

Continuance of WSR 00-04-053.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 251-01-345 Rating factor or performance element, 251-20-020 Employee performance evaluation—Forms, and 251-20-030 Method of evaluation.

Purpose: These rules pertain to rating factor or performance element, employee performance evaluation forms, and method of evaluation.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

Summary: These modifications are proposed to allow institutions of higher education to use new performance evaluation forms for evaluations of classified staff.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These modifications pertain to performance evaluations and will allow institutions of higher education to use the new performance evaluation forms for evaluations of classified staff.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on April 20, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by April 13, 2000, TDD (360) 753-4107, or (360) 664-6280.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by April 18, 2000.

Date of Intended Adoption: April 20, 2000.

February 28, 2000

Dennis Karras

Secretary

**WSR 00-06-056
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed February 29, 2000, 12:06 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-39 [00-01-174] on December 21, 1999.

Purpose: Chapter 296-155 WAC, Safety standards for construction work, the proposed rules will bring current requirements in national consensus codes, industry practices and other recognized standards into WAC. The proposed rules do not establish additional compliance requirements beyond those contained in national consensus codes or other recognized standards. The incorporation of revised procedures and safeguards will reduce the potential for future injury or fatality. The proposed rules will make it easier for employers and workers to find, understand, and comply with requirements relating to personnel platforms and the hoisting of personnel platforms attached to the boom of cranes.

The new WAC section is state initiated.

PROPOSED

New section WAC 296-155-526 Crane attached personnel platforms.

- Requires that attached personnel platforms meet the design, inspection, construction, testing, maintenance and operation requirements prescribed by The American Society of Mechanical Engineers (ASME) national standard for Personnel Lifting Systems (B30.23-1998).
- The rule provides specific information on the:
 - Scope, application and definition of terms,
 - General and specific crane requirements,
 - Instruments and components of cranes,
 - Design and specification criteria for personnel platforms,
 - Criteria for the loading of personnel platforms,
 - Prelift and trial lift meetings, inspections and proof testing,
 - Work practices, and
 - Communication.

Statutory Authority for Adoption: RCW 49.17.010, [49.17.]040, and [49.17.]050.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

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: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because the proposed amendments are an adoption and/or incorporation of requirements found in a national consensus code per RCW 34.05-328 (5)(b)(iii).

RCW 34.05.328 does not apply to this rule adoption. The proposed rule is exempt per RCW 34.05.328 (5)(b)(iii) because it adopts by reference, without material change, a national consensus code.

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way S.W., Tumwater, WA, on April 5, 2000, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Christine Swanson by March 31, 2000, at (360) 902-5484.

Submit Written Comments to: Tracy Spencer, Standards Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620. Written comments must be forwarded to be received by 5:00 p.m. on April 13, 2000. The department will accept comments submitted to fax (360) 902-5529. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: July 12, 2000.

February 29, 2000

Gary Moore

Director

NEW SECTION

WAC 296-155-526 Crane attached personnel platforms. (1) Scope, application, and definitions.

(a) **Scope and application.** This standard applies to the design, construction, testing, use and maintenance of personnel platforms, and the hoisting of personnel platforms attached to the boom of cranes. Crane attached personnel platforms must meet the applicable requirements for design, inspection, construction, testing, maintenance, and operation as prescribed in the ASME B30.23-1998 safety code for Personnel Lifting Systems.

(b) **Definitions.** For the purposes of this section, the following definitions apply:

"Failure" means load refusal, breakage, or separation of components.

"Lift" (or lifting) refers to all crane functions such as hoisting, lowering, swinging, booming in and out or up and down, or moving an attached personnel platform.

"Load refusal" means the point where the ultimate strength is exceeded.

"Runway" means a firm, level surface, designed, prepared, and designated as a path of travel for the weight and configuration of the crane being used to lift and travel with the attached crane platform. An existing surface may be used as long as it meets these criteria.

(2) **General requirements.** The use of a crane to hoist employees on a personnel platform is prohibited, except when the erection, use, and dismantling of conventional means of reaching the worksite, such as a personnel hoist, ladder, stairway, aerial lift, elevating work platform or scaffold, would be more hazardous, or is not possible because of structural design or worksite conditions.

(3) **Cranes requirements.**

(a) All lifting operations must be performed in accordance with the manufacturer's requirements.

(b) Hoist lines must be removed and stowed or an anti two-block device installed.

(c) Lifting of the personnel platform must be performed in a slow, controlled manner with no sudden movements of the crane or the platform.

(d) Load and boom hoist drum brakes, swing brakes, and locking devices, such as pawls or dogs, must be engaged when the personnel platform is occupied in a stationary working position.

(e) The crane must be uniformly level within one percent of level grade and located on firm footing. Cranes equipped with outriggers must follow manufacturer's requirements for use.

(f) The total weight of the loaded personnel platform must not exceed fifty percent of the rated capacity for the radius and configuration of the crane as required by load chart specifications.

PROPOSED

(g) The use of machines having live booms (booms in which lowering is controlled by a brake without aid from other devices which slow the lowering speeds) is prohibited.

(4) Instruments and components.

(a) Cranes with variable angle booms must be equipped with a boom angle indicator, readily visible to the operator.

(b) Cranes with telescoping booms must be equipped with a device that at all times clearly indicates the boom's extended length to the operator. An accurate determination of the load radius, to be used during the lift, must be made before hoisting personnel.

(5) Personnel platforms - design criteria.

(a) A qualified engineer must design the personnel platform and attachment system.

(b) The attachment system must be designed to minimize tipping of the platform to no more than ten degrees from horizontal.

(c) The platform design must incorporate a motion control device that stabilizes the platform while being held in a working position.

(d) The personnel platform, excluding the guardrail system and body harness anchorages, must be capable of supporting, without failure, its own weight and at least five times the maximum intended load—based on a minimum allowance of five hundred pounds for the first person with light tools, and an additional two hundred fifty pounds for each additional person.

(e) Criteria for guardrail systems contained in chapter 296-155 WAC, Part K and body harness anchorages are contained in chapter 296-155 WAC, Part C will be followed.

(f) A plate or other permanent marking which indicates the weight of the platform and its rated load capacity or maximum intended load, must be conspicuously posted on the personnel platform.

(6) Platform specifications.

(a) Each personnel platform must be equipped with a guardrail system which meets the requirements of chapter 296-155 WAC, Part K. The personnel platform must also be enclosed at least from the toeboard to mid-rail with either solid construction or expanded metal having openings no greater than one-half inch (1.27 cm).

(b) A grab rail must be installed inside the entire perimeter of the personnel platform.

(c) Access gates, if installed, must not swing outward during hoisting.

(d) Access gates, including sliding or folding gates, must be equipped with a restraining device to prevent accidental opening.

(e) Employees must have sufficient headroom to stand upright on the platform.

(f) All rough edges exposed to contact by employees must be surfaced or smoothed in order to prevent injury to employees from punctures or lacerations.

(g) A qualified welder familiar with the weld grades and types must perform all welding of the personnel platform and its components, with material specified in the platform design.

(7) Personnel platform loading.

(a) The personnel platform must not be loaded in excess of its rated load capacity.

(b) The number of employees on the personnel platform must not exceed the number required for the work to be performed.

(c) Personnel platforms must be used only for employees, tools, and materials necessary to do the work. Personnel platforms will not be used to hoist materials or tools without an employee on the platform (except to perform a trial lift or proof test as described in subsection (8) of this section).

(d) Materials and tools must be secured to prevent displacement.

(e) Materials and tools must be evenly distributed, within the confines of the platform, while work is being performed.

(f) Employees must keep their feet in contact with the floor of the platform at all times.

(8) Prelift meeting.

(a) A meeting attended by the crane operator, signal person(s) (if necessary for the lift), employee(s) to be lifted, and the person responsible for the task to be performed must be held to review the appropriate requirements of this section and the procedures to be followed.

(b) This meeting must be held before the trial lift at each new work location, and must be repeated for any employees newly assigned to the operation.

(9) Trial lift, inspection, and proof testing.

(a) A trial lift with an unoccupied personnel platform loaded at least to the anticipated lift weight must be made from ground level, or any other location where employees will enter the platform, to each location at which the personnel platform is to be hoisted and positioned. This trial lift must be performed immediately prior to allowing employees on the platform. The operator must determine that:

- All systems, controls, and safety devices are activated and functioning properly;
- No interferences exist; and
- All configurations necessary to reach work locations will allow the operator to remain under the fifty percent limit of the crane's rated capacity.

• Materials and tools to be used during the actual lift must be loaded in the platform, as provided in subsection (7) of this section, for the trial lift.

Note: A single trial lift may be performed for all locations that are to be reached from a single set-up position.

(b) The trial lift must be repeated:

• Prior to hoisting employees whenever the crane is moved and set up in a new location, or returned to a previously used location.

• A meeting attended by the crane operator, signal person(s) (if necessary for the lift), employee(s) to be lifted, and the person responsible for the task to be performed must be held to review the appropriate requirements of this section and the procedures to be followed.

(c) After the trial lift:

• But prior to hoisting personnel, the platform must be hoisted a few inches and inspected to ensure that it is secure and properly balanced.

• A visual inspection of the crane, personnel platform, and the crane base support or ground must be conducted by a

competent person to determine whether the testing has exposed any defect or produced any adverse effect upon any component or structure.

(d) Deficiencies found during inspection, or operation, which creates a safety hazard, must be corrected before hoisting personnel.

(e) The platform must be proof tested:

- At each job site;
- Prior to hoisting employees on the personnel platform; and
- After any repair or modification.

(i) For the proof test, one hundred twenty-five percent of the platform's rated capacity will be hoisted and held in a suspended position for five minutes. The proof test load must be evenly distributed on the platform.

(ii) After each proof test a competent person must inspect the platform and rigging.

(iii) Deficiencies found during proof testing must be corrected, and another proof test conducted. Employees must not be hoisted until a deficiency free proof test has been achieved.

Note: Proof testing may be done concurrently with the required trial lift.

(10) Work practices.

(a) Employees must keep all parts of the body inside the platform during raising, lowering, and positioning, except when performing the duties of a signal person.

(b) Before entering or exiting a personnel platform that is not landed, the platform must be secured to the structure where the work is to be performed, unless securing to the structure creates an unsafe situation.

(c) The crane operator must remain at the controls at all times when the platform is occupied.

(d) Employee lifting must be promptly discontinued upon indication of any dangerous weather conditions.

(e) Employees being lifted must remain in continuous sight of and in direct communication with the operator or signal person. Any disruption in communications will cause operations to be immediately discontinued. Signals to the operator will be in accordance with section 5-3.3, ASME B30.5 1994 and this section.

(f) In situations where direct visual contact with the operator is not possible, or the use of a signal person may be hazardous for that person, direct communication alone, such as by radio, may be used. If a secure radio frequency is not available, hard-wired voice communication will be used. When using voice commands, there will be a continuous pause between commands of one-second duration per ten feet to the desired lift height or any contact point.

(g) The following voice commands are recommended for use:

- Boom up.
- Boom down.
- Swing left.
- Swing Right.
- Extend out.
- Retract in.
- Stop.

Note: If special voice commands are required to perform the lift safely, they must be mutually agreed upon between the designated signal person and the crane operator before the lift procedure starts.

(h) Employees on a personnel platform must use a full body harness system with lanyard appropriately attached to a structural member within the personnel platform capable of supporting a fall impact for employees using the anchorage as specified in chapter 296-155 WAC, Part C.

(i) Lifts must not be made on the crane's load lines while personnel are working from an attached platform.

(11) Traveling.

(a) Lifting of employees while the crane is traveling is prohibited, except for portal, tower and locomotive cranes, or where the employer demonstrates that there is no less hazardous way to perform the work.

(b) Under any circumstances where a crane would travel while lifting personnel, the employer must implement the following procedures to safeguard employees:

(i) Crane travel must be restricted to a fixed track or runway;

(ii) Travel must be limited to the load radius of the boom used during the lift; and

(iii) The boom must be parallel to the direction of travel.

(c) A complete trial run must be performed before employees are allowed to occupy the platform.

Note: This trial run can be performed concurrent with the trial lift required by subsection (8) of this section.

(d) If travel is done with a rubber tired-carrier, the condition and air pressure of the tires must be checked. The chart capacity for lifts on rubber must be used for application of the fifty percent reduction of rated capacity. Notwithstanding the requirements of subsection (3) of this section, outriggers may be partially retracted as necessary for travel.

(12) **Communication.** When using verbal signals, clarity and precision are essential for safe operation. Operators must be able to communicate with others at the worksite sufficiently to understand the signs, notices, operation instructions, and the signal code to be used.

WSR 00-06-063

PROPOSED RULES

EVERETT COMMUNITY COLLEGE

[Filed March 1, 2000, 8:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-02-082.

Title of Rule: Everett Community College student rights and responsibilities.

Purpose: Codification of existing college policies related to student rights and responsibilities to (1) ensure their consistency and compliance with current state statutes and the Administrative Procedure Act and (2) to modify existing codes for practicality, effectiveness, and appropriateness.

Statutory Authority for Adoption: RCW 28B.50.140.

Summary: Chapter 132E-120 WAC: WAC 132E-120-110, 132E-120-120, 132E-120-130, 132E-120-140, 132E-120-150, 132E-120-200, 132E-120-210, 132E-120-240, 132E-120-250, 132E-120-260, 132E-120-270, 132E-120-280, 132E-120-290, 132E-120-300, 132E-120-310, 132E-120-320, 132E-120-330, 132E-120-340, 132E-120-350, 132E-120-360, 132E-120-370, 132E-120-380, 132E-120-390, 132E-120-400, and 132E-120-410 are proposed to further clarify student rights and responsibilities. WAC 132E-124-020, 132E-120-020, 132E-120-030, 132E-120-040 and 132E-121-010, amended for appropriateness with current policies and procedures.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rich Haldi, 2000 Tower Street, Everett, WA, (425) 388-9589.

Name of Proponent: Everett Community College, Office of the Vice-President for Student Services, public.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Student rights and responsibilities at the college have been in existence since the early 1970s. All of the policies and procedures associated with them were adopted by the board of trustees. Some of them were codified as WACs. One of the purposes of these proposed rule changes was to codify as WAC the entire document of student rights and responsibilities. Another purpose was to review the entire document to enhance it where possible and needed. The final product will be a more effective and practical document for the college community.

Proposal Changes the Following Existing Rules: The proposal modified the WACs and other policies and procedures in the student rights and responsibilities when needed to ensure compliance with current state statutes. Other modifications are proposed to ensure a more effective, up-to-date, and practical document.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal does not impose additional costs to businesses.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Everett Community College, Olympus Board Room, 2000 Tower Street, Everett, WA 98201, on April 10, 2000, at 1:00 - 4:00 p.m.

Assistance for Persons with Disabilities: Contact Juli Boyington by April 7, 2000, TDD (425) 388-9438, or (425) 388-9572.

Submit Written Comments to: Juli Boyington, Everett Community College, 2000 Tower Street, Everett, WA 98201, fax (425) 388-9531, by April 10, 2000.

Date of Intended Adoption: May 10, 2000.

February 18, 2000

Juli Boyington
Assistant to the President

AMENDATORY SECTION (Amending Order 72-1, filed 2/1/73, effective 3/9/73)

WAC 132E-120-020 Everett Community College—General policies concerning student conduct. (1) Everett

Community College distinguishes its responsibility for student conduct from the control functions of the wider community. When a student has been apprehended for the violation of a local, state or federal law (~~(of the community, the state, or the nation)~~), the college will not request or agree to special consideration for the student because of his/her status as a student. The college will cooperate fully, however, with the law enforcement agencies (~~(and with other agencies in any program for the rehabilitation of the student. Ordinarily, the college will not impose further sanctions after law enforcement agencies or the courts have disposed of a case)~~).

(2) Everett Community College may apply sanctions or take other appropriate action only when student conduct directly and significantly interferes with the college's:

(a) Primary educational responsibility of ensuring the opportunity of all members of the college's community to attain their educational objectives, (~~(or)~~)

(b) Subsidiary responsibilities of protecting the health and safety of persons in the college community, maintaining and protecting property, keeping records and other services, and sponsoring nonclassroom activities such as lectures, cultural events, concerts, athletic and other recreational activity events, (~~(and)~~) social functions, and other special activities/events, or

(c) When a student commits any of the offenses listed in WAC 132E-120-220.

(3) Procedural fairness is basic to the proper enforcement of all college rules. In particular, no disciplinary sanction as serious as expulsion, suspension, summary suspension or disciplinary probation, written warning, or restitution shall be imposed unless the student has been notified in writing of the charges against him/her and has had (~~(an)~~) the opportunity:

(a) To appear alone or with (~~(any other person)~~) an advocate to advise and assist him/her as he/she appears before an appropriate college official and/or the student conduct committee. The advocate's function is to provide support to the student but may not address the college official or the student conduct committee (~~(court, or official)~~),

(b) To know the nature and source of the evidence against him/her and to present evidence in (~~(his own)~~) his/her behalf, and

(c) To have his/her case reviewed by the (~~(faculty-student disciplinary)~~) student conduct committee.

(4) Students shall have an opportunity to participate fully in the formulation of all policies and rules pertaining to student conduct.

(5) Rules and sanctions affecting the conduct of (~~(men and women)~~) students shall be based on (~~(general)~~) principles of equal treatment, including like penalties for like violations.

(6) The general policies, violations and sanctions shall be printed and made available to students of the college.

AMENDATORY SECTION (Amending Order 76-11-1, filed 12/17/76)

WAC 132E-120-030 (~~(Everett Community College)~~) **Student conduct code—Violations.** (1) As members of Everett Community College, students are expected to abide by all college rules and regulations. Students shall be subject to disciplinary action as provided for by this code who, either

as a principal actor, aider, or accomplice interferes with the personal rights or privileges of others or the educational process of the college; violates the provisions as set forth in this chapter; or commits any of the offenses as defined in this section.

(2) No sanction or other disciplinary action shall be imposed on a student by or in the name of the college except in accordance with this ~~((code))~~ chapter.

~~((2) Expulsion or suspension from the Everett Community College or any lesser sanction may result from the commission of any of these offenses:))~~ (3) Disciplinary actions and/or sanctions may be imposed on a student for the commission of any of the following offenses:

(a) Academic cheating or plagiarism.

(b) Furnishing false information to the college with the intent to deceive including the filing of a formal complaint that falsely accuses another student of violating the student conduct code or a college employee with violating college rules/procedures.

(c) Forgery, alteration, or misuse of college documents, records or identification cards.

(d) Physical abuse, assault, reckless endangerment, intimidation, or interference of another person in the college community on college owned or controlled property or at functions sponsored or supervised by the college or its student organizations/clubs.

(e) Vandalism of college property, theft or conversion of another's property ~~((occurring under the conditions of WAC 132E-120-020(2)))~~ on college owned or controlled property or at functions sponsored or supervised by the college or its student organizations or clubs.

(f) Lewd or indecent conduct occurring ~~((under the conditions of WAC 132E-120-020(2)))~~ on college owned or controlled property or at functions sponsored or supervised by the college or its student organizations or clubs.

(g) Furnishing alcoholic beverages without authorization and proper licenses or illegal drugs on property owned or controlled by the college or at functions sponsored or supervised by the college or its student organizations/clubs.

(h) ~~((Two or more (or the repetition of) offenses listed in paragraph (3) below:))~~

~~((3) Disciplinary probation or any lesser sanction may result from the commission of any of the following offenses:))~~

~~((a))~~ Possession or consumption of alcoholic beverages except at authorized and properly licensed functions while on property owned or controlled by the college or at functions sponsored or supervised by the college or its student organizations/clubs.

~~((b))~~ (i) Illegal possession, or consumption ~~((of drugs or narcotics)),~~ selling, distributing, or being demonstrably under the influence of any narcotic or controlled substance (identified as prohibited by federal law) on property owned or controlled by the college or at functions sponsored or supervised by the college or its student organizations/clubs. For the purpose of this rule, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now or hereafter amended.

~~((c))~~ (j) Disorderly, abusive or bothersome conduct, including ~~((disorderly))~~ conduct resulting from drunkenness or drug influence ~~((occurring under the conditions of WAC~~

~~132E-120-020(2)))~~ on college owned or controlled property or at functions sponsored or supervised by the college or its student organizations or clubs. Disorderly or abusive behavior also includes interfering with the right of others or obstructing or disrupting teaching, research, or administrative functions.

~~((d))~~ (k) Gambling on property owned or controlled by the college or at functions sponsored or supervised by the college or its student organizations/clubs.

~~((e))~~ (l) Violation of any ~~((college rule approved))~~ condition imposed by the vice-president for student services or his/her designee or recommended by the student conduct committee for ~~((the))~~ an infraction of which sanctions may be imposed under this code.

(m) Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

(n) Entering any administrative or other employee office that is normally not accessible to the public or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(o) Smoking in or on any college facility except those areas which have been identified as designated smoking areas.

(p) Failure to comply with the following rules governing firearms and weapons on campus:

(i) Carrying, exhibiting, displaying, or drawing any weapon, such as a slung shot, sand club, metal knuckles, dagger, sword, or swing blade knife, or any knife of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by force of gravity, or by outward, downward, or centrifugal thrust or movement, or any other cutting or stabbing instrument or club or any other weapon apparently capable of inflicting bodily harm and/or property damage is prohibited.

(ii) Explosives, incendiary devices, or any weapon facsimile are prohibited in or on college facilities.

(iii) Carrying firearms on college facilities is prohibited except and unless the firearm is registered with campus safety and security for a designated period of time that the firearm is carried on campus.

(iv) The regulations in (p)(i) through (iii) of this subsection shall not apply to equipment or material owned, used or maintained by the college. Nor will they apply to law enforcement officers.

AMENDATORY SECTION (Amending Order 72-1, filed 2/1/73, effective 3/9/73)

WAC 132E-120-040 Everett Community College—Student conduct code—Sanctions for violations. ~~((+))~~ Sanctions which may be imposed for the commission of college offenses shall include the following.

~~((a))~~ (1) Expulsion from ~~((Everett Community))~~ the college; Termination of student status for an indefinite period of time. Conditions of restitution and readmission, if any, shall be stated in the order of expulsion.

PROPOSED

~~((b))~~ (2) Suspension from ~~(Everett Community)~~ the college: Suspension from student status for a definite ~~(or indefinite)~~ period of time.

~~((c))~~ (3) Summary suspension: Exclusion from classes or other privileges, services or activities.

(4) Disciplinary probation with or without loss of designated privileges for a definite period of time. The violation of the terms of disciplinary probation or the infraction of any college rule during the period of disciplinary probation may be grounds for suspension or expulsion from the college. The parents of any student under 18 years of age who is placed on disciplinary probation, suspended, or expelled shall be so notified.

~~((d) Admonition and warning.~~

~~(2) The sanctions of expulsion or suspension shall not be imposed except upon proper determination by the disciplinary committee.)~~ (5) Restitution: Reimbursement for damage to or misappropriation of property. The restitution may be in the form of appropriate service or compensation.

(6) Warning: Notice in writing that continuation or repetition of conduct deemed wrongful, within a period of time stated in the warning, may be cause for more severe disciplinary action.

(7) Admonition: An oral admonition shall not be considered a formal disciplinary action, and shall not be subject to appeal to the student conduct code.

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
WAC 132E-120-010	WAC 132E-120-180
WAC 132E-120-020	WAC 132E-120-190
WAC 132E-120-030	WAC 132E-120-220
WAC 132E-120-040	WAC 132E-120-230

AMENDATORY SECTION (Amending WSR 97-24-056, filed 12/1/97, effective 1/1/98)

WAC 132E-121-010 Disclosure of student information. (1) Unless the student has provided the office of enrollment services with written notice which specifically requests otherwise, designated officials* of the college will routinely respond to requests for the following directory information about a student:

~~((Directory information is defined as:))~~

- (a) Student's name((-));
- (b) Major field of study((-);
- (c) Extracurricular activities((-);
- (d) Height and weight of athletic team members((-);
- (e) Dates of attendance((-);
- (f) Degrees and awards received((-);

~~((Other))~~ (g) The most recent previous educational agency or institutions attended.

(2) No other information is to be given without the prior ~~((written))~~ consent of the student or parent/guardian as appropriate. The ~~((dean of students))~~ vice-president for stu-

dent services will be responsible for reviewing unusual requests for information and assisting in the interpretation of the provisions of the Federal Family Education Rights and Privacy Act/Buckley Amendment. See Family Educational Rights and Privacy Act of 1974 in the Student Handbook for more information on confidentiality of student information and records.

* Designated officials of the college are those employees designated by the president to serve in this capacity.

NEW SECTION

The following section of the Washington Administrative Code is recodified as follows:

Old WAC Number	New WAC Number
WAC 132E-121-010	WAC 132E-120-160

AMENDATORY SECTION (Amending Order 72-1, filed 2/1/73, effective 3/9/73)

WAC 132E-124-020 Everett Community College distribution of literature procedures. In order to insure an atmosphere in which the discussion of diverse points of view and ideas may exist, the following policy with regard to the distribution of printed matter will be implemented.

(1) Printed matter may be distributed in an orderly and nonforceful manner ~~((anywhere in the student center building, and the area directly in front thereof,))~~ in only such areas as may be designated by the vice-president for student services or his/her designee except that:

(a) Noninstructional printed matter shall not be distributed in the classroom((-);

(b) Printed matter shall not be distributed in Olympus Hall, the library, (other than in specifically ~~((provided for))~~ designated areas) or in any area where the distribution of printed matter would restrict the physical passage of students or interfere with the instructional program((-);

(c) Printed matter shall not be placed on any vehicle parked on the campus((-);

(d) Posters and advertising bulletins must be approved by the office of student activities before they may be posted on campus. In general, material concerning off-campus activities will not be approved unless it is determined to be special service to EYCC students((-);

~~((2))~~ (e) In addition, ~~((three central))~~ designated points of distribution will be made available on campus(=

~~((a) A table in the library.~~

~~((b) The kiosks in the student lounge.~~

~~((c) A table in the TUB foyer—eastside entrance to the cafeteria)).~~

~~((3))~~ (2) As to content of printed matter, the college will be guided by both adherence to the First Amendment of the Federal Constitution and existing laws regarding libel, slander and obscenity.

~~((4))~~ (3) A system of prior censorship is to be avoided if at all possible. Therefore, maximum cooperation of students, faculty and administration will be necessary. Matters of interpretation regarding these procedures and questions as

PROPOSED

to content of any displayed material will be handled by the ~~((dean of students))~~ vice-president for student services.

~~((5))~~ (4) Printed matter originating with an off-campus individual(s) or organization must be registered with the ~~((dean))~~ director of student(s) activities before distribution will be permitted.

NEW SECTION

The following section of the Washington Administrative Code is recodified as follows:

Old WAC Number	New WAC Number
WAC 132E-124-020	WAC 132E-120-170

Chapter 132E-120 WAC

STUDENT ~~((CONDUCT CODES))~~ RIGHTS AND RESPONSIBILITIES

NEW SECTION

WAC 132E-120-110 Everett Community College student rights and responsibilities. Everett Community College exists as an institution for the transmission of knowledge, the pursuit of truth, and the development of its students. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of this educational community. The college has a responsibility to the students and society at large to develop policies and procedures which provide for and safeguard such freedom. This is a statement of essential rights, responsibilities, and freedoms of students enrolled at Everett Community College.

NEW SECTION

WAC 132E-120-120 Academic affairs. Students' scholastic performance shall be evaluated on the basis of educational performance, not on opinions or conduct in matters unrelated to scholastic standards.

(1) Protection of freedom of expression.

Students shall be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course for which they are enrolled.

(2) Right to pursue educational goals.

Students are free to pursue appropriate educational goals from among the college's curricula, programs, and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(3) Protection against improper academic evaluation.

Students shall have protection, through orderly procedures, against prejudice or capricious academic evaluation. At the same time, they are responsible for maintaining the standards of academic performance established for each course in which they are enrolled (see academic grievance procedure in the student handbook, WAC 132E-120-360).

(4) Protection against improper disclosure.

Information about student views, beliefs, and political associations acquired by faculty members in the course of their work as instructors, advisers, and counselors will be considered as privileged and confidential.

(5) Right to attend classes as regularly scheduled.

Students have the right to expect classes to be held as regularly scheduled and are expected to attend such classes as scheduled.

NEW SECTION

WAC 132E-120-130 Students as research subjects.

(1) Permission may be granted for conduct of research involving students for such purposes as the pursuit of advanced degrees, independent student research, and research for off-campus individuals and agencies. Participation therein is the choice of the individual student. Persons planning research utilizing students as subject- must secure permission in advance of the project from the vice-president for student services. Minimally such approval will entail:

(a) Assurance that the project does not conflict with examinations or require a major loss of classroom time;

(b) Assurance that students know they have the alternative of choosing to participate or not;

(c) Explanation of the purpose of the research and disclosure of any possible negative consequence of any procedure to which students might be exposed in the research;

(d) Provision for students to have the opportunity to see the results of the research;

(e) Evidence that the research method is appropriate for the subject to be studied;

(f) Guarantee of confidentiality of student records and responses.

(2) Prior to the initiation of such a project, the researcher shall submit a report of the research covering the points listed above to the vice-president for student services. Written permission may be given with or without college endorsement of the project. In such instances where the vice-president for student services deems appropriate, assistance may be sought from others with related knowledge before permission to proceed is granted or denied.

NEW SECTION

WAC 132E-120-140 Right to due process. (1) Students are guaranteed against unreasonable searches and seizures of their persons, lodgings, papers, and possessions.

(2) No disciplinary action/sanction may be imposed on any student without the student being apprised of the nature of the charges.

(3) A student accused of violating the college's student conduct code shall be entitled to procedural due process as established in this chapter, WAC 132E-120-200 through 132E-120-350.

NEW SECTION

WAC 132E-120-150 Student affairs. (1) Freedom of association - Students are free to organize and join associations to promote their common interests, provided such orga-

PROPOSED

nizations or associations do not disrupt or interfere with the mission of the college.

(a) The membership, policies, and actions of a student organization will be determined by vote of only those persons who hold bona fide membership in the student body as determined by current enrollment in the college.

(b) Affiliation with an extramural organization shall not of itself disqualify a student organization from institutional recognition.

(c) An organization is free to nominate its own adviser from the campus faculty. Campus advisers shall advise organizations in the exercise of the rights and responsibilities as an organization, but they will not have authority to control the policies of such organizations.

(d) Student organizations shall be required to submit a constitution to the office of student activities which includes a statement of purpose, criteria for membership, rules or procedures, and a current list of officers to the student government recognized by the college.

(e) Campus organizations, including those affiliated with an extramural organization, shall be open to all students.

(2) Right of assembly.

(a) Students have the right to conduct or may participate in any assembly on facilities that are generally available to the public provided that such assemblies:

(i) Are conducted in an orderly manner;

(ii) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or regular functions of the college;

(iii) Do not unreasonably interfere with pedestrian or vehicular travel; or

(iv) Do not cause destruction or damage to college property.

(b) Any student group or student organization/club which wishes to schedule an assembly must reserve the college facilities per the appropriate procedures (see commercial and promotional activities in the student handbook).

(c) Assemblies which violate these rules and other college policies and rules may be ordered to disperse by the college.

(d) A nonstudent who violates any provision of the rule will be referred to civilian authorities.

(3) Student participation in institutional government - As constituents of the educational community, students shall be free, individually and collectively, to express their views on issues of institutional policy and matters of general interest to the student body. The student body shall have a clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of student government will be made explicit. The actions of the student government within the areas of jurisdiction shall be reviewed by the director of student activities and by the vice-president for student services through orderly procedures.

(4) Right of ownership of works - Employees of the college shall not use students' published and unpublished works for personal gain without written consent of the student.

(5) Right to be interviewed.

(a) Every student has the right to be interviewed on campus by any organization that is legal desiring to recruit at the college.

(b) Any student, student group, or student organization/club may assemble in protest against any such organization provided that such protest does not interfere with any other student's rights to have such an interview, and provided that such protest is in accordance with subsection (2) of this section.

NEW SECTION

WAC 132E-120-200 Authority to request identification. In situations of suspected misconduct or suspected unauthorized presence in a college facility, it may be necessary for properly identified college personnel to ask a person to produce evidence of being a currently enrolled student at the college. Failure to comply with a legitimate request for identification from a properly identified college personnel is a violation of this chapter and may result in disciplinary action if the person is found to be a student. In emergency situations or in cases of serious misconduct where there is a substantial danger to the college community or college property, failure to produce identification by a student may result in the assumption by college personnel that the person questioned is not a student and may result in direct civil or criminal action.

NEW SECTION

WAC 132E-120-210 Everett Community College student conduct—Authority and responsibility. (1) The board of trustees acting in accordance with RCW 28B.050.140(14) does by written order delegate to the president of the college authority to administer disciplinary action.

(2) The vice-president for student services is directed by the president to represent the college with regard to student affairs including discipline. He/she is responsible for assembling facts regarding incidents referred to his/her office, making provisions for suitable hearings, convening the designated student conduct committee when requested, notifying students and others concerned, determining and imposing appropriate disciplinary action, keeping confidential files and reports regarding incidents following each disciplinary case until it is closed, and destroying out-of-date files related to student disciplinary cases as may be permitted under state law.

(3) The instructor is responsible for the management of student conduct in the classroom. Instructors may remove a student from class on a daily basis if the student is being disruptive to the learning environment and fails to abide by the instructor's behavioral expectations.

The student has the right to appeal any disciplinary action taken against him/her in accordance with the procedures set forth in this chapter.

NEW SECTION

WAC 132E-120-240 Student conduct—Initial disciplinary procedures. Allegations of misconduct shall be filed

in the vice-president for student services office in writing. Upon investigation, the vice-president for student services shall initiate action as described below.

(1) Students alleged to have committed an act of misconduct shall be notified to meet with the vice-president for student services or his/her designee for possible disciplinary action. The notice must be given at least one school day prior to the scheduled appointment. The notice will be delivered to the student on-campus and/or by first class mail to the student's last known address. The notice shall identify the provision or provisions of the student conduct code that he/she is alleged to have violated, and the range of penalties, if any, which might result from the disciplinary proceedings.

(2) After a careful review of the circumstances surrounding the alleged misconduct and after interviewing the accused student, if he/she appears at the initial meeting, the vice-president for student services or his/her designee may take one of the following actions:

(a) Take no further action and terminate the proceeding, exonerating the student or students;

(b) Provide whatever counseling and/or advice may be appropriate;

(c) Impose verbal admonition to the student directly which is not subject to the student's right of appeal as provided in this chapter; or

(d) Impose appropriate disciplinary action, subject to the student's right of appeal as described in this chapter. The student shall be notified in writing of such an action.

(3) The student may be placed on summary suspension pending the commencement of disciplinary action, pursuant to the conditions set forth in WAC 132E-120-250.

NEW SECTION

WAC 132E-120-250 Summary suspension—Purpose and proceedings. (1) As defined in WAC 132E-120-040, summary suspension is exclusion from classes or other privileges, services and activities. A student shall be summarily suspended if the vice-president for student services or his/her designee has cause to believe that the student:

(a) Has violated any provision of this chapter; and/or

(b) Presents an imminent danger either to himself or herself, other persons on the campus, or to the educational process.

(2) Summary suspension is appropriate only where subsection (1)(b) of this section can be shown, either alone or in conjunction with subsection (1)(a) of this section. The vice-president for student services or his/her designee shall enter an order as provided by law if the student is to be suspended. Written notice shall be served by certified and regular mail at the student's last known address, or shall be personally served on the student.

(3) The procedures for a summary suspension hearing shall be considered an emergency adjudicative proceeding and shall be conducted as soon as possible. The vice-president for student services and/or his/her designee shall preside over the meeting. The vice-president for student services or his/her designee shall, at the summary suspension proceeding, determine whether there is probable cause to believe that

continued suspension is necessary and/or whether other disciplinary action is appropriate.

(4) The vice-president for student services or his/her designee may continue to enforce the suspension of the student from the college and/or may impose other disciplinary action if, after the summary suspension hearing, the vice-president for student services or his/her designee finds that the student against whom the specific violations are alleged has in fact committed one or more of said violations and:

(a) Summary suspension is necessary for the safety of the student, other campus community members, or to restore order to the campus; and

(b) The violation(s) by the student are grounds for disciplinary action per WAC 132E-120-020 and 132E-120-040.

NEW SECTION

WAC 132E-120-260 Notice of summary suspension.

(1) If, after the summary suspension hearing a student's summary suspension is upheld or if the student is disciplined in another way, the vice-president for student services or his/her designee will provide to the student written findings of fact and conclusions which lead the vice-president for student services or his/her designee to conclude that the summary suspension of the student should be affirmed.

(2) The student shall be served a copy, if applicable, of the findings and conclusions by certified and regular mail to the student's last known address or by personal services within three working days following the summary suspension hearing. The notice shall state the terms for which the student is suspended and any conditions imposed on the student's return.

NEW SECTION

WAC 132E-120-270 Summary suspension for failure to appear. The vice-president for student services or his/her designee has the authority to enforce the suspension of a student if the student fails to appear at the time designated for the summary suspension hearing.

NEW SECTION

WAC 132E-120-280 Appeals from summary suspension hearing. (1) A student has the right to appeal a summary suspension to the student conduct committee and may do so if:

(a) The student has been officially notified in writing of the outcome of the summary suspension hearing;

(b) Summary suspension or other disciplinary action has been upheld; and

(c) The student's appeal conforms to the procedures prescribed in this chapter.

(2) The student conduct committee shall conduct a formal hearing as expeditiously as possible and appropriate.

NEW SECTION

WAC 132E-120-290 Student conduct committee. (1) The college's student conduct committee will hear and make

recommendations on all disciplinary cases referred to it by the vice-president for student services or his/her designee or appealed to it by students who have been disciplined by the vice-president for student services or his/her designee.

(2) The student conduct committee will be comprised of the following members:

(a) A chair designated by the president of the college for a period of one year. The chair will be a nonvoting member, except in the case of a tie vote by committee members, and will normally be a faculty member. It shall be his/her responsibility to ensure that all procedures prescribed in this chapter are followed. The chair will also take appropriate action to ensure that the hearing is conducted in a safe and orderly manner, advise the committee members of the precedents and guidelines concerning the case, and inform the student in writing of the action taken/recommended by the committee following the hearing.

(b) Three faculty members appointed by the president. Three alternates shall also be appointed by the president in the event an appointee(s) is unable to complete his/her term or unable to serve on a particular case.

(c) Three full-time (at least ten credits) student representatives shall be recommended by the associated students' executive council to the president of the college. Three alternates will also be appointed to serve in the event that a member(s) is unable to complete his/her term or is unable to serve on a particular case.

(d) A quorum shall consist of at least two of the above named faculty, and two of the above named students and the chair.

(e) Committee members will be appointed to serve for one year but are eligible to serve as many as three consecutive terms.

NEW SECTION

WAC 132E-120-300 Appeals of disciplinary action—General. (1) Disciplinary action imposed by the vice-president for student services or his/her designee may be appealed to the student conduct committee.

(2) An appeal by a student of disciplinary action must meet the following conditions:

(a) The appeal must be in writing and must clearly state the student's position and errors in fact, if any, and compelling reasons which support the appeal; and

(b) The appeal must be filed in the president's office within twenty-one working days from the date that the student was served notice that disciplinary action had been taken or recommended against him/her.

(3) All recommendation(s) from the student conduct committee shall include the signature of the chair. Copies of the committee's recommendation(s) shall be sent to the student, vice-president for student services or his/her designee, and president.

(4) Recommendations made by the student conduct committee may be appealed by the student to the president of the college. The president shall review the report of the proceedings which give rise to the appeal and the disciplinary action taken by the vice-president for student services or his/her

designee and the recommendation(s) of the student conduct committee. The president's decision shall be final.

NEW SECTION

WAC 132E-120-310 Student conduct committee hearing procedures. (1) The student conduct committee shall conduct a hearing within fourteen working days after disciplinary action has been referred to it. Proceedings shall be governed by chapter 34.05 RCW.

(2) Proceedings before the student conduct committee shall be conducted in a manner that will bring about a prompt and fair resolution.

(3) The student has a right to a fair and impartial hearing before the student conduct committee on any allegation of violating the student conduct code and shall be provided notice of the hearing at least seven days in advance. If the student fails to attend the hearing held by the student conduct committee, the committee may proceed with the findings of fact, conclusions and recommendations.

(4) The student may appear with an advocate to advise and assist him/her as he/she appears before the student conduct committee. The advocate's function is to provide support to the student but may not address the student conduct committee.

(5) The student may have a duly licensed attorney, admitted to practice in the state of Washington, present at the hearing to advise the student in the presentation of his/her appeal. The attorney may not address the student conduct committee unless he/she is called as a material witness in the case. If the student chooses to have an attorney present to advise him/her, the student shall notify the chair at least five days prior to the hearing.

(6) The vice-president for student services or designated representative(s) shall make the first presentation. Each witness may be cross-examined by the student; and after cross-examination is completed, any committee member who wishes may ask questions of the witness but only after both direct examination and cross-examination of the witness have been completed. Upon completion of the presentation by the student, both sides shall then be permitted to make any closing arguments after which the committee may ask questions.

(7) The hearing will then be closed and the committee will retire to executive session for deliberation. When a recommendation has been reached, the committee will reconvene and announce its recommendation within one school day. The proceeding will then be adjourned.

(8) The record in a formal hearing shall consist of all documents as required by law and as specified in RCW 34.05.476.

(9) All records of disciplinary proceedings shall be maintained in the appropriate administrative office and shall be available only during the course of the disciplinary proceedings to the student conduct committee, the student, and his/her attorney, and any other college official designated by the president.

(10) Following the conclusion of the disciplinary proceedings, access to records of the case and the hearing files will be limited to the student and to those designated by the college president.

(11) The time of the hearing may be advanced by the student conduct committee at the request of the student or continued for good cause.

(12) If at any time during the hearing a visitor disrupts the proceedings, the chair of the student conduct committee may exclude that person from the hearing room.

(13) A recorder shall be present at the hearing to record the proceedings.

NEW SECTION

WAC 132E-120-320 Evidence admissible in hearings. (1) The student shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its sources. The student shall have all authority as may be conferred by law to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues of the hearing.

(2) Only those matters presented at the hearing will be considered in determining whether the student is guilty of the misconduct charged. The student's past history of college conduct, if relevant to the case at hand as determined by the chair of the student conduct committee, may be taken into account in formulating the committee's recommendation for disciplinary action.

(3) The chair of the student conduct committee shall give effect to the rules of privilege recognized by law and rule on the competency, relevancy, and materiality of testimony, and any other evidence. Technical rules of evidence shall not apply.

(4) Extenuating or mitigating evidence on behalf of the student will not be permitted until all substantive evidence or testimony is presented.

NEW SECTION

WAC 132E-120-330 Decision by student conduct committee. (1) At the conclusion of the hearing, the student conduct committee shall, within seven working days, make findings of facts, conclusions, and recommend disciplinary action/sanctions as appropriate, if any. In deciding upon its recommendation, the committee shall consider the following:

(a) Does the alleged act or acts constitute misconduct?

(b) Did the student involved commit the acts with which he/she was charged?

(c) Were there any extenuating or mitigating circumstances?

(2) The committee's recommendation(s) shall be written and the student will be provided a copy of the committee's findings of fact and conclusions. The copy shall be dated and signed by the committee chair and contain a statement advising the student of his/her right to appeal the committee's recommendation(s) to the president of the college.

NEW SECTION

WAC 132E-120-340 Final appeal. Any student who disagrees with the findings, conclusions and recommendation(s) of an appeal to the student conduct committee may appeal the same in writing to the president of the college

within twenty-one working days of being served notice of the recommendation(s) made by the committee. The president may, at his/her discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions and any disciplinary action imposed. In consideration of such an appeal, the president shall base his/her findings and decision only on the official written record of the case.

NEW SECTION

WAC 132E-120-350 Readmission after dismissal.

Any student expelled from the college may submit a written petition to the vice-president for student services requesting readmission. Such petition must include how any conditions imposed by the vice-president for student services or student conduct committee have been met. Decisions by the vice-president for student services regarding a petition for readmission shall be reviewed by the president.

NEW SECTION

WAC 132E-120-360 Academic grievance procedure.

(1) Definition of an academic grievance - If a student has evidence that he/she has been: Unfairly treated in matters related to grading, course policies or expectation; falsely accused of cheating; or inappropriately penalized for alleged cheating, he/she may be said to have an academic grievance. Students who feel that such unfair treatment has transpired should feel free to raise the question of how such a grievance may be resolved with the office of the vice-president of educational services or his/her designee which will provide information (without judgment) regarding the procedure for filing an academic grievance.

(2) Informal procedure resolution - Informal complaints should be made to the appropriate division dean or other supervising administrator. Upon receipt of a student complaint by the division dean, the following steps may be taken:

(a) The student will be encouraged to discuss the alleged problem with the involved instructor; or if the complaint involves a program, the student will be encouraged to speak to the director/dean of the involved program.

(b) If the student is not satisfied as a result of such discussion, he/she should then meet with the director/dean or supervising administrator to resolve the complaint.

(c) If the complaint is not resolved at this level, the student, the instructor and the director/dean should meet with the vice-president of educational services or his/her designee to attempt resolution.

(d) If the complaint is not resolved at this level the student may institute formal grievance procedures.

(3) Formal grievance procedure - To assure an atmosphere free from unfair treatment in academic matters, the following procedures are established to respond to an unresolved academic complaint registered by a student. It is understood, however, that this procedure will be employed only after efforts have been made by the student to resolve the issue through the previously described informal procedure. A student who feels an academic grievance has not been resolved through the informal resolution process may file a formal grievance with the vice-president of educational

services prior to the tenth (10th) day of the quarter following the alleged grievance. Within ten working days of the receipt of the signed written grievance, the vice-president of educational services or his/her designee will appoint a grievance committee for the purpose of reviewing the complaint and recommending a resolution.

(4) The grievance committee will be composed of seven voting members including:

(a) An administrator who will serve as the chair.

(b) Four faculty members, including one from the division of the involved faculty member.

(c) Two students to be selected as provided for in the associated students constitution and by-laws. All matters shall be discussed in closed meetings and shall be treated with strict confidence by committee members.

(5) Formal resolution.

(a) Parties affected by the grievance will provide the grievance committee with all requested information in order to bring about full understanding and a speedy resolution to the grievance.

(b) In order to ensure due process, the aggrieved student shall have:

(i) The right to respond to the grievance, submitting appropriate evidence to support such response;

(ii) The opportunity to call as a witness any member of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.

(c) The instructor against whom the grievance is filed shall have:

(i) The right to respond to the grievance, submitting appropriate evidence to support such response;

(ii) The opportunity to call as a witness any members of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.

(d) Once the aggrieved student and the faculty member have had sufficient opportunity to present their points of view, the grievance committee will deliberate and reach a decision by a simple majority vote. The committee will provide the vice-president of educational services or his/her designee its written recommendation within ten working days of its organizational meeting. The vice-president or his/her designee will notify the parties in the grievance of his/her decision, and the resolution within forty-eight hours of having received the committee recommendation.

(e) If the grievance committee establishes that an aggrieved student has been treated unfairly, the committee will recommend corrective steps to the vice-president of educational services or his/her designee.

(f) Either party shall have the right to present a written appeal of the decision of the vice-president of educational services or his/her designee to the president of the college. Within one week of having received the appeal, the president shall review the case and render a decision which will be transmitted to both parties.

NEW SECTION

WAC 132E-120-370 Student affairs grievance procedure. (1) Definition of a student affairs grievance - If a student has evidence that he/she has been: Unfairly treated in matters related to student services/student auxiliary services, policies, procedures, or expectations, he/she may be said to have a student affairs grievance. Students who feel that such unfair treatment has transpired should feel free to raise the question of how such a grievance may be resolved with the associated student executive council which will provide information (without judgment) regarding the procedure for filing a grievance.

(2) Informal procedure for resolution - Informal complaints should be made to the appropriate administrator. Upon receipt of a student complaint by the administrator, the following steps will be taken:

(a) The student will be encouraged to discuss the alleged problem with the party concerned; or if the complaint involves a program, the student will be encouraged to speak to the appropriate supervisor.

(b) If the student is not satisfied as a result of such discussion, he/she should then meet with the immediate administrator to resolve the complaint.

(c) If the complaint is not resolved at this level, the student, the respondent and the administrator should meet with the vice-president for student services to attempt resolution.

(d) If the complaint is not resolved at this level, the student may institute formal grievance procedures.

(3) Formal grievance procedure - To assure an atmosphere free from unfair treatment, the following procedures are established to respond to an unresolved complaint registered by a student. It is understood, however, that this procedure will be employed only after efforts have been made by the student to resolve the issue through the previously described informal procedure. A student who feels a grievance has not been resolved through the informal resolution process may file a formal grievance with the vice-president for student services prior to the tenth (10th) instructional day of the quarter following the alleged grievance. Within ten working days of the receipt of the signed written grievance, the vice-president for student services will appoint a grievance committee for the purpose of reviewing the complaint and recommending a resolution.

(4) The grievance committee will be composed of seven voting members including:

(a) An administrator, other than the vice-president for student services;

(b) One faculty and one from classified staff;

(c) Four students to be selected randomly and not active members of student activities, or the involved program. All matters shall be discussed in closed meetings and shall be treated with strict confidence by committee members.

(5) Formal resolution.

(a) Parties affected by the grievance will provide the grievance committee with all requested information in order to bring about full understanding and a speedy resolution to the grievance.

(b) In order to ensure due process, the aggrieved student shall have:

(i) The right to respond to the grievance, submitting appropriate evidence to support such response.

(ii) The opportunity to call as a witness any member of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.

(c) The party against whom the grievance is filed shall have:

(i) The right to respond to the grievance, submitting appropriate evidence to support such response;

(ii) The opportunity to call as a witness any member of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.

(d) Once the aggrieved student and the respondent have had sufficient opportunity to present their points of view, the grievance committee will deliberate and reach a decision by a simple majority vote. The committee will provide the vice-president for student services its written recommendation within ten working days of its organizational meeting.

(e) The vice-president for student services will notify the parties in the grievance of the resolution within two school days of having received the committee recommendation. If the grievance committee establishes that aggrieved student has been treated unfairly, the committee will recommend corrective steps to the vice-president for student services.

(f) Either party shall have the right to present a written appeal of the decision to the president of the college. Within one week of having received the appeal, the president shall review the case and render a decision which will be transmitted to both parties.

NEW SECTION

WAC 132E-120-380 Discrimination/sexual harassment. (1) The following laws and documents relate to prohibition of discrimination on the basis of race, religion, color, age, sex, or national origin and are applicable to the affirmative action program at Everett Community College.

(a) Title IV, Civil Rights Act of 1964 (prohibits discrimination on the basis of race and national origin in federally assisted programs).

(b) Title IX of Educational amendments of 1972 (prohibits sex discrimination on the basis of race and national origin in federally assisted programs).

(c) Federal Age Discrimination Act of 1975 (prohibits discrimination based on age in federally assisted programs).

(d) Office of Federal Contract Compliance Sex Discrimination guidelines CRF-20.

(e) Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 and state of Washington Laws of 1994, chapter 105.

(2) Everett Community College must provide a learning environment free from unlawful discrimination and sexual harassment of its students and those who apply for student status. All students should be aware that the college is concerned and will take action to eliminate such actions and that those who so act are subject to disciplinary action.

(3) Informal procedure.

(a) The complainant(s) should initially discuss any grievance with the respondent(s), if feasible.

(b) If not resolved, the complainant(s) may elect to contact the vice-president for student services or affirmative action officer for assistance. The vice-president for student services or affirmative action officer will:

(i) Inform the respondent of the complaint.

(ii) Conduct a preliminary investigation of the grievance.

(iii) Inform the complainant(s) and respondent(s) of the findings of the preliminary investigation.

(iv) Act as mediator in attempting to resolve the grievance at the informal level.

(v) If not resolved, advise the complainant(s) of the formal procedure.

(4) Formal procedure - If so requested in writing by the complainant(s), the vice-president for student services will forward the written complaint, as signed by the student, along with the vice-president's findings from the preliminary investigation, to the affirmative action officer for formal action as described in the college affirmative action program.

NEW SECTION

WAC 132E-120-390 Anti-hazing policy. (1) Hazing is prohibited on Everett Community College (EvCC) property and at all EvCC functions, including club and organization activities, whether on EvCC property or not.

(2) Hazing is defined as any method of initiation into a student organization, club or association, or any pastime or amusement engaged in with respect to such an organization, club or association that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person. Excluded from this definition are customary athletic events or other similar contests or competitions.

(3) Any allegations of hazing shall be submitted to the vice-president for student services and action shall be taken as appropriate per Article IV (Disciplinary Procedures) of the Statement of Student Rights and Responsibilities with the following additional disciplinary provisions:

(a) Any EvCC student organization, club or association that knowingly permits hazing shall be denied recognition by EvCC as an official organization, club or association. Any group so disbarred may apply to be reinstated as an official organization, club or association after waiting a period of one quarter and providing a written statement of their intent to follow hazing policies as set forth herein. Repeat offenses by student organizations/clubs will be submitted to the vice-president for student services for possible further action under the guidelines for disciplinary procedures.

(b) A person who participates in the hazing of another shall forfeit any entitlement to state funded grants, scholarships or awards for one full quarter for a first-time offense, and for a period to be determined via the processes for disciplinary procedures for repeat violations. Additional sanctions which may include expulsion from the college may be recommended by the vice-president for student services per the guidelines for disciplinary procedures.

(c) Hazing violations are misdemeanors punishable under state criminal law (RCW 28B.10.901 and 9A.20.021).

NEW SECTION

WAC 132E-120-400 Drug-free campus policy. Everett Community College's board of trustees have adopted a policy for the maintenance of a drug-free campus. The provisions of this policy as it relates to students are as follows:

(1) Students who report to class or work must do so unimpaired due to the use of alcohol or other drugs.

(2) Unlawful use, possession, delivery, dispensation, distribution, manufacture or sale of drugs on college property, in state vehicles or on official business is strictly prohibited. Documented evidence of illegal drug involvement will be given to law enforcement agencies.

(3) Possession of alcohol is prohibited on college property and in state vehicles.

(4) Students found in violation of this policy will be subject to formal disciplinary action, which could include completion of an appropriate rehabilitation program up to and/or including dismissal/expulsion.

(5) Students needing assistance with problems related to alcohol or drug abuse are encouraged to seek referral from a counselor in the counseling, advising and career center and/or appropriate off campus substance abuse agencies.

(6) Students must report any drug abuse or alcohol conviction to the vice-president for student services within five school days after such conviction.

(7) The college will report the conviction to the appropriate federal or state agency within ten working days after having received notice that a student employed under a federally funded grant or contract or receiving grant funds has any drug statute conviction occurring on campus.

(8) All students, regardless of status, shall comply with this policy regarding a drug-free campus.

NEW SECTION

WAC 132E-120-410 Tobacco use policy. The college's board of trustees has adopted the following tobacco use policy:

(1) Use of tobacco in any form shall not be allowed in college buildings, enclosures or state-owned vehicles and will not be sold or distributed on campus grounds.

(2) The president shall sponsor and/or assist in the establishment of tobacco cessation programs.

(3) Students who willfully violate this policy will be subject to disciplinary procedures.

(4) The success of this policy depends upon the thoughtfulness, consideration, and cooperation of both smokers and nonsmokers. All college community members and visitors share in the responsibility for adhering to and enforcing the policy. Any problems should be brought to the attention of a college administrator, program supervisor, or campus security and handled through the normal chain of authority.

(5) The college has designated specific areas outside on college grounds as smoking areas. These are the only areas on campus where smoking is permitted.

WSR 00-06-067

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed March 1, 2000, 8:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-01-113.

Title of Rule: WAC 388-436-0010 Winterization.

Purpose: Benefits provided under this rule have been very seldom used. Recent rule changes affecting emergency assistance allow winterization needs to be met more effectively using the additional requirements for emergent needs benefit described in WAC 388-436-0002. This proposal will eliminate the winterization benefit.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: This benefit is no longer necessary.

Reasons Supporting Proposal: Other program benefits available to meet these kinds of needs are less restrictive and allow for a greater benefit amount.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael Thomas, Program Manager, Lacey Government Center, 1009 College Street S.E., Lacey, WA 98503, (360) 413-3240.

Name of Proponent: Department of Social and Health Services, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Total fiscal expenditures under this rule were less than \$1500 during 1998 and 1999.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Repealing this WAC will eliminate a special assistance payment used to correct or improve the efficiency of a heating source when a home would otherwise be unlivable in winter. Other emergency assistance benefits are available to meet this need and are less restrictive than the benefit provided under this rule.

Proposal Changes the Following Existing Rules: This rule will be repealed. DSHS will no longer provide an emergency benefit for the specific purpose of winterizing a home. Winterization needs may be covered under the benefits described in WAC 388-436-0002.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. This rule does not meet the definition of significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-A, Lacey, WA 98503, on April 4, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by March 10, 2000, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

PROPOSED

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Acting Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by March 21, 2000.

Date of Intended Adoption: No sooner than April 4, 2000.

February 24, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-436-0010 Winterization.

WSR 00-06-068
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Child Support)
[Filed March 1, 2000, 8:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-19-123.

Title of Rule: Temporary administrative child support orders; new sections WAC 388-14A-3850 When may someone ask for a temporary support order? 388-14A-3855 How does a party request a temporary order when the hearing is continued? 388-14A-3860 How does a party request a temporary order when a petition for review has been filed? 388-14A-3865 Duties of the ALJ when a party requests a temporary support order, 388-14A-3870 When does a temporary support order end? and 388-14A-3875 What if a party does not agree with a temporary support order?; and repealing WAC 388-11-315 Temporary administrative orders.

Purpose: Provides an opportunity for DCS, the custodial parent or the noncustodial parent, to request entry of a temporary child support order when, in the course of an administrative hearing to establish a support obligation or to determine the amount due under an existing order, (1) the ALJ continues the hearing or (2) any party files a petition for review of the initial decision.

Statutory Authority for Adoption: RCW 74.20A.055, 74.08.090.

Statute Being Implemented: RCW 74.20A.055.

Summary: Repeals WAC 388-11-315 and enacts new WAC 388-14A-3850, 388-14A-3855, 388-14A-3860, 388-14A-3865, 388-14A-3870, and 388-14A-3875.

Reasons Supporting Proposal: Due to administrative delays and the often lengthy review periods, DCS seeks to provide temporary support orders for two occasions: (1) When an ALJ continues an administrative hearing which concerns the establishment or determination of a support obligation, and (2) when a petition for review is filed after an

initial decision establishing or determining a support obligation. The temporary support order is a way to get support flowing to the family more quickly.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Koptur, DCS Rules Coordinator, P.O. Box 9162, Olympia, WA 98507, (360) 664-5065.

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: Provides an opportunity for DCS, the custodial parent or the noncustodial parent, to request entry of a temporary child support order when, in the course of an administrative hearing to establish a support obligation or to determine the amount due under an existing order, (1) the ALJ continues the hearing or (2) any party files a petition for review of the initial decision.

Proposal Changes the Following Existing Rules: Repeals existing WAC 388-11-155.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change does not meet the requirements for a small business economic impact statement.

RCW 34.05.328 applies to this rule adoption. This change does not meet the definition of a significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-A, Lacey, WA 98503, on April 4, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by March 10, 2000, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6187, by March 21, 2000.

Date of Intended Adoption: April 5, 2000.

February 24, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-14A-3850 When may someone ask for a temporary support order? (1) There are two times when a temporary support order is appropriate in the course of an administrative hearing:

(a) If in a hearing to establish a support obligation or to determine the amount due under an existing order, the administrative law judge (ALJ) postpones the hearing. A postponement is also called a continuance (see WAC 388-14A-3855); or

(b) If any party files a petition for review of an initial decision which establishes or determines a current support obligation (see WAC 388-14A-3860).

(2) For the purposes of this section and WAC 388-14A-3855 through 388-14A-3875, "a party" means the division of

child support (DCS), the noncustodial parent, or the physical custodian of the child.

NEW SECTION

WAC 388-14A-3855 How does a party request a temporary order when the hearing is continued? (1) A party may make a request that a scheduled hearing be postponed either prior to the date of the hearing, or on the date of the hearing.

(2) When the administrative law judge (ALJ) grants a continuance prior to the day of hearing, a party must request entry of a temporary support order at the time the ALJ rules on the request for continuance.

(3) When the ALJ grants a continuance on the day of hearing, a party must request entry of a temporary support order before the hearing is adjourned.

(4) When a party requests a temporary support order due to a continuance, the ALJ must either:

(a) Conduct a temporary order hearing at the same time the ALJ hears the motion for continuance; or

(b) Set a time and date within ten business days when the ALJ will hear testimony on the need for and amount of a temporary order.

(4) The ALJ may hear testimony by telephone conference call.

(5) The ALJ may allow the parties to present the evidence then available, and allow five working days from the date of the hearing for submission of additional documents or evidence.

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 388-14A-3860 How does a party request a temporary order when a petition for review has been filed?

(1) If the temporary order is requested because of the filing of a petition for review, a party must request the temporary order within ten days of:

(a) The date that party files the petition for review; or

(b) The date that party receives notice that another party has filed a petition for review.

(2) The request must be made to the office of administrative hearings (OAH) office that entered the initial decision.

(3) The administrative law judge (ALJ) who entered the initial decision must hear the motion for temporary order. If that ALJ is not available, the chief ALJ must designate a substitute ALJ.

(4) The ALJ may enter a temporary order based on the record that was created at the hearing, or may set a telephone conference call hearing within ten working days.

(5) The ALJ may hear testimony by telephone conference call.

(6) The ALJ may allow the parties to present the evidence then available, and allow five working days from the date of the hearing for submission of additional documents or evidence.

NEW SECTION

WAC 388-14A-3865 Duties of the administrative law judge when a party requests a temporary support order.

(1) An administrative law judge (ALJ) who hears a request for a temporary support order must:

(a) Issue a written order which either:

(i) Determines the responsible parent's current and future support obligation beginning no later than the month following the hearing; or

(ii) Denies the request for a temporary support order.

(b) Include in the temporary order:

(i) A statement that any amounts collected under the temporary order will be credited and will be offset against any debt established in the initial decision; and

(ii) A statement that amounts collected will be distributed and may be subject to recovery under WAC 388-14-272 from the physical custodian;

(c) Issue the temporary order within twenty calendar days of the date the request for temporary order is heard by the ALJ.

(2) If the temporary order is entered subsequent to a continuance, the ALJ must set a new hearing date within ninety days from the date of the date the ALJ hears the request for continuance;

(3) The ALJ must comply with the DSHS rules on child support and include a Washington state child support schedule worksheet when entering a temporary support order.

NEW SECTION

WAC 388-14A-3870 When does a temporary support order end? (1) A temporary support order ends on the date an initial decision becomes a final order or on the date of a review decision, if any, whichever is later.

(2) If the parties settle all issues in the case by signing an agreed settlement or consent order, the temporary support order ends on the date the agreed settlement or consent order becomes a final order.

NEW SECTION

WAC 388-14A-3875 What if a party does not agree with a temporary support order? (1) A temporary support order or the denial of a TSO is not an initial decision subject to review under WAC 388-08-464. This means that no party has the right to file a petition for review of a temporary support order.

(2) The terms of a temporary order are not binding on the administrative law judge (ALJ) who later enters the initial decision in the matter.

(3) The issuance of a temporary support order does not affect any party's right to ask for review of the initial decision subsequently entered in the matter.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-11-315 Temporary administrative orders.

WSR 00-06-073
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed March 1, 2000, 9:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-01-044.

Title of Rule: Amendatory sections WAC 458-16A-010 Nonprofit homes for the aging and 458-16A-020 Nonprofit homes for the aging—Initial application and annual renewal.

Purpose: WAC 458-16A-010 explains the basis and requirements related to the property tax exemption, either total or partial, available to homes for the aging under RCW 84.36.041. WAC 458-16A-020 discusses the initial application and renewal process that must be followed for a nonprofit home to receive or retain a property exemption under RCW 84.36.041.

Statutory Authority for Adoption: RCW 84.36.041 and 84.36.865.

Statute Being Implemented: RCW 84.36.041.

Summary: These rules are being amended because the 1999 legislature amended the statute being implemented. Chapter 356, Laws of 1999, amended by RCW 84.36.041 regarding homes for the aging that are completed or begin operations after the January 1st assessment date, including the definition of "eligible resident." The changes will enable such homes to now qualify for at least a partial exemption during its first year of business operation based on the number of dwelling units occupied by eligible residents on December 31st. The legislature also amended the definition of "combined disposable income" to reflect a change in the federal internal revenue code.

Reasons Supporting Proposal: The proposed changes to WAC 458-16A-010 and 458-16A-020 will update the rules so that they reflect the present contents of the underlying statute, RCW 84.36.041.

Name of Agency Personnel Responsible for Drafting: Kim M. Qally, 711 Capitol Way South, #303, Olympia, WA, (360) 664-0086; **Implementation and Enforcement:** Sandy Guilfoil, 6004 Capitol Boulevard, Tumwater, WA, (360) 753-5503.

Name of Proponent: Department of Revenue, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The 1999 legislature amended RCW 84.36.041 regarding homes for the aging that are completed or begin operations after the January 1st assessment date and the definition of "eligible resident." Under the amended statute, if a

home becomes operational after January 1st, the number of dwelling units occupied by eligible residents on December 31st of that assessment year will determine the size of the property tax exemption. For all subsequent assessment years, the number of units occupied on January 1st will determine the size of the exemption. Chapter 356, Laws of 1999, also changed the definition of "disposable income" to reflect a change in the federal internal revenue code. The proposed changes to both rules are intended to reflect the current contents of RCW 84.36.041. The proposed amendments to WAC 458-16A-020 also explain how the amount of the exemption will be determined when the home for the aging receives more than one government housing subsidy. The changes to WAC 458-16A-010 and 458-16A-020 will assist taxpayers in understanding how the exemption statute will be applied.

Proposal Changes the Following Existing Rules: WAC 458-16A-010 and 458-16A-020 are being revised to comply with 1999 changes to the underlying statute, RCW 84.36.041. The definition of eligible residents has been expanded to include nonprofit homes for the aging that begin operations or become occupied by eligible residents after the January 1st assessment date. The proposed amendments to WAC 458-16A-020 explain how the amount of the exemption will be determined when a home for the aging receives more than one government housing subsidy. A processing deadline not authorized by statute is also being deleted from this rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because the rule and the proposed amendments do not impose any requirements or burdens upon small businesses that are not already specifically required by statute.

RCW 34.05.328 does not apply to this rule adoption. This is an interpretative rule as defined in RCW 34.05.328.

Hearing Location: Evergreen Plaza Building, 711 Capitol Way South, 2nd Floor Conference Room, Olympia, WA, on April 4, 2000, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Ginny Dale no later than ten days before the hearing date, TDD 1-800-451-7985, or (360) 586-0721.

Submit Written Comments to: Kim M. Qally, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail kimq@dor.wa.gov, by April 4, 2000.

Date of Intended Adoption: April 15, 2000.

March 1, 2000

Claire Hesselholt

Rules Manager

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 99-04-016, filed 1/22/99, effective 2/22/99)

WAC 458-16A-010 Nonprofit homes for the aging.

(1) **Introduction.** Under RCW 84.36.041, a nonprofit home for the aging may be totally or partially exempt from property tax. This section explains the exemptions allowed and the criteria that must be met in order to receive an exemption under

PROPOSED

this statute. Throughout this section, all requirements will pertain to all types of homes for the aging including, but not limited to, adult care homes, assisted living facilities, continuing care retirement communities (CCRC), and independent housing, unless a particular type of home is separately identified.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Acquisition" means that an existing home for the aging (or home) currently in operation is acquired by a non-profit organization and the ownership of the facility will change as a result of a purchase, gift, foreclosure, or other method.

(b) "Assistance with activities of daily living" means the home provides, brokers, or contracts for the provision of auxiliary services to residents, such as meal and housekeeping service, transportation, ambulatory service, and attendant care including, but not limited to, bathing and other acts related to personal hygiene, dressing, shopping, food preparation, monitoring of medication, and laundry services.

(c) "Combined disposable income" means the disposable income of the person submitting the income verification form, plus the disposable income of ~~((his or her))~~ the person's spouse, and the disposable income of each cotenant occupying the dwelling unit for the preceding calendar year, less amounts paid by the person submitting the income verification form or ~~((his or her))~~ the person's spouse or cotenant during the previous year for the treatment or care of either person received in the dwelling unit or in a nursing home.

(i) If the person submitting the income verification form was retired for two months or more of the preceding calendar year, the combined disposable income of the person will be calculated by multiplying the average monthly combined disposable income of the person during the months the person was retired by twelve.

(ii) If the income of the person submitting the income verification form is reduced for two or more months of the preceding calendar year because of the death of the person's spouse, the combined disposable income of the person will be calculated by multiplying the average monthly combined disposable income of the person after the death of the spouse by twelve.

(d) "Complete and separate dwelling units" means that the individual units of a home contain complete facilities for living, sleeping, cooking, and sanitation.

(e) "Construction" means the actual construction or building of all or a portion of a home that did not exist prior to the construction.

(f) "Continuing care retirement community" or "CCRC" means an entity that provides shelter and services under continuing care contracts with its residents or includes a health care facility or health service.

(g) "Continuing care contract" means a contract to provide 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, that is conditioned upon the transfer of property, the payment of an entrance fee to the provider of the services, and/or the payment of periodic charges in consideration for the care and ser-

VICES provided. 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.

(h) "Cotenant" means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(i) "Disposable income" means adjusted gross income as defined in the federal Internal Revenue Code, as amended prior to January 1, 1994, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(i) Capital gains, other than ~~((nonrecognized gain on the sale of a principal residence under section 1034 of the federal Internal Revenue Code, or))~~ gain excluded from income under section 121 of the federal Internal Revenue Code to the extent it is reinvested in a new principal residence;

(ii) Amounts deducted for loss;

(iii) Amounts deducted for depreciation;

(iv) Pension and annuity receipts;

(v) Military pay and benefits other than attendant-care and medical-aid payments;

(vi) Veterans benefits other than attendant-care and medical-aid payments;

(vii) Federal Social Security Act and railroad retirement benefits;

(viii) Dividend receipts; and

(ix) Interest received on state and municipal bonds.

(j) "Eligible resident" means a person who:

(i) Occupied the dwelling unit as ~~((a))~~ their principal place of residence as of December 31st of the assessment year the home first became operational or in each subsequent year, occupied the dwelling unit as their principal place of residence as of January 1st of the assessment year ((in which the claim for exemption is filed. The exemption will not be nullified if the)). If an eligible resident is confined to a hospital or nursing home and the dwelling unit is temporarily unoccupied or occupied by a spouse, a person financially dependent on the claimant for support, or both, the dwelling will still be considered occupied by the eligible resident;

(ii) Is sixty-one years of age or older on December 31st of the year in which the claim for exemption is filed, or is, at the time of filing, retired from regular gainful employment by reason of physical disability. A surviving spouse of a person who was receiving an exemption at the time of the person's death will qualify for this exemption if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this subsection; and

(iii) Has a combined disposable income that is no more than the greater of twenty-two thousand dollars or eighty percent of the median income adjusted for family size as determined by the federal Department of Housing and Urban Development (HUD) for the county in which the person resides and in effect as of January 1 of the year the application for exemption is submitted.

(k) "First assessment year the home becomes operational" or "the assessment year the home first became operational" means the first year the home becomes occupied by and provides services to eligible residents. Depending upon the facts, this year will be the year during which construction

of the home is completed or the year during which a nonprofit organization purchases or acquires an existing home and begins to operate it as a nonprofit home for the aging.

(l) "Home for the aging" or "home" means a residential housing facility that:

(i) Provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person;

(ii) Has only residents who are at least sixty-one years of age or who have needs for care generally compatible with persons who are at least sixty-one years of age; and

(iii) Provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

((+)) (m) "HUD" means the federal Department of Housing and Urban Development.

((+)) (n) "Local median income" means the median income adjusted for family size as most recently determined by HUD for the county in which the home is located and in effect on January 1st of the year the application for exemption is submitted.

((+)) (o) "Low income" means that the combined disposable income of a resident is eighty percent or less of the median income adjusted for family size as most recently determined by HUD for the county in which the home is located and in effect as of January 1st of the year the application for exemption is submitted.

((+)) (p) "Occupied dwelling unit" means a living unit that is occupied either on January 1st of the year ~~((+))~~ for which the ~~((claim))~~ application for exemption is ~~((filed))~~ made or on December 31st of the assessment year the home first becomes operational and for which application for exemption is made.

((+)) (q) "Property that is reasonably necessary" means all property that is:

(i) Operated and used by a home; and
(ii) The use of which is restricted to residents, guests, or employees of a home.

((+)) (r) "Refinancing" means the discharge of an existing debt with funds obtained through the creation of new debt. For purposes of this section, even if the application for tax exempt bond financing to refinance existing debt is treated by the financing agent as something other than refinancing, an application for a property tax exemption because of refinancing by tax exempt bonds will be treated as refinancing and the set-asides specific to refinancing will be applied. "Refinancing" shall include tax exempt bond financing in excess of the amount of existing debt that is obtained to modify, improve, restore, extend, or enlarge a facility currently being operated as a home.

((+)) (s) "Rehabilitation" means that an existing building or structure, not currently used as a home, will be modified, improved, restored, extended, or enlarged so that it ~~((with))~~ can be used as a home for elderly and disabled individuals. A project will be considered a rehabilitation if the costs of rehabilitation exceed five thousand dollars. If a home has acquired tax exempt bond financing and does not meet the definition of "rehabilitation" contained in this subsection, the home may be eligible for a total exemption under the "refinancing" definition and if it meets the "refinancing" set-

aside requirements. If such a home is not eligible for a total exemption, the department will determine the home's eligibility for a partial exemption in accordance with the pertinent parts of RCW 84.36.041 and this section.

((+)) (t) "Set-aside(s)" means the percentage of dwelling units reserved for low-income residents when the construction, rehabilitation, acquisition, or refinancing of a home is financed under a financing program using tax exempt bonds.

((+)) (u) "Shared dwelling units" or "shared units" means individual dwelling units of a home that do not contain complete facilities for living, eating, cooking, and sanitation.

((+)) (v) "Taxable value" means the value of the home upon which the tax rate is applied in order to determine the amount of property taxes due.

((+)) (w) "Total amount financed" means the total amount of financing required by the home to fund construction, acquisition, rehabilitation, or refinancing. Seventy-five percent of this amount must be supplied by tax exempt bonds to receive the total exemption from property tax available under the tax exempt bond financing provision of RCW 84.36.041.

(3) **General requirements.** To be exempt under this section, a home for the aging must be:

(a) Exclusively used for the purposes for which exemption is granted, except as provided in RCW 84.36.805;

(b) Operated by an organization that is exempt from income tax under section 501(c) of the federal Internal Revenue Code; and

(c) The benefit of the exemption must inure to the home.

(4) **Total exemption.** There are three ways in which a home may be totally exempt from property tax. All real and personal property used by a nonprofit home that is reasonably necessary for the purposes of the home is exempt if it meets the general requirements listed in subsection (3) of this section and:

(a) At least fifty percent of the occupied dwelling units in the home are occupied by eligible residents;

(b) The home is subsidized under a HUD program; or

(c) The construction, rehabilitation, acquisition, or refinancing of a home is financed under a program using bonds exempt from federal income tax if at least seventy-five percent of the total amount financed uses tax exempt bonds and the financing program requires the home to reserve or set-aside a percentage of all dwelling units so financed for low-income residents. See subsections (5), (6), and (7) of this section for tax exempt bond requirements and the percentage of units that must be set-aside for low-income residents in order for the home to be totally exempt.

(5) **Homes or CCRCs financed by tax exempt bonds—Generally.** All real and personal property used by a nonprofit home or CCRC may be totally exempt from property tax if at least seventy-five percent of the total amount financed for construction, rehabilitation, acquisition, or refinancing uses tax exempt bonds and the financing program requires the home or CCRC to reserve or set-aside a percentage of all dwelling units so financed for low-income residents.

(a) The percentage of set-aside units required will vary depending on whether the home is a CCRC, the purpose for which the tax exempt bond financing was obtained, the type of dwelling unit, and the receipt of Medicaid funds. The set-aside requirements for homes are set forth in subsection (6) of this section and for CCRCs are set forth in subsection (7) of this section.

(b) The exemption will be granted in direct correlation ~~((between))~~ to the total amount financed by tax exempt bonds and the portion of the home or CCRC that is constructed, acquired, rehabilitated, or refinanced by tax exempt bonds.

(c) If tax exempt bonds are used for refinancing, the set-aside requirements set forth in subsections (6) and (7) of this section will be applied to the actual area or portion of the home or CCRC to which the bonds correspond.

(i) Example 1. A CCRC (that accepts Medicaid funds) is composed of a multistory building, six duplexes, and two independent homes and the CCRC has secured tax exempt bonds to satisfy an existing mortgage on the multistory building. Only the multistory building will be considered eligible for a total exemption from property tax because of tax exempt bond financing. To receive the exemption, at least twenty percent of the dwelling units of the multistory building must be set-aside for residents at or below fifty percent of the local median income or at least forty percent of the dwelling units must be set-aside for residents at or below sixty percent of the local median income.

(ii) Example 2. A home obtains tax exempt bonds to refinance a portion of the home and to fund construction. The department will separately consider the area of the home that corresponds to the purpose for which the tax exempt bonds were obtained. The set-aside requirements related to refinancing will be applied to the portion of the home that corresponds to the mortgage being refinanced and the set-aside requirements related to construction will be applied to the area of the home to be newly constructed. The department will determine the eligibility for partial exemption of the remainder of the home that is not being refinanced or constructed.

(d) If a total exemption is granted under the tax exempt bond financing provision, the total exemption will remain in effect as long as:

- (i) The home or CCRC remains in compliance with the requirements under which it received the tax exempt bonds;
- (ii) The tax exempt bonds are outstanding; and
- (iii) The set-aside requirements are met.

(e) If a home or CCRC has obtained tax exempt bond financing to modify, improve, restore, extend, or enlarge its existing facility and the project does not meet the definition of rehabilitation contained in subsection (2) of this section, the project will not be considered a rehabilitation ~~((and))~~. In this situation, the set-aside requirements related to refinancing or acquisition will be applied in determining eligibility for a total exemption.

(f) When a home or CCRC no longer meets the criteria for exemption under the tax exempt bond financing portion of the statute, eligibility for exemption under RCW 84.34.041 will be determined by the other provisions of the statute. In other words, a home may receive a total or partial exemption depending on the number of residents who are deemed to be

"eligible residents" or who require "assistance with activities of daily living." For example, if a home that previously received a total exemption due to the receipt of tax exempt bond financing has one hundred dwelling units and sixty of those dwelling units are occupied by eligible residents, the home may receive a total exemption.

(6) **Set-aside requirements related to homes and tax exempt bond financing.** A specified number of dwelling units within a home must be set-aside for low income residents to obtain a total property tax exemption because of tax exempt bond financing. The set-aside requirements for homes will be determined according to the type of dwelling units contained in the home and the purpose for which the tax exempt bond financing was obtained. The provisions of this section do not apply to CCRCs. The specific set-aside requirements for CCRCs are described in subsection (7) of this section.

A home must meet the following set-aside requirements to be totally exempt from property tax:

PURPOSE OF BOND FINANCING	TYPE OF DWELLING UNIT	SET-ASIDE REQUIREMENTS
New construction or Rehabilitation	Complete & Separate units	10% of total units set-aside for residents at or below 80% of local median income and 10% of total units set-aside for residents at or below 50% of local median income
Acquisition or Refinancing of dwelling units currently satisfy- ing 10% and 10% set-aside require- ments	Complete & Separate units	10% of total units set-aside for resi- dents at or below 80% of local median income and 10% of total units set-aside for residents at or below 50% of local median income
Acquisition or Refinancing of dwelling units not currently satisfy- ing 10% and 10% set-aside require- ments	Complete & Separate units	20% of total units set-aside for resi- dents at or below 50% of local median income or 40% of total units set-aside for residents at or below 60% of local median income

PROPOSED

PURPOSE OF BOND FINANCING	TYPE OF DWELLING UNIT	SET-ASIDE REQUIREMENTS
Acquisition, New Construction, Refinancing, or Rehabilitation	Shared units	10% of total units set-aside for residents at or below 80% of local median income and 10% of total units set-aside for residents at or below 50% of local median income

(7) **Set-aside requirements related to CCRCs and tax exempt bond financing.** A specified number of dwelling units of a CCRC must be set-aside for low income residents to obtain a total property tax exemption because of tax exempt bond financing. The set-aside requirements for CCRCs will be determined by whether the CCRC does or does not have Medicaid contracts for continuing care contract residents and the purpose for which the tax exempt bond financing was obtained. The provisions of this section do not apply to other homes. The specific set-aside requirements for other homes are described in subsection (6) of this section.

(a) The continuing care contract between the resident and the CCRC is a contract to provide shelter along with nursing, medical, health-related or personal care services to the resident for the duration of the resident's life or for a term in excess of one year. A resident's tenancy may not be terminated due to inability of the resident to fully pay the monthly service fee when the resident establishes facts to justify a waiver or reduction of these charges. This provision shall not apply if the resident, without the CCRC's consent, has impaired his and/or her ability to meet financial obligations required by the continuing care contract due to a transfer of assets, after signing the continuing care contract, other than to meet ordinary and customary living expenses, or by incurring unusual or unnecessary new financial obligations.

(b) A CCRC without Medicaid contracts for continuing care contract residents may not receive Medicaid funds from Washington state or the federal government during the term that the bonds are outstanding, except during the initial transition period as allowed by state law or if the regulatory agreement with the tax exempt bond financier exempts the CCRC from compliance with this requirement.

(c) The following set-aside requirements must be met by CCRCs not receiving Medicaid funds (including CCRCs that are permitted to receive Medicaid funds during an initial transition period only) to receive a total exemption:

PURPOSE OF BOND FINANCING	SET-ASIDE REQUIREMENTS
New construction or Rehabilitation	10% of total units set-aside for residents at or below 80% of local median income and 15% of total units set-aside for residents at or below 100% of local median income
Acquisition or Refinancing of dwelling units currently satisfying 10% and 15% set-aside requirements	10% of total units set-aside for residents at or below 80% of local median income and 15% of total units set-aside for residents at or below 100% of local median income
Acquisition or Refinancing of dwelling units not currently satisfying 10% and 15% set-aside requirements	20% of total units set-aside for residents at or below 50% of local median income or 40% of total units set-aside for residents at or below 60% of local median income

(d) The following set-aside requirements must be met by CCRCs receiving Medicaid funds to receive a total exemption:

PURPOSE OF BOND FINANCING	SET-ASIDE REQUIREMENTS
New construction or Rehabilitation	10% of total units set-aside for residents at or below 80% of local median income and 10% of total units set-aside for residents at or below 100% of local median income
Acquisition or Refinancing of dwelling units currently satisfying 10% and 10% set-aside requirements	10% of total units set-aside for residents at or below 80% of local median income and 10% of total units set-aside for residents at or below 100% of local median income
Acquisition or Refinancing of dwelling units not currently satisfying 10% and 10% set-aside requirements	20% of total units set-aside for residents at or below 50% of local median income or 40% of total units set-aside for residents at or below 60% of local median income

(8) **Partial exemption.** If a home does not qualify for a total exemption from property tax, the home may receive a partial exemption for its real property on a unit by unit basis and a total exemption for its personal property.

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(a) Real property exemption. If the real property of a home is used in the following ways, the portion of the real property so used will be exempt and the home may receive a partial exemption for:

- (i) Each dwelling unit occupied by a resident requiring significant assistance with activities of daily living;
- (ii) Each dwelling unit occupied by an eligible resident; and
- (iii) Common or shared areas of the home that are jointly used for two or more purposes that are exempt from property tax under chapter 84.36 RCW.

(b) Assistance with activities of daily living. A home may receive a partial exemption for each dwelling unit that is occupied by a resident who requires significant assistance with the activities of daily living and the home provides, brokers, facilitates, or contracts for the provision of this assistance. A resident requiring assistance with the activities of daily living must be a resident who requires significant assistance with at least three of the nonexclusive list of activities set forth below and who, unless ~~((he or she))~~ the resident receives the assistance, would be at risk of being placed in a nursing home. Activities of daily living include, but are not limited to:

- (i) Shopping;
- (ii) Meal and/or food preparation;
- (iii) Housekeeping;
- (iv) Transportation;
- (v) Dressing;
- (vi) Bathing;
- (vii) General personal hygiene;
- (viii) Monitoring of medication;
- (ix) Ambulatory services;
- (x) Laundry services;
- (xi) Incontinence management; and
- (xii) Cuing for the cognitively impaired.

(c) Examples of assistance with the activities of daily living:

(i) If the resident of a home requires ~~((someone to assist him or her))~~ assistance with daily dressing, bathing, and personal hygiene, weekly housekeeping chores, and daily meal preparation, ~~((he or she))~~ the person is a resident requiring significant assistance with activities of daily living and the home may receive a partial exemption for the dwelling unit in which ~~((he or she))~~ the person resides.

(ii) If the resident of a CCRC only requires someone to clean ~~((his or her))~~ the house weekly and to do the laundry weekly, the resident does not require significant assistance with activities of daily living and the CCRC may not receive a partial exemption for the dwelling unit.

(d) Common or shared areas. Areas of a home that are jointly used for two or more purposes exempt from property tax under chapter 84.36 RCW will be exempted under RCW 84.36.041.

(i) The joint use of the common or shared areas must be reasonably necessary for the purposes of the nonprofit organization, association, or corporation exempt from property tax under chapter 84.36 RCW. A kitchen, dining room, and laundry room are examples of the types of common or shared areas for which a partial property tax exemption may be granted.

(ii) Example. A nonprofit organization uses its facility as a home for the aging and a nursing home. The home and nursing home jointly use the kitchen and dining room. The home may receive a property tax exemption for the common or shared areas under RCW 84.36.041. The eligibility of the other areas of the facility will be determined by the appropriate statute. The home's eligibility will be determined by RCW 84.36.041 and the nursing home's eligibility will be determined by RCW 84.36.040.

(e) Amount of partial exemption. The amount of partial exemption will be calculated by multiplying the assessed value of the property reasonably necessary for the purposes of the home, minus/less the assessed value of any common or shared areas, by a fraction. The numerator and denominator of the fraction will vary depending on the first assessment year the home became operational and occupied by eligible residents.

(i) Numerator. If the home becomes operational after the January 1st assessment date, the numerator is the number of dwelling units occupied by eligible residents and by residents requiring assistance with activities of daily living on December 31st. The December 31st date will be used only in the first year of operation. In any other assessment year, the numerator ((of the fraction)) is the number of the dwelling units occupied on January 1st of the assessment year by eligible residents and by residents requiring assistance with activities of daily living.

(ii) Denominator. If the home becomes operational after the January 1st assessment date, the denominator is the number of dwelling units occupied on December 31st. The December 31st date will be used only in the first assessment year the home becomes operational. In any other assessment year, the denominator ((of the fraction)) is the total number of occupied dwelling units as of January 1st of the assessment year.

(iii) Example:

Assessed value of home:	\$500,000
Less assessed value of common area:	- 80,000
Total	\$420,000

Number of units occupied on 1/1 by eligible residents and people requiring assistance with daily living activities	6
Total of occupied units on 1/1	= 40 or .15

$\$420,000 \times .15 = \$63,000$ Amount of partial exemption
 $\$420,000 - \$63,000 = \$357,000$ Taxable value of home

(f) Valuation of the home. The assessor will value a home that receives a partial exemption by considering only the current use of the property during the period in which the partial exemption is received and will not consider any potential use of the property.

(9) **Income verification required from some residents.** If a home seeks a total property tax exemption because at least fifty percent of the occupied dwelling units are occupied by eligible residents or seeks to receive a partial exemption based upon the number of units occupied by eligible residents, the residents must submit income verification forms.

The department may request income verification forms from residents of homes receiving a total exemption because of tax exempt bond financing.

(a) The income verification forms must be submitted to the assessor of the county in which the home is located by July 1st of the assessment year in which the application for exemption is made. If the home becomes operational after the January 1st assessment date, these forms must be submitted to the assessor as soon as they are available but no later than December 31st of that assessment year.

(b) The income verification form will be prescribed and furnished by the department of revenue.

(c) If an eligible resident filed an income verification form for a previous year, ~~((he or she))~~ the resident is not required to submit a new form unless there is a change in status affecting the resident's eligibility, such as a significant increase or decrease in disposable income, or the assessor or the department requests a new income verification form to be submitted.

(10) **Additional requirements.** Any nonprofit home for the aging that applies for a property tax exemption under this section must also comply with the provisions of WAC 458-16A-020 and 458-16-165. WAC 458-16A-020 contains information regarding the initial application and renewal procedures relating to the exemption discussed in this section. WAC 458-16-165 sets forth additional requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.041.

AMENDATORY SECTION (Amending WSR 95-06-042, filed 2/24/95, effective 3/27/95)

WAC 458-16A-020 Nonprofit homes for the aging—Initial application and annual renewal. (1) **Introduction.** This section explains the initial application process that must be followed ~~((for))~~ when a home for the aging wishes to obtain a property tax exemption under RCW 84.36.041. This section also describes the annual renewal requirements that a home must follow to retain its tax exempt status, as well as the role of the assessor's office and the department of revenue in administering this exemption. Throughout this section, all requirements will pertain to all types of homes for the aging including, but not limited to, adult care homes, assisted living facilities, continuing care retirement communities (CCRC), and independent housing.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Assessor" means the county assessor or any agency or person who is duly authorized to act on behalf of the assessor.

(b) "Combined disposable income" means the disposable income of the person submitting the income verification form, plus the disposable income of ~~((his or her))~~ the person's spouse, and the disposable income of each cotenant occupying the dwelling unit for the preceding calendar year, less amounts paid by the person submitting the income verification form or ~~((his or her))~~ the person's spouse or cotenant during the previous year for the treatment or care of either person received in the dwelling unit or in a nursing home.

(i) If the person submitting the income verification form was retired for two months or more of the preceding calendar year, the combined disposable income of the person will be calculated by multiplying the average monthly combined disposable income of the person during the months the person was retired by twelve.

(ii) If the income of the person submitting the income verification form is reduced for two or more months of the preceding calendar year by reason of the death of the person's spouse, the combined disposable income of the person will be calculated by multiplying the average monthly combined disposable income of the person after the death of the spouse by twelve.

(c) "Continuing care retirement community" or "CCRC" means an entity that provides shelter and services under continuing care contracts with its residents or includes a health care facility or health service.

(d) "Continuing care contract" means a contract to provide 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, that is conditioned upon the transfer of property, the payment of an entrance fee to the provider of the services, and/or the payment of periodic charges in consideration for the care and services provided. 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.

(e) "Cotenant" means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(f) "Department" means the department of revenue.

(g) "Eligible resident" means a person who:

(i) Occupied the dwelling unit as ~~((his or her))~~ their principal place of residence as of December 31st of the assessment year the home first became operational or in each subsequent year, occupied the dwelling unit as their principal place of residence as of January 1st of the assessment year ~~((in which the claim for exemption is filed. The exemption will continue if the))~~. If an eligible resident is confined to a hospital or nursing home and the dwelling unit is temporarily unoccupied or occupied by a spouse, a person financially dependent on the claimant for support, or both, the dwelling will still be considered occupied by the eligible resident;

(ii) Is sixty-one years of age or older on December 31st of the year in which the claim for exemption is filed, or is, at the time of filing, retired from regular gainful employment by reason of physical disability. A surviving spouse of a person who was receiving an exemption at the time of the person's death will qualify for this exemption if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this subsection; and

(iii) Has a combined disposable income that is no more than the greater of twenty-two thousand dollars or eighty percent of the median income adjusted for family size as determined by federal Department of Housing and Urban Development (HUD) for the county in which the person resides.

(h) "First assessment year the home becomes operational" or "the assessment year the home first became operational" means the first year the home becomes occupied by

and provides services to eligible residents. Depending upon the facts, this year will be the year during which construction of the home is completed or the year during which a nonprofit organization purchases or acquires an existing home and begins to operate it as a nonprofit home for the aging.

(i) "Homes for the aging" or "home(s)" means a residential housing facility that:

(i) Provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person;

(ii) Has only residents who are at least sixty-one years of age or who have needs for care generally compatible with persons who are at least sixty-one years of age; and

(iii) Provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

~~((+))~~ (j) "HUD" means the federal Department of Housing and Urban Development.

~~((+))~~ (k) "Occupied dwelling unit" means a living unit that is occupied either on January 1st of the year in which the claim for exemption is filed or on December 31st of the first assessment year the home becomes operational and in which the claim for exemption is filed.

~~((+))~~ (l) "Property that is reasonably necessary" means all property that is:

(i) Operated and used by a home; and

(ii) The use of which is restricted to residents, guests, or employees of a home.

(3) **Application for exemption.** The tax exemption authorized by RCW 84.36.041 is claimed by and benefits a nonprofit home for the aging, not the residents of ~~((a))~~ the home. Therefore, the claim for this exemption is submitted by a home to the department.

(a) If a claim for exemption is filed on behalf of a home under RCW 84.36.041 and the exemption is granted, no resident of that home may receive a personal exemption under RCW 84.36.381.

(b) A listing of the varying levels of care and supervision provided or coordinated by the home must accompany all initial applications submitted for exemption. Examples of the varying levels of care and supervision include, but are not limited to, the following:

(i) Conducting routine room checks;

(ii) Arranging for or providing transportation;

(iii) Arranging for or providing meals;

(iv) On site medical personnel;

(v) Monitoring of medication; or

(vi) Housekeeping services.

(c) Homes having real property that is used for purposes other than as a home (for example, property used for a barber shop) must provide the department with a floor plan identifying the square footage devoted to each exempt and nonexempt use.

(d) At the time an application for exemption is submitted, the home must submit proof that it is recognized by the Internal Revenue Service as a 501(c) organization.

(e) Homes that apply for a total exemption because of tax exempt bond financing must submit a copy of the regulatory agreement between the home and the entity that issues the

bonds. When only a portion of the home is financed by a program using tax exempt bonds, the home must submit a site plan of the home indicating the areas so financed.

(4) **Segregation.** A nonprofit organization that provides shelter and services to elderly and disabled individuals may use the facility for more than one purpose that is exempt from property tax under chapter 84.36 RCW. Property that is used for more than one exempt purpose and that qualifies for exemption under a statute other than RCW 84.36.041 will be segregated and exempted pursuant to the applicable statute.

(a) If a home includes a nursing home, the department will segregate the home and the part of the facility that is used as a nursing home. The department will separately determine the eligibility of the home under RCW 84.36.041 and the nursing home under RCW 84.36.040 for the property tax exemption available under each statute.

Exception:

If the home does not receive Medicaid funds (including CCRCs that are permitted to receive Medicaid funds during an initial transition period only) and is seeking a total exemption because of tax exempt bond financing, the home and nursing home will be considered as a whole when the set-aside requirements are applied.

(b) Dwelling units that are occupied by residents who do not meet the age or disability requirements of RCW 84.36.041 will be segregated and taxed.

(c) Common or shared areas. Areas of a home that are jointly used for two or more purposes exempt from property tax under chapter 84.36 RCW will be exempted under RCW 84.36.041.

(i) The joint use of the common or shared areas must be reasonably necessary for the purposes of the nonprofit organization, association, or corporation exempt from property tax under chapter 84.36 RCW. A kitchen, dining room, and laundry room are examples of the types of common or shared areas for which a property tax exemption may be granted.

(ii) Example. A nonprofit organization uses its facility as a home for the aging and a nursing home. The home and nursing home jointly use the kitchen and dining room. The home may receive a property tax exemption for the common or shared areas under RCW 84.36.041. The eligibility of the other areas of the facility will be determined by the appropriate statute. The home's eligibility will be determined by RCW 84.36.041 and the nursing home's eligibility will be determined by RCW 84.36.040.

(5) **Homes subsidized by HUD.** Homes subsidized by a HUD program must initially and each March 31st thereafter provide the department with a letter of certification from HUD of continued HUD subsidy and a list of the name, age, and/or disability of all residents. If the property is subsidized by more than one HUD contract and one of the contracts expires or is otherwise no longer in effect, the eligibility of the portion of the facility still subsidized by HUD will be conditioned on receipt of a letter of certification from HUD and a listing of all persons residing on the property. The eligibility of the remainder of the property will be determined by the number of dwelling units occupied by eligible residents on January 1st following the expiration or cancellation of the HUD subsidy.

(6) **Homes that are not subsidized by HUD.** If a home is not subsidized by HUD or does not meet the requirements to receive a total exemption because of tax exempt bond financing, it may receive a total or partial exemption from property tax. The extent of the exemption will be determined by the number of dwelling units occupied by eligible residents. If more than fifty percent of the dwelling units are occupied by eligible residents, the home may receive a total exemption. Alternatively, if less than fifty percent of the dwelling units are occupied by eligible residents, the home may receive partial exemption for its real property on a unit by unit basis and a total exemption for its personal property. An income verification form(~~(, Form REV 64-0043,)~~) will be used to determine if a resident of a home meets the criteria of "eligible resident." During the initial application process, the residents of a home applying for exemption will be asked to submit an income verification form with the assessor of the county in which the home is located and the assessor and/or the department may request any relevant information it deems necessary to make its determination.

(a) ~~((Between January 1st and July 1st of the year preceding the year in which the tax is due, residents must file Form REV 64-0043 with the assessor of the county in which the home is located.))~~ The type of income verification form required and its due date depends upon the date the home first became operational and began to provide services to eligible residents:

(i) If the home was operating and providing services to eligible residents on the January 1st assessment date, the residents are to submit Form REV 64-0043 between January 1st and July 1st of the year preceding the year in which the tax is due; or

(ii) If the home started operating and providing services to eligible residents after the January 1st assessment date, the residents are to submit Form REV 64-0042 on or before December 31st of the year preceding the year in which the tax is due. In this situation, no income verification forms will be required during the following year if the same eligible residents occupy the same dwelling units on December 31st and January 1st of the subsequent year.

(b) If two or more residents occupy one unit, only one cotenant is required to file verification of combined disposable income, as defined in subsection (2) of this section, with the assessor.

(c) Form REV 64-0043 will not be accepted by the assessor if it is submitted or postmarked after July 1st unless the assessor and/or the department has agreed to waive this deadline. Form REV 64-0042 will not be accepted if it is submitted or postmarked after December 31st unless the assessor and/or department has agreed to waive this deadline.

(d) After the application for exemption is approved, residents will not be required to file a new income verification form unless a change in their circumstances occurs or the assessor requests it. However, at any time after the initial application ((for exemption)) is approved, assessors and/or the department may:

(i) Request residents to complete Form REV 64-0043(~~(, the verification of income form,)~~);

(ii) Conduct audits; and

(iii) Request other relevant information to ensure continued eligibility.

(e) ~~((f))~~ By March 31st each year, a home not subsidized by HUD that wishes to retain its exempt property tax status(~~(; the home))~~) must ((by March 31st of each year)) file with the department a list of the total number of dwelling units in ((their)) its complex, the number of occupied dwelling units in ((their)) its complex as of January 1st, the number of previously qualified dwelling units in ((their)) its complex that are no longer occupied by the same eligible residents, and a list of the name, age, and/or disability of all residents and the date upon which they moved into or occupied the home. If a home's eligibility was based upon the number of units occupied on December 31st, the home must only provide the department with an amended list of additions or deletions as of the subsequent January 1st assessment date.

(7) **Homes financed by tax exempt bonds.** Homes that receive a total property tax exemption because of tax exempt bond financing must initially and each March 31st thereafter provide the department with a letter of certification from the agency or organization monitoring compliance with the bond requirements. The letter of certification must verify that the home is in full compliance with all requirements and set-asides of the underlying regulatory agreement.

(a) If the set-aside requirements contained in the regulatory agreement differ from the set-aside requirements established by the department and set forth in WAC 458-16A-010, the department may require the residents of the home to submit income verification forms (Form REV 64-0042 or 64-0043) to the assessor of the county in which the home is located.

(b) ~~((The))~~ A home for the aging that is receiving a property tax exemption must ((also)) annually submit a list of the name, age, and/or disability of all residents in the home to the department.

(8) **Assessor's responsibilities.** Assessors will determine the age or disability and income eligibility of all residents who file Form REV 64-0042 or 64-0043, the income verification forms. By July 15th each year or by January 15th of the assessment year following the first assessment year a home becomes operational, the assessor will forward a copy of Form REV 64-0042 or 64-0043 to the department for each resident who meets the eligibility requirements.

(9) ~~((Department of revenue responsibilities. The department will make its determination by August 31st, or within thirty days of the date all required information is submitted to the department, of the exempt status of a home that applies for this exemption.~~

~~((10))~~ **Appeals.** An applicant who is determined not to be an "eligible resident" by the assessor and a home that is denied a property tax exemption by the department each have the right to appeal. Appeals must be filed within thirty days of the date the notice of ineligibility or denial was mailed by the assessor or the department.

(a) If the assessor determines that an applicant does not meet the ~~((criteria to be))~~ definition of an "eligible resident" ((of a home)), the resident may appeal this decision to the board of equalization of the county in which the home is located.

PROPOSED

(b) If the department denies, in whole or in part, an application for exemption, the home may appeal this denial to the state board of tax appeals.

~~((1+))~~ **(10) Additional requirements.** Any nonprofit home for the aging that applies for a property tax exemption under this section must also comply with the provisions of WAC 458-16A-010 and 458-16-165. WAC 458-16A-010 contains information regarding the basic eligibility requirements to receive a total or partial exemption under RCW 84.36.041. WAC 458-16-165 sets forth additional requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.041.

WSR 00-06-074
PROPOSED RULES
SHORELINE COMMUNITY COLLEGE

[Filed March 1, 2000, 9:40 a.m.]

Supplemental Notice to WSR 00-02-074.

Preproposal statement of inquiry was filed as WSR 99-23-041.

Title of Rule: Public records, chapter 132G-276 WAC, including a minor change to WAC 132G-276-020(2) and a substantial change to WAC 132G-276-130.

Purpose: This supplemental filing denotes a minor change to WAC 132G-276-020(2) to clarify that "writing" includes e-mail; and a substantial change to WAC 132G-276-130.

Statutory Authority for Adoption: RCW 28B.50.140(13) and 42.17.260(5).

Summary: A minor change is being made to WAC 132G-276-020(2) to clarify the definition by including e-mail. A substantial supplementary change is being made to WAC 132G-276-130 to bring the agency's rule into compliance with RCW 42.17.260(5).

Reasons Supporting Proposal: WAC 132G-276-020(2), to include e-mail in the definition of "writing" for clarification. WAC 132G-276-130, to correct the indexing requirements for SCC, a state agency.

Name of Agency Personnel Responsible for Drafting and Implementation: Sarah Nicholson, Shoreline Community College, (206) 546-4634; and Enforcement: Paulette Fleming, Shoreline Community College, (206) 546-4694.

Name of Proponent: Shoreline Community College, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 132G-276-020(2), to ensure and clarify the definition to include e-mail. WAC 132G-276-130, to correct the reference to the indexing system applicable to state agencies under RCW 42.17.260(5).

Agency is an institution of higher education, RCW 28B.10.016(4). The following rules govern the operation of the agency.

Proposal Changes the Following Existing Rules: WAC 132G-276-020(2): No. The current WAC 132G-276-130 incorrectly references the indexing system counties and

municipalities must maintain rather than what is required for state agencies under RCW 42.17.260(5).

Changes are being made of the rules governing the operation of the agency. The main purpose of the changes is to clarify and streamline the rules of the agency and bring the code into compliance with the provisions of chapter 42.17 RCW, particularly those related to RCW 42.17.250 - 42.17.320 dealing with public records.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no anticipated economic impact on small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Small Conference Room, Shoreline Community College, 16101 Greenwood Avenue North, Seattle, WA 98133, on April 6, 2000, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Paulette Fleming by March 30, 2000, TDD (206) 546-4520, or (206) 546-4694.

Submit Written Comments to: Paulette Fleming, Vice-President, Human Resources/Employee Relations, Shoreline Community College, fax (206) 546-5850, by April 6, 2000.

Date of Intended Adoption: April 21, 2000.

February 29, 2000

Paulette Fleming

Vice-President

Office of Human Resources/

Employee Relations

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-010 Purpose. The purpose of this chapter shall be to ensure compliance by the ~~((Community College District Number Seven))~~ college with the provisions of chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records; and in particular with RCW 42.17.250 - 42.17.320 of that act, dealing with public records.

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-020 Definitions. (1) Public records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) **Writing.** "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, e-mail, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

~~((3) Community College District Number Seven. The Community College District Number Seven is an agency organized by statute pursuant to RCW 28B.50.040. The Community College District Number Seven shall hereinafter~~

be referred to as the "college" and includes the institution known as Shoreline Community College. Where appropriate, the term college also refers to the board of trustees, and the officers, agents, and employees of the college.))

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-050 Public records available. All public records of the college, as defined in WAC 132G-276-020 and RCW 42.17.020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by ((RCW 42.17.310 and WAC 132G-276-100)) law.

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-060 Public records officer. The college's public records shall be in the charge of the public records officer designated by the college president. The person so designated may in turn designate persons in the administrative office to implement this section. The public records officer and his or her designees shall be responsible for the following: The implementation of the college's rules and regulations regarding release of public records, coordinating the staff of the college in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-080 Requests for public records. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the college which shall be available at its administrative office on the campus. The form shall be presented to the public records officer and/or his or her designees, at the administrative office on the campus during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer and/or his or her designees, to assist the member of

the public in appropriately identifying the public record requested.

(3) The public records officer and/or his or her designee to whom the request is presented shall respond promptly ((and shall)) by:

(a) ((Make)) Making the requested document available((,-or));

(b) ((State)) Acknowledging receipt of the request and providing a reasonable estimate of the time required to respond to the request;

(c) Stating that such a document does not exist((,-or));

((e-Ask)) (d) Asking for clarification of the document requested((-);); or

((d-Deny)) (e) Denying access to some or all of the document because portions of the document ((is)) are exempt from public inspection ((under WAC 132G-276-050)).

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-090 Copying. No fee shall be charged for the inspection of public records. The college ((shall)) imposes a charge ((a minimum fee of ten cents per page of copy)) for providing copies of public records. ((In the event the copying of public records would unreasonably burden existing personnel of the college, or additional personnel and/or equipment would have to be added because of the request(s) for copying public records, then a reasonable charge may be added to the ten cents per copy minimum to reflect the cost for additional personnel or equipment. The increased cost shall be determined by the public records officer and shall be stated on the form requesting the copying of public records when the same request is approved by the public records officer. In any case where the public records officer estimates that the cost of duplication of a request will exceed ten dollars, then the same officer may in his/her discretion require an advance payment of all or a percentage of the cost estimate prior to complying with the request for duplication. When, in the opinion of the public records officer, it would be less expensive or more practical to duplicate public records by contract with a printing company, then the public records officer shall have the authority to do the same and the actual cost of the printing shall be paid by the person requesting the duplication.)) Such charges shall not exceed the amount necessary to reimburse the college for the actual cost as allowed by law.

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-100 Exemptions. (1) The college reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132G-276-080 is exempt under ((the provisions of)) chapter 42.17 RCW or other law which exempts or prohibits disclosure of specific information or records.

(2) In addition, pursuant to RCW 42.17.260, the college reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is ((reason to believe that disclosure of such details

PROPOSED

would be an invasion of personal privacy protected by chapter 42.17 RCW)) a statute or law authorizing nondisclosure of the requested material. The public records officer and/or his or her designee will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer and/or his or her designees which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer and/or his or her designee denying the request shall refer it to the college president. The college president or his or her designee shall immediately consider the matter and either affirm or reverse such denial or consult with the attorney general to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the college has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

(4) Once the college denies a request for public records, the requester may request the attorney general to review the denial. Pursuant to RCW 42.17.325, the attorney general will provide the requester with an opinion whether the record is exempt from disclosure.

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-120 Protection of public records. Requests for public records shall be to the public records officer and/or his or her designees in the appropriate locations on the campus. Public records and a facility for their inspection will be provided by the public records officer and/or his or her designees. Such records shall not be removed from the place designated for their inspection. Copies shall be made only at Shoreline Community College. If copying facilities are not available at the college, the college will arrange to have copies made commercially according to the provisions of WAC 132G-276-090.

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-130 Records index. (1) ~~((INDEX—The public records officer and/or his designees have available to all persons a current index which provides identifying infor-~~

mation as to those records adopted or promulgated and indexed since June 30, 1972, in the following areas:

"(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases";

"(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency";

"(c) Administrative staff manuals and instructions to staff that affect a member of the public";

"(d) Planning policies and goals, and interim and final planning decisions";

"(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others";

"(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party";

(g) Financial records and budgets; and

(h) Board of trustees minutes and reports.

(2) **AVAILABILITY.** The current index promulgated by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.)) **Purpose.** This rule is enacted in compliance with chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records; and chapter 34.05 RCW, Administrative Procedure Act; and in particular with RCW 42.17.260 and 34.05.220.

(2) **Content.** The public records officer shall maintain an index of final orders, declaratory orders, interpretive statements, and policy statements, as defined by RCW 42.17.260(5), issued after June 30, 1990, by the board of trustees of the college, the president of the college, or their designees.

(3) **Form.** The index shall reference final orders, declaratory orders, interpretive statements, or policy statements by one or more of the following classifications: Date of implementation, organizational unit, or subject matter.

(4) **Requests for access to indexes.** Information regarding public inspection of indexes, their location, and a schedule for revising and updating these indexes can be obtained by contacting the public records officer.

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-900 Appendix A—Form—Request for public record to the Shoreline Community College ((District Number Seven)).

APPENDIX "A"

REQUEST FOR PUBLIC RECORD TO SHORELINE COMMUNITY COLLEGE ((~~DISTRICT NUMBER SEVEN~~))

(a)
 Name (Please Print) Signature

 Name of Organization, if Applicable

 Mailing Address of Applicant Phone Number

(b)
 Date Request Made at the Shoreline Time of Day
 Community College ((~~District Number Seven~~)) Request Made

(c) Nature of Request

(d) Identification Reference on Current Index
 Please Describe

(e) Description of Record, or Matter, Requested if not Identifiable by Reference to the Shoreline Community ((~~College District Number Seven's~~)) College's Current Index

(f) Purpose of Request if the Request is for a List of Individuals

Request: Approved By
 Date Public Records Officer
 ((~~and~~) or his or her
 designee

Denied Date
 Reasons for Denial:

Referred to Date
 By
 Public Records Officer
 ((~~and~~) or his or her
 designee

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 132G-276-030 Description of central and field organization of Community College District Number Seven.
- WAC 132G-276-040 Operations and procedures.

WSR 00-06-083
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 1, 2000, 11:27 a.m.]

Original Notice.
 Preproposal statement of inquiry was filed as WSR 99-17-041.

Title of Rule: Conservation areas and marine preserves.
 Purpose: To adopt and amend marine preserve and conservation area rules; change two marine preserves into conservation areas.

Statutory Authority for Adoption: RCW 75.08.080.
 Statute Being Implemented: RCW 75.08.080.
 Summary: Two marine preserves will become conservation areas and one existing area will be modified.

Reasons Supporting Proposal: Many fish species in the area east of Cape Flattery are depressed. Additional areas are needed as unfished reference areas to provide information on resources and ecological relationships absent fishing pressure. The rocky habitats in these areas will provide production areas for rocky reef species such as rockfish. Orchard Rocks Conservation Area is being modified to make it easier to understand and to improve the effectiveness of the closure.

Name of Agency Personnel Responsible for Drafting: Mary Lou Mills, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2834; Implementation: Lew Atkins, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2325; and Enforcement: Bruce Bjork, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2373.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Marine preserves and conservation areas are needed to provide protection for depressed stocks of fish, shellfish and unclassified wildlife, to afford nonconsumptive use, and to serve as study sites. Additionally, rebuilding efforts will be enhanced by having nonharvest zones. These proposals change two marine preserves into conservation areas, change the boundary of one conservation area, and restrict harvest in two marine preserves.

Proposal Changes the Following Existing Rules: Salter's Point Beach and Waketickeh Creek to conservation area, Orchard Rocks area boundary adjusted, salmon, food fish,

PROPOSED

shellfish and wildlife closures at Colvos Passage and Titlow Beach.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: There are no reporting or record-keeping requirements in the proposed rule.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: None.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? The rule is not expected to produce a loss of revenue for any commercial fishing operation in the area. Saltar's Point Beach and the additional area at Orchard Rocks do not have significant commercial harvest for any species. Saltar's Point Beach is only the intertidal area. The area being closed at Orchard Rocks is mainly within the lease holding of the net pen operation. The new pen operation will be unaffected by the closure since they deal with private cultured product (the fish in the pens) which is not under WDFW authority.

The total allowable catch for all species will remain the same for the Puget Sound and Hood Canal area following establishment of these conservation areas and preserve. Total catch for the basins involved will not be affected by the establishment of the conservation areas or the marine preserves, although nontribal fishers will be displaced geographically. Specifically, the harvest that now occurs in the sites includes the following:

Sea urchins (predominantly green urchins) and sea cucumbers: The quotas for sea urchins and sea cucumbers are established by region. The tribes will be unaffected by this rule and are likely to continue to harvest these sites so total harvest for the regions involved are not likely to change. Nontribal fishers will be displaced to other areas in the respective regions but will have ample areas available to harvest.

Shrimp: Hood Canal has not been open for nontribal commercial shrimp harvest. Colvos Passage site is shallower than shrimp gear is typically operated.

Dungeness crab: Hood Canal has not been open for commercial harvest of crab so Waketickeh will have no affect. Colvos Passage is a very small site and harvest opportunities are abundant outside the area. The crab fishery will not be affected by these closures.

Salmon (gillnet and purse seine): Total catch is established based on the strength of the salmon runs moving through these areas and will not be affected. The opportunity to harvest will not be seriously impaired by these conservation areas and preserve.

Area 11 (Colvos Passage) has been open for approximately 2-6 days per year for each type of gear annually. The area closed is small, it is located between two popular drifts,

and identification for the fishers will be important. Salmon which may pass through this site will be available for harvest north and south of the site. Total harvest will be unaffected and fishing opportunity will not decrease.

Area 12B in Hood Canal (Waketickeh) has been open 4-9 days typically for each gear each year. The site is well away for the popular purse seine sites and relatively few gill nets work the area so there is ample alternative areas to drift.

Clams, oysters, and mussels (including geoduck clams): These resources are owned by the landowner (private ownership within the intertidal and DNR in subtidal areas). Harvest of these species is unaffected by a WDFW closure. In the case of geoduck clams, DNR would be the state agency to make a decision to forgo harvest. Only if the tribes concurred with that, the harvest model would be adjusted to decrease the total biomass available for the area.

Groundfish and baitfish: There has been no significant directed groundfish or baitfish harvest in these regions so closure of these areas will have no significant effect.

5. Cost of Compliance for the 10% of Businesses That Are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs: a. Cost per employee; b. Cost per hour of labor; or c. Cost per one hundred dollars of sales. No cost.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: There are no costs for this rule.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: Hold a public hearing in the Fish and Wildlife Commission rule adoption process.

8. A List of Industries That Will Be Required to Comply with the Rule: Commercial fishers must comply.

A copy of the statement may be obtained by writing to Mary Lou Mills, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2834, fax (360) 902-2944.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These are not hydraulic rules.

Hearing Location: Yakima Convention Center, 10 North 8th Street, Yakima, WA, on April 7-8, 2000, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 31, 2000, TDD (360) 902-2207, or (360) 902-2226.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98504-1091, fax (360) 902-2944.

Date of Intended Adoption: April 7, 2000.

March 1, 2000

Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

WAC 220-16-590 Orchard Rocks Conservation Area. "Orchard Rocks Conservation Area" is defined as those waters and bedlands of Rich Passage (~~north and west~~) within a 400-yard radius of Orchard Rocks (~~between a line~~

projected 85 degrees true from Orchard Rocks day marker and a line projected from Orchard Rocks day marker south-westerly through the R "6" flashing red (2.5s) buoy as well as all waters within 50 yards of Orchard Rocks)) day marker.

NEW SECTION

WAC 220-16-740 Waketickeh Creek Conservation Area. "Waketickeh Creek Conservation Area" is defined as those waters and bedlands of Hood Canal from Waketickeh Creek (located 1000 yards north of Cummings Point) out perpendicular to shore 500 yards, then parallel to shore northeast 1700 yards, then back to shore along a line perpendicular to shore, excluding the area within 100 feet of ordinary high water.

NEW SECTION

WAC 220-16-750 Saltar's Point Beach Conservation Area. "Saltar's Point Beach Conservation Area" is defined as those tidelands owned by the Town of Steilacoom at Saltar's Point Beach located between Montgomery Street and Martin Street, and the water column above those tidelands.

AMENDATORY SECTION (Amending Order 98-120, filed 7/7/98, effective 8/7/98)

WAC 220-20-015 Lawful and unlawful acts—Salmon. (1) It is unlawful to operate in any river, stream or channel any gill net gear longer than three-fourths the width of the stream; this provision shall supersede all other regulations in conflict with it.

(2) It is unlawful to operate any net for removing snags from state waters without permit from the department of fisheries.

(3) It is unlawful to take, fish for or possess for commercial purposes chinook salmon less than 28 inches in length or coho salmon less than 16 inches in length except as follows:

(a) In the Puget Sound, Grays Harbor, Willapa Bay and Columbia River commercial salmon net fisheries there is no minimum size limit on salmon taken with gill net gear.

(b) In the Pacific Ocean commercial salmon troll fishery frozen chinook salmon, dressed heads off shall be 21 1/2 inches minimum and frozen coho salmon dressed heads off shall be 12 inches minimum, measured from the midpoint of the clavicle arch to the fork of the tail.

(c) This subsection does not apply to salmon raised in aquaculture.

(4) It is unlawful to set, maintain, or operate any reef net gear at any location which places the stern ends of either or both reef net boats of said gear less than a distance of 800 feet in front of or behind the head buoys of any row or reef net gear, within the boundaries of the Lummi Island Reef Net Fisheries Area, as described in RCW 75.12.140.

(5) It is lawful to possess salmon for any purpose which were lawfully obtained from state and federal government fish hatcheries and facilities. Subsections (3) and (12) of WAC 220-20-010 and subsection (3) of WAC 220-20-015 do not apply to salmon possessed under this subsection.

(6) It is unlawful to take or fish for food fish from a commercial salmon trolling vessel with gear other than lawful troll line gear while said vessel is engaged in commercial fishing or has commercially caught fish aboard.

(7) It shall be unlawful to angle for salmon for personal use from any vessel that is engaged in commercial salmon trolling or has commercially caught salmon aboard.

(8) It is unlawful to fish for or possess salmon taken for commercial purposes from the Sund Rock Marine Preserve, ~~((or))~~ the Titlow Beach Marine Preserve, or the Colvos Passage Marine Preserve.

(9) It is unlawful to take salmon for personal use from the Colvos Passage Marine Preserve except by trolling, defined as fishing from a vessel under power and in gear making forward progress.

AMENDATORY SECTION (Amending Order 98-120 [99-215], filed 7/7/98 [12/16/99], effective 8/7/98 [1/16/00])

WAC 220-20-020 General provisions—Lawful and unlawful acts—Food fish other than salmon. (1) It is unlawful to fish for or possess for commercial purposes any round, undressed white sturgeon less than 48 inches or greater than 60 inches in length or any round, undressed green sturgeon less than 48 inches or greater than 66 inches in length.

(2) It is unlawful to fish for or possess for commercial purposes or possess aboard a commercial fishing vessel for any purpose any species of halibut (*Hippoglossus*) unless permitted by the current regulations of the International Pacific Halibut Commission.

(3) It is unlawful to fish for or possess for commercial purposes sturgeon taken from any of the waters of Puget Sound or tributaries, and any sturgeon taken with any type of commercial gear incidental to a lawful fishery shall immediately be returned to the water unharmed.

(4) It is unlawful to fish for food fish for commercial purposes in the waters of Shilshole Bay inland and inside a line projected in a southwesterly direction from Meadow Point to West Point.

(5) It is unlawful to fish for or possess for commercial purposes any starry flounder less than 14 inches in length taken by any commercial gear, in all Puget Sound Marine Fish-Shellfish Areas.

(6) It shall be unlawful to harvest herring eggs naturally deposited on marine vegetation or other substrate, unless a person has a permit issued by the director.

(7) It is unlawful to fish for or possess food fish other than salmon taken for commercial purposes from the San Juan Islands Marine Preserve, except that it is lawful to take herring.

(8) It is unlawful to fish for or possess food fish other than salmon taken from the Titlow Beach Marine Preserve, ~~((or))~~ the Sund Rock Marine Preserve, or the Colvos Passage Marine Preserve.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

PROPOSED

AMENDATORY SECTION (Amending Order 98-120 [99-213], filed 7/7/98 [12/15/99], effective 8/7/98 [1/15/00])

WAC 220-20-025 General provisions—Shellfish. (1) It is unlawful to drive or operate any motor-propelled vehicle, land any airplane or ride or lead any horse on the razor clam beds of the state of Washington, as defined in WAC 220-16-257. A violation of this subsection shall be punished as an infraction.

(2) It is unlawful to possess any soft-shelled crab for any purpose.

(3) It is unlawful to possess in the field any crab from which the back shell has been removed.

(4) It is unlawful to use any chemicals when taking or fishing for octopus except for persons granted a scientific collector's permit from the department for the harvest of octopus for display or scientific purposes.

(5) It is unlawful to willfully damage crab or other shellfish. Any crab taken incidentally to a net fishery must be immediately returned to the water with the least possible damage to the crab.

(6) It is unlawful to fish for or possess shellfish taken for commercial purposes from the San Juan Islands Marine Preserve, except it is lawful to fish for crab in Parks Bay.

(7) It is unlawful to fish for, harvest, or possess shellfish taken from the Titlow Beach Marine Preserve, ~~((or))~~ the Sund Rock Marine Preserve, or the Colvos Passage Marine Preserve.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Order 98-232 [00-05], filed 11/6/98 [1/24/00], effective 12/7/98 [2/24/00])

WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished. Protected wildlife are designated into three subcategories: Threatened, sensitive, and other.

(1) Threatened species are any wildlife species native to the state of Washington that are likely to become endangered within the foreseeable future throughout a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as threatened include:

Common Name	Scientific Name
western gray squirrel	Sciurus griseus
Steller (northern) sea lion	Eumetopias jubatus
North American lynx	Lynx canadensis
Aleutian Canada goose	Branta Canadensis leucopareia
bald eagle	Haliaeetus leucocephalus
ferruginous hawk	Buteo regalis
marbled murrelet	Brachyramphus marmoratus
green sea turtle	Chelonia mydas
loggerhead sea turtle	Caretta caretta
sage grouse	Centrocercus urophasianus

Common Name	Scientific Name
sharp-tailed grouse	Phasianus columbianus

(2) Sensitive species are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as sensitive include:

Common Name	Scientific Name
Gray whale	Eschrichtius gibbosus
Larch Mountain salamander	Plethodon larselli
Pygmy whitefish	Prosopium coulteri
Margined sculpin	Cottus marginatus
Olympic mudminnow	Novumbra hubbsi

(3) Other protected wildlife include:

Common Name	Scientific Name
cony or pika	Ochotona princeps
least chipmunk	Tamias minimus
yellow-pine chipmunk	Tamias amoenus
Townsend's chipmunk	Tamias townsendii
red-tailed chipmunk	Tamias ruficaudus
hoary marmot	Marmota caligata
Olympic marmot	Marmota olympus
Cascade golden-mantled ground squirrel	Spermophilus saturatus
golden-mantled ground squirrel	Spermophilus lateralis
Washington ground squirrel	Spermophilus washingtoni
red squirrel	Tamiasciurus hudsonicus
Douglas squirrel	Tamiasciurus douglasii
northern flying squirrel	Glaucomys sabrinus
wolverine	Gulo gulo
painted turtle	Chrysemys picta
California mountain kingsnake	Lampropeltis zonata;

All birds not classified as game birds, predatory birds or endangered species, or designated as threatened species or sensitive species; all bats, except when found in or immediately adjacent to a dwelling or other occupied building; all wildlife within Titlow Beach Marine Preserve ~~((Area))~~, the Sund Rock Marine Preserve, the Colvos Passage Marine Preserve, and the conservation areas defined in chapter 220-16 WAC; mammals of the order Cetacea, including whales, porpoises, and mammals of the order Pinnipedia not otherwise classified as endangered species, or designated as threatened species or sensitive species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a

PROPOSED

lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 00-06-084
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 1, 2000, 11:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-02-083.

Title of Rule: Automated recreational licenses.

Purpose: The implementation of an automated licensing system.

Statutory Authority for Adoption: RCW 77.12.040, 77.32.050.

Statute Being Implemented: RCW 77.32.050.

Summary: Amends rules for issuance of licenses to provide for automated license system, and providing for the phasing out of the current hand processed licenses.

Reasons Supporting Proposal: The automated licensing system will provide faster issuance of recreational licenses, will reduce the dealer workload, will provide better tracking or license sales by type, will prevent unauthorized issuance of licenses, and will allow better accounting of sales and receipt of license revenue.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: James Lux, 1111 Washington Street, Olympia, 902-2444; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Provides for a more accurate licensing system and a more rapid return to the state for revenue collected.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The department is preparing to implement a new automated licensing system that will be simpler and more convenient to our customers. Current administrative rules were not designed for an automated system. Therefore a number of changes are proposed to meet this need. The new automated licensing system will be operated on a trial basis at WDFW regional offices and certain selected dealerships in July or August of 2000. Therefore, it is timely and appropriate that these rule changes are made at this time. This proposed new rule clarifies the licensing requirements for hunting migratory birds and for using the new automated licensing system of the department. Provides for attaching a validation sticker to catch record cards issued through an automated license vendor. Modifies the rule to require all

money collected from dealers using automated licensing equipment to be received weekly by the department through electronic fund transfers (EFT) rather than monthly.

Proposal Changes the Following Existing Rules: 1. Changes the time license dealers are allowed to remit payments to the Department of Fish and Wildlife from monthly to weekly.

2. Provides for the use of a validation sticker for migratory bird hunters rather than the traditional stamp when using the automated license system.

3. Provides for the placement of computer generated license validation stickers upon licenses and catch record cards to identify the licensee rather than relying upon hand entry by the license dealer.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Measures Required by the Proposed Rule: No new records or reporting requirements are necessary.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: No professional services are required.

3. Costs of Compliance for Business, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: License dealers will be required to deposit license sales into an account approved by the Public Deposit Protection Commission (PDPC) for electronic transference to the state treasury. If license dealership already banks with a PDPC bank, they have the option of allowing an electronic "sweep" of that account. Otherwise, based on a survey of three banks (Bank of America, Washington Mutual Bank, and First Community Bank) the cost of a separate business account is \$8.00 per month.

4. Will Compliance with the Rule Cause Business to Lose Sales or Revenue? No.

5. Cost of Compliance for the 10% of Businesses That Are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs: a. Cost per employee; b. Cost per hour of labor; or c. Cost per one hundred dollars of sales. There are no costs associate with items A, B, or C for complying with proposed rules.

6. Steps Taken by Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: Deposit of state monies from the sale of recreational licenses into an account held by a PDPC approved bank is a Office of the State Treasurer requirement. In this case, we are not able to minimize the cost.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: Majority of proposed rules have been reviewed by members of the Dealer Advisory Action Team. Two public meetings are scheduled; all license dealers have been mailed notice of the meetings. Notification of the proposed rule changes will be made in the Fish and Wildlife Commission published agenda.

8. A List of Industries That Will Be Required to Comply with this Rule: WDFW recreational license dealerships.

PROPOSED

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2930, fax (360) 902-2944.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Yakima Convention Center, 10 North 8th Street, Yakima, WA, on April 7-8, 2000, at 12:00 noon.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 31, 2000, TDD (360) 902-2295, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98504-1091, fax (360) 902-2944, by April 6, 2000.

Date of Intended Adoption: April 7, 2000.

March 1, 2000
Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 99-02, filed 1/13/99, effective 2/13/99)

WAC 220-55-005 Recreational license. A recreational license is a license document or a valid internet or telephone authorization number issued by the department (~~and in the case of a shellfish seaweed license consists of the license and shellfish validation tag~~). The license document is invalid unless the personal identification information on the license has been completed and the licensee has signed the license except that a temporary fishing license is issued either as a license document requiring personal identification information or as a stamp, which is invalid unless the two-consecutive days for which it is valid are entered, in permanent ink, on the stamp.

AMENDATORY SECTION (Amending Order 99-99-02 [99-02], filed 1/13/99, effective 2/13/99)

WAC 220-55-010 Recreational shellfish and seaweed (~~validation tag~~) license. The recreational (~~personal use shellfish and seaweed validation tag~~) license shall be provided with an opening for attachment or display on outer clothing. The (~~validation~~) license must be displayed on outer clothing while harvesting or transporting shellfish and seaweed in the field.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Order 99-99-02 [99-02], filed 1/13/99, effective 2/13/99)

WAC 220-55-015 Valid recreational license required. (~~(4)~~) It is unlawful for any person required to have a recreational license to take or possess fish, shellfish, seaweed, or wildlife for personal use without having in possession a valid license, or a valid internet or telephone authorization number.

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.

AMENDATORY SECTION (Amending Order 99-99-02 [99-02], filed 1/13/99, effective 2/13/99)

WAC 220-55-070 Valid catch record card. A catch record card (~~((required while fishing for halibut in Catch Record Card Areas 5 through 13, sturgeon in Grays Harbor, Willapa Bay or the Columbia River and tributaries to these three systems, or anadromous salmon anywhere in the state (see WAC 220-56-175)))~~) shall be invalid unless:

(1) The angler possesses the appropriate recreational license for the area in which the angler is participating, if a license is required.

(2) The catch record card number is written in ink in the appropriate space on the back of the recreational license, if a license is required, and the personal information has been entered on the catch record card as required under WAC 220-56-175, or, if an automated license is issued, the catch record card has attached to it a validation sticker containing the name and license number.

(3) The license issuance date is legible and not altered, and the license has not been mutilated.

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.

AMENDATORY SECTION (Amending Order 99-02, filed 1/13/99, effective 2/13/99)

WAC 220-55-105 Requirements of recreational license dealers. (1) The director (~~(or his/her designee)~~) may (~~(deputize)~~) contract with persons, firms or corporations as license dealers in such numbers as deemed necessary for the purpose of issuing licenses, permits, tags, stamps and (~~(punch)~~) catch record cards.

(2) License dealers must (~~(sell a minimum of two hundred fifty licenses per year)~~) have a permanent place of business with regular business hours, and have a type of business that supports hunting and fishing activities. Exceptions to this rule may be granted by the director (~~(or his/her designee upon written appeal)~~).

(3) An Internet or Interactive Voice Response (IVR) telephone firm or corporation may be designated by the director as a license dealer. Internet or IVR dealers are not required to have a type of business that supports hunting and fishing activities.

(~~(3)~~) (4) All moneys collected from the sale of hand processed licenses, stamps, and other department property must be received in the department by the 10th day of the following month in which they were sold. High volume license dealers or dealers with a history of late payments may be required to remit moneys on a more frequent basis.

(5) All moneys collected from the sale of automated licenses, and other automated department property must be deposited into an electronic funds transfer account (EFT) of a type approved by the State Treasurer's Office where they

shall be collected on a weekly basis on a schedule set by the department and the State Treasurer's Office.

~~((4))~~ (6) All records held pursuant to the statutes and regulations dealing with license dealers must be open to inspection by a fish and wildlife officer or department designee at reasonable times.

~~((5))~~ (7) License dealers who remit payments for hand processed licenses and other documents after the 10th of the month on more than two occasions in one year will be required to obtain a bond equal to the value of their license stock or make electronic fund transfer payment arrangements. "One year" is defined as beginning on the first month in which the license dealer is late making a payment due by the 10th of that month. A dealer who is late a third time, or sporadically thereafter, may lose their license dealership. No license dealer may receive additional license inventory if they are in arrears on license payments.

(8) For licenses sold via an automated system, license dealers must have sufficient funds in their EFT account to cover all licenses and other department property sold during the previous business week (12:01 a.m. Sunday until 11:59 p.m. Saturday) when funds are collected electronically per the announces schedule. If the amount due has not been paid on the date of the next scheduled collection from the account, the automated license terminal will be disabled and authorization to sell licenses will be withheld until all balances due have been paid. If there are insufficient funds in the account on more than three occasions in one license year, the dealer may lose their license dealership. "One license year" is defined as beginning on April 1 and ending on March 31 of the following year.

(9) License dealers using an automated licensing system are required to maintain and deposit license revenue into accounts established in banks designated as public depositories by the Public Deposit Protection Commission.

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 99-02, filed 1/13/99, effective 2/13/99)

WAC 220-55-110 Temporary ~~((fishing)) fish-shellfish-seaweed license and temporary hunting license ~~((and catch record card))~~—License dealer issuance duties.~~ ~~((+))~~ A recreational license dealer must, at the time of sale of a ~~((temporary))~~ two-consecutive-day combination fishing or three-consecutive-day small game license, write the validation date in ink on the license document, or for automated licenses, attach the validation sticker containing the validation date(s) onto the license document. The validation date is the first day on which a licensee may fish for, harvest or possess fish, shellfish, seaweed, or wildlife.

~~((2))~~ A recreational license dealer must, at the time of distribution of a catch record card, record in ink the number of the catch record card in the appropriate space on the personal use food fish license, if a personal use food fish license is required for the fisher.

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.

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 99-129, filed 8/17/99, effective 9/17/99)

WAC 220-55-115 Recreational license dealer's fees.

License dealers may charge a license issuance fee as follows:

(1) Two dollars for the issuance of any of the following fishing licenses:

(a) A combination license.

(b) A saltwater license.

(c) A freshwater license.

(d) A temporary fishing license ~~((when issued in the form of a standard recreational fishing license document)).~~

(e) A family fishing weekend license.

~~((f))~~ A personal use shellfish and seaweed license when issued in the form of a standard recreational fishing license document.

~~((g))~~ Notwithstanding the provisions of this subsection, if any two or more licenses are issued on the same standard recreational fishing license document, the license issuance fee for the document is two dollars.

(2) Two dollars for the issuance of any of the following hunting licenses:

(a) A big game combination license.

(b) A small game license.

(c) A three-consecutive day small game license.

~~((d))~~ Notwithstanding the provisions of this subsection, if any two or more licenses are issued on the same standard recreational hunting license document, the license issuance fee for the document is two dollars.

(3) Two dollars for the issuance of a fish and wildlife lands vehicle use permit when issued separately from an annual freshwater, saltwater or combination fishing license, or separately from an annual small game hunting license, big game combination license, or trapping license. ~~((Notwithstanding the provisions of this subsection, if the fish and wildlife lands vehicle use permit is issued with any other license issued in the form of a standard recreational hunting or fishing license document, the license issuance fee for the document is two dollars.))~~

(4) One dollar for the issuance of ~~((any of the following shellfish and seaweed licenses or tags:~~

~~((a))~~ A personal use shellfish and seaweed license ~~((when issued in the form of a wearable license.~~

~~((b))~~ A wearable shellfish tag issued with a combination fishing license:

~~((c))~~ A wearable shellfish tag issued with a personal use shellfish and seaweed license when the license is issued in the form of a standard recreational fishing license document.

~~((d))~~ A two-day personal use shellfish and seaweed license).

(5) Notwithstanding the provisions of this section, if any two or more licenses are issued at the same time, or the fish and wildlife lands vehicle use permit is issued with any recre-

PROPOSED

ational license. the license issuance fee for the document is two dollars.

- (6) Fifty cents for the issuance of any of the following:
- (A) A deer, elk, bear, cougar, mountain goat, mountain sheep, moose, or turkey transport tag.
 - (b) A temporary fishing license when issued as a charter stamp.
 - (c) A state of Washington migratory bird stamp.
 - (d) A Western Washington pheasant permit.
 - (e) An application for a special permit hunt.

AMENDATORY SECTION (Amending Order 99-125, filed 8/13/99, effective 4/1/00)

PROPOSED

WAC 220-56-175 Catch record cards. ~~((Effective April 1, 2000.))~~ It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) In order to fish for or possess for personal use any crab, anadromous salmon, ~~((Columbia River, Grays Harbor, or Willapa Bay))~~ sturgeon ~~((including sturgeon taken from any tributary))~~, halibut taken from Catch Record Card Areas 5 through 13 or steelhead, an angler must obtain and have in personal possession ~~((the))~~ a valid, appropriate catch record card as described in WAC 220-69-236 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016 and commercially caught sturgeon retained for personal use as provided for in WAC 220-20-021.

(2) Any angler, ~~((when))~~ after obtaining a catch record card shall validate the catch record card by completely, accurately, and legibly ~~((complete))~~ completing all personal identification information in ink on the catch record card prior to detaching the catch record card from the underlying copy of the catch record card, or, for automated licenses, affixing the appropriate validation sticker to the catch record card.

(3) Immediately upon catching and possessing a salmon, steelhead, sturgeon or halibut, the angler shall enter in ink in the appropriate space the place, date of catch, species (catch type), for sturgeon, length and, for halibut, vessel type.

(4) Immediately upon retaining a Dungeness crab aboard a vessel or on the shore, the fisher must enter in ink in the appropriate space the place and date of catch, fishery type and enter a tally mark for each Dungeness crab retained from each catch record card area fished. At the end of the fishing day, the fisher shall enter the total number of crab tally marks for each fishery type.

(5) Every person possessing a catch record card shall by April 30 of the year following the year printed on the card return such card to the department of fish and wildlife.

(6) Any person possessing a catch record card shall, upon demand of any law enforcement officer or authorized department employee, exhibit said card to such officer or employee for inspection.

(7) A catch record card shall not be transferred, borrowed, altered, or loaned to another person

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.

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 99-125, filed 8/13/99, effective 4/1/00)

WAC 220-69-236 Description of catch record cards and required information. (1) The department shall prepare and distribute catch record cards for the following:

- (a) Anadromous salmon (salmon);
- (b) Dungeness crab;
- (c) Halibut taken from catch record card areas 5 through 13;
- (d) Steelhead;
- (e) Sturgeon taken from the Columbia River, Grays Harbor, and Willapa Bay (including sturgeon taken from any tributary).

(2) Each catch record card shall contain space for the following information, which must be recorded prior to the catch record card being separated from the underlying copy of the catch record card:

- (a) Name of fisher;
- (b) Home address;
- (c) City, state, and zip code;
- (d) Date of issuance.

(e) Or, for automated licenses, a the catch record card shall contain space for the appropriate validation sticker.

(3) Each halibut, salmon, steelhead, and sturgeon catch record card shall contain space for the following information:

- (a) Month of catch;
- (b) Day of catch;
- (c) Catch record card area, river code, or stream: Location of catch.

(4) Each salmon and sturgeon catch record card shall contain space for a species code.

(5) Each halibut catch record card shall contain space for designating the type of vessel from which the halibut was taken, either charter (c) or personal/kicker (k) boat.

(6) Each sturgeon catch record card shall contain space for the length of fish.

(7) Each Dungeness crab catch record card shall contain space for the following information:

- (a) Month of catch;
- (b) Date of catch;
- (c) Catch record card area;
- (d) Type of crab fishery as described on the Dungeness crab catch record card;
- (e) Total crab retained by fishery type;
- (f) Tally mark for each crab retained.

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 220-55-132 Migratory bird validations and stamps. (1) When using an automated licensing system, the migratory bird stamp required by the RCW 77.32.350(1) shall be considered as part of the license validation sticker

attached to the generic license document. A person who obtains a migratory bird stamp in the form of a validation may obtain a state migratory bird stamp free of charge upon request at the time of purchase.

(2) Collectors and other persons may purchase one or more migratory bird stamps without purchasing a small game hunting license.

(3) When issued a validation sticker, the signature of the hunter on the license document shall validate the license.

WSR 00-06-085
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed March 1, 2000, 11:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-01-142.

Purpose: To adopt WAC 232-28-279 2000-2002 Elk general seasons and 2000 special permits.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The proposed 2000-2002 general seasons and 2000 special permits are proposed to provide hunting opportunity within the biological constraints of the resource. The proposed elk seasons will maintain most hunting seasons adopted in the last three year package.

Reasons Supporting Proposal: The proposed rule will describe elk hunting opportunities in Washington state.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and **Enforcement:** Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose is to provide hunting recreation and help prevent damage to agricultural and horticultural crops. The anticipated effect will be to maintain hunting opportunity and reduce liability to damage claims from elk damage.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Yakima Convention Center, 10 North 8th Street, Yakima, WA, on April 7-8, 2000, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 31, 2000, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Britnell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 31, 2000.

Date of Intended Adoption: April 7, 2000.

March 1, 2000

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 232-28-279 2000-2002 Elk general seasons and 2000-2001 special permits. Bag Limit: One (1) elk per hunter during the 2000 hunting season.

Hunting Method: Elk hunters must select only one of the hunting methods (modern firearm, archery, or muzzleloader).

Elk Tag Areas: Elk hunters must choose either eastern or western Washington to hunt in and buy the appropriate tag for that area.

Any Bull Elk Seasons: Open only to the taking of male elk with visible antlers (bull calves are illegal).

Spike Bull Restrictions: Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not branch above ears). An animal with branched antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

Spike Only GMUs: 145-154, 162-186, 249-251, 328, 329, and 335-371

3 Point Restriction: Legal bull elk taken must have at least 3 antler points on one side only. Antler points may include eye guards, but antler points on the lower half of the main beam must be at least four (4) inches long measured from antler tip to nearest edge of beam; all other antler points must be at least one (1) inch long. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: All of western Washington except for GMUs 454, 564, 568, 574, 578, and 588.

GMUs Closed to Elk Hunting: 418 (Nooksack), and 437 (Sauk) except for ML Elk Area 941, 485 (Green River), 490 (Cedar River) 522 (Loo-wit) and 636 (Skokomish).

Special Permits: Only hunters with elk tag prefix identified in the Special Elk Permits tables may apply for special bull or antlerless permits. Please see permit table for tag eligibility. Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag and during the dates listed for the hunt.

Harvest Report Card: Successful hunters must fill out and return a Game Harvest Report Card within 10 days after taking an elk.

Elk Tag Areas

Eastern Washington: All 100, 200, and 300 GMUs except permit only in GMUs 127 & 130 for modern firearm hunters

PROPOSED

and permit only for all hunters in GMU 157. Modern firearm restrictions in GMU 334.

EA - Eastern Washington Archery Tag

EF - Eastern Washington Modern Firearm General Elk Tag

EM - Eastern Washington Muzzleloader Tag

Western Washington: All 400, 500, and 600 GMUs except closed in GMUs 418, 437 (except for Muzzleloader Area 941), 485, 490, 522, 636 and modern firearm restrictions in portions of GMU 660. GMU 554 is open only for early archery and muzzleloader seasons. Elk Area 064 in GMU 638 (Quinault) is open to AHE hunters only. Elk hunting by permit only in GMUs 524, 556, 621, and PLWMA 600 (Pysht).

WA - Western Washington Archery Tag

WF - Western Washington Modern Firearm General Elk Tag

WM - Western Washington Muzzleloader Tag

Modern Firearm Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid modern firearm elk tag as listed below on his/her person for the area hunted.

Hunting Method: May use rifle, bow and arrow, or muzzle-loader, but only during modern firearm seasons.

PROPOSED

Hunt Area	Tag Area	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Eastern Washington	EF	109 through 117, 121 east of Hwy 395	Oct. 28-Nov. 5	Oct. 27-Nov. 4	Oct. 26-Nov. 3	Any bull
		127, 130, 157				Permit only
		145 through 154, 162 through 186, 249, that part of GMU 250 south of Hwy 2, 251, 328, 329, 335 through 368	Oct. 28-Nov. 5	Oct. 27-Nov. 4	Oct. 26-Nov. 3	Spike bull
		372, 382	Sept. 1-Oct. 13	Sept. 1-Oct. 12	Sept. 1-Oct. 11	Antlerless
			Oct. 28-Nov. 5	Oct. 27-Nov. 4	Oct. 26-Nov. 3	Any elk
			Dec. 9-13	Dec. 8-12	Dec. 7-11	Antlerless
		101, 105, 121, 124 west of Hwy 395, 127-142,	Oct. 28-Nov. 5	Oct. 27-Nov. 4	Oct. 26-Nov. 4	Any elk
Western Washington	WF	407, 448, 460, 466, 504 through 520, 530, 550, 558, 560, 572, 601 through 618, 624 through 633, 638 through 684 Except AHE hunters only in Elk Area 064 in GMU 638	Nov. 4-12	Nov. 3-11	Nov. 2-10	3 pt. min.
		501	Nov. 4-12	Nov. 3-11	Nov. 2-10	3 pt. min. or antlerless
		564, 568, 574 through 588	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any elk
		454	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any bull
		524, 556, 621, PLWMA 600	Nov. 4-12	Nov. 3-11	Nov. 2-10	Permit Only

Archery Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid archery elk tag as listed below on his/her person for the area hunted.

Hunting Method: Bow and arrow only.

Special Notes: Archery tag holders can hunt only during archery seasons. Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Early Archery Elk Seasons						
Eastern Washington	EA	101 through 109, 121 through 142, 243, 247, 249, 250, 382	Sept. 1-14	Sept. 1-14	Sept. 1-14	Any elk
		145 through 154, 162 through 186, 328, 329, 334, 335, 336, 340, 352, 356, 364	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike bull or antlerless
		113-117	Sept. 1-14	Sept. 1-14	Sept. 1-14	Any bull
Western Washington	WA	454, 564, 568, 574, 578, 588	Sept. 1-14	Sept. 1-14	Sept. 1-14	Any elk
		407, 448, 501 through 506, 520, 530, 550, 554, 558, 560, 572, 660, 663, 667 through 673, 684 and Long Island	Sept. 1-14	Sept. 1-14	Sept. 1-14	3 pt. min. or antlerless
		460, 466, 510, 513, 516, 601, 602, 603, 612 through 618, 624 through 633, 638 through 658, 666, 681. AHE hunters only in Elk Area 064 in GMU 638. Permit Only in PLWMA 600 in GMU 603.	Sept. 1-14	Sept. 1-14	Sept. 1-14	3 pt. min.
Late Archery Elk Seasons						
Eastern Washington	EA	101, 105, 121 through 127	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Any elk
		117	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Any bull
		178	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Antlerless only
		328, 335, 336, 352, 368 & that part of GMU 360 north of USFS roads 324, 325, to the intersection of Carmack Canyon then east down Carmack Canyon bottom to Naches River and north to State Hwy 410	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Spike bull or antlerless
Western Washington	WA	407, 505, 652, 672, 681 and Long Island. In GMU 681 closed between US Highway 101 and the Columbia River from Astoria- Megler toll bridge to the Wallacut River.	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	3 pt. min. or antlerless
		454, 564, 588	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	Any elk
		506, 520, 530, 603, 612, 615, 638, 648 except closed in PLWMA 600 in GMU 603. AHE hunters only in Elk Area 064 in GMU 638.	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	3 pt. min.

PROPOSED

Muzzleloader Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid muzzleloader elk tag as listed below on his/her person for the area hunted.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons and must hunt with muzzleloader equipment. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

PROPOSED

Hunt Area	Elk Tag	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Early Muzzleloader Elk Seasons						
Eastern Washington	EM	109, 247	Oct. 7-13	Oct. 6-12	Oct. 5-11	Any bull
		127 through 142	Oct. 7-13	Oct. 6-12	Oct. 5-11	Any elk
		172, 245, 251, 342, 356, 368	Oct. 7-13	Oct. 6-12	Oct. 5-11	Spike bull
		ML 911	Aug. 19-Sept. 10	Aug. 18-Sept. 9	Aug. 17-Sept. 8	Spike bull or antlerless
		That part of GMU 368 east of the following boundary: Jump Off Road and the power-lines to South Fork Cowiche Creek, west along South Fork Cowiche Creek to Road A 5500, east on A 5500 Road and south on A 5000 Road to North Fork Ahtanum Creek Road, south and west on North Fork Ahtanum Creek Road to A 2000, A 2000 to A 2400 Road, A 2400 Road to A 1000 Road and South Fork of Ahtanum Creek.	Oct. 7-13	Oct. 6-12	Oct. 5-11	Antlerless
Western Washington	WM	454, 564, 568, 684	Oct. 7-13	Oct. 6-12	Oct. 5-11	Any elk
		460, 501, 504, 513, 530, 554, 602, 603, 607, 652, 654	Oct. 7-13	Oct. 6-12	Oct. 5-11	3 pt. min.
		501	Oct. 7-13	Oct. 6-12	Oct. 5-11	3 pt. min. or antlerless
Late Muzzleloader Elk Seasons						
Eastern Washington	EM	130 through 142	Nov. 22- Dec. 8	Nov. 21- Dec. 8	Nov. 20- Dec. 8	Any elk
		346	Nov. 11-15	Nov. 10-14	Nov. 9-13	Spike bull or antlerless
		ML Area 944	Nov. 22- Dec. 8	Nov. 21- Dec. 8	Nov. 20- Dec. 8	Spike bull or antlerless
		That part of GMU 368 east of the following boundary: Jump Off Road and the power-lines to South Fork Cowiche Creek, west along South Fork Cowiche Creek to Road A 5500, east on A 5500 Road and south on A 5000 Road to North Fork Ahtanum Creek Road, south and west on North Fork Ahtanum Creek Road to A 2000, A 2000 to A 2400 Road, A 2400 Road to A 1000 Road and South Fork of Ahtanum Creek.	Nov. 22- Dec. 8	Nov. 21- Dec. 8	Nov. 20- Dec. 8	Spike bull or antlerless

Western Washington	WM	501, 505	Nov. 22- Dec. 15	Nov. 21- Dec. 8	Nov. 20- Dec. 8	3 pt. min. or antlerless
		454, 564, 568, 684	Nov. 22- Dec. 15	Nov. 21- Dec. 15	Nov. 20- Dec. 15	Any elk
		574, 578	Nov. 22- Dec. 8	Nov. 21- Dec. 8	Nov. 20- Dec. 8	Any elk
		504, 550, 601, 652	Nov. 22- Dec. 15	Nov. 21- Dec. 15	Nov. 20- Dec. 15	3 pt. min.

Special Elk Hunts Open to Specified Tag Holders

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Proper elk tags are listed with each GMU below. **Hunting Method:** Hunters must use method listed on their tag, except in Firearm Restriction Areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below.

Hunt Area	Elk Tag	Game Management Units	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Eastern Washington	EA, EM, EF	127 through 142, Advanced Hunter Education Graduates only.	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		Grant, Adams, Douglas, Franklin, Okanogan, and Benton (south of the Yakima River), and Chelan County (north of Hwy 2, except closed within 1/2 mile of the Columbia River in Douglas and Grant counties)	Oct. 28-Nov. 15	Oct. 27 -Nov. 15	Oct. 26 -Nov. 15	Any elk
	EM	ML Area 911, Advanced Hunter Education Graduates only.	Nov. 25 -Dec. 3	Nov. 24 -Dec. 2	Nov. 23 -Dec. 1	Spike bull or antlerless
Western Washington	WF	568, 574, 578, 588	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any elk
	WF, WA, WM	564 (archery & muzzleloader methods only, modern firearm elk tag holders may hunt, but must use archery, muzzleloader or revolver type handgun equipment)	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any elk
	WM	Muzzleloader Area 941 (muzzleloader only)	11/1/2000-1/31/2001	11/1/2001-1/31/2002	11/1/2002-1/31/2003	Any Elk
	WA	Muzzleloader Area 941 (archery only)	Oct. 1-31	Oct. 1-31	Oct. 1-31	Any Elk

PROPOSED

Special Elk Permit Hunting Seasons

(Open to Permit Holders Only)

Permit hunters may hunt only with a weapon in compliance with their tag. Applicants must have purchased the proper tag for these hunts (see Elk Tag Prefix required to apply for each hunt).

Hunt Name	2000 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2000 Permits
Modern Firearm Bull Permit Hunts					
Blue Creek A	Oct. 23-Nov. 5	Any Bull	EF	GMU 154	4
Watershed*	Oct. 28-Nov. 5	3 Pt. Min. or Antlerless	EA, EF, EM	GMU 157	40
Dayton A	Oct. 23-Nov. 5	Any Bull	EF	GMU 162	9
Tucannon A	Oct. 23-Nov. 5	Any Bull	EF	Part of GMU 166**	2
Wenaha A	Oct. 23-Nov. 5	Any Bull	EF	GMU 169	5
Mountain View A	Oct. 23-Nov. 5	Any Bull	EF	GMU 172	8
Couse A	Oct. 23-Nov. 5	Any Bull	EF	GMU 181	1
Grande Ronde A	Oct. 23-Nov. 5	Any Bull	EF	GMU 186	1
Peaches Ridge A	Oct. 23-Nov. 5	Any Bull	EF	GMUs 336, 346	53
Observatory A	Oct. 23-Nov. 5	Any Bull	EF	GMUs 340, 342	36
Goose Prairie A	Oct. 23-Nov. 5	Any Bull	EF	GMUs 352, 356	127
Bethel A	Oct. 23-Nov. 5	Any Bull	EF	GMU 360	90
Rimrock A	Oct. 23-Nov. 5	Any Bull	EF	GMU 364	96
Cowiche A	Oct. 23-Nov. 5	Any Bull	EF	GMU 368	21
Margaret A	Nov. 1-14	3 Pt. Min.	WF	GMU 524	10
Toutle A	Nov. 1-14	3 Pt. Min.	WF	GMU 556	82
Dickey A	Nov. 4-12	3 Pt. Min.	WF	GMU 602	59
Olympic A	Nov. 4-12	3 Pt. Min.	WF	GMU 621	14

*Permit season is open for archery and muzzleloader but hunt is the same as modern firearm and all hunters must wear hunter orange.

**The part of GMU 166 west of the Tucannon River

Modern Firearm Elk Permit Hunts (Only modern firearm and muzzleloader elk tag holders may apply.)

Three Forks	Oct. 23-Nov. 5	Any Elk	EF or EM	GMU 109	20
Mount Spokane	Oct. 23-Nov. 5	Any Elk	EF or EM	124 (E. of SR 395)	50
Shushuskin	Dec. 1-31	Antlerless	EF or EM	Elk Area 031	48
Malaga A***	Sept. 1-Oct. 1	Antlerless	EF or EM	Elk Area 032	63
Malaga B	Nov. 11-Dec. 31	Antlerless	EF or EM	Elk Area 032	37
Taneum	Nov. 1-5	Antlerless	EF or EM	GMU 336	156
Manastash	Nov. 1-5	Antlerless	EF or EM	GMU 340	270
Umtanum A	Nov. 1-5	Antlerless	EF or EM	GMU 342	333
Little Naches A	Nov. 1-5	Antlerless	EF or EM	GMU 346	250
Little Naches B	Oct. 1-10	Any Bull	EF or EM	GMU 346	18
Nile	Nov. 1-5	Antlerless	EF or EM	GMU 352	100
Bumping	Nov. 1-5	Antlerless	EF or EM	GMU 356	330
Bethel B	Nov. 1-5	Antlerless	EF or EM	GMU 360	120
Rimrock B	Nov. 1-5	Antlerless	EF or EM	GMU 364	280
Cowiche B	Nov. 1-5	Antlerless	EF or EM	GMU 368	180
Alkali A	Oct. 28-Nov. 5	Any Elk	EF or EM	GMU 371	100
Willapa Hills	Nov. 8-12	Antlerless	WF or WM	GMU 506	50
Winston	Nov. 8-12	Antlerless	WF or WM	GMU 520	15
Margaret B	Nov. 8-12	Antlerless	WF or WM	GMU 524	10
Ryderwood	Nov. 8-12	Antlerless	WF or WM	GMU 530	40
Coweeman	Nov. 8-12	Antlerless	WF or WM	GMU 550	20
Toutle B	Nov. 8-12	Antlerless	WF or WM	GMU 556	30
Marble	Nov. 8-12	Antlerless	WF or WM	GMU 558	60
Carlton	Oct. 1-10	3-Pt. Min.	WF or WM	Elk Area 057	5
West Goat Rocks	Oct. 1-10	3-Pt. Min.	WF or WM	Elk Area 058	5
Mt. Adams	Oct. 1-10	3-Pt. Min.	WF or WM	Elk Area 059	5
Lewis River	Nov. 8-12	Antlerless	WF or WM	GMU 560	75
Siouxon	Nov. 8-12	Antlerless	WF or WM	GMU 572	50
Dungeness A	Nov. 8-12	Antlerless	WF or WM	Part of GMU 621*	9
Dungeness B	Nov. 8-12	3 Pt. Min	WF or WM	Part of GMU 621*	4
Puyallup A	Jan.15-23	Antlerless	WF or WM	GMU 652	25
Mashel A	Dec. 16-22	Antlerless	WF or WM	Part of GMU 654****	20
Minot Peak	Oct. 9-15	Antlerless	WF or WM	GMU 660**	20
Deschutes A	Jan. 15-23	Antlerless	WF or WM	GMU 666	10
Williams Creek	Nov. 8-12	Antlerless	WF or WM	GMU 673	40

*That part of GMU 621 north and west of Jimmy Come Lately Creek and the Gray Wolf River.

**That part of GMU 660 north of the North River-Brooklyn Road.

***Damage hunt.

****That part of GMU 654 south of the Puyallup River.

Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.)

Blue Creek B	Oct. 1-13	Any Bull	EM	GMU 154	1
Dayton B	Oct. 1-10	Any Bull	EM	GMU 162	2
Tucannon B	Oct. 1-10	Any Bull	EM	GMU 166	1
Wenaha C	Oct. 1-10	Any Bull	EM	GMU 169	1
Mountain View B	Oct. 1-10	Any Bull	EM	GMU 172	2
Couse B	Oct. 1-10	Any Bull	EM	GMU 181	1
Grande Ronde B	Oct. 1-10	Any Bull	EM	GMU 186	1
Peaches Ridge B	Oct. 1-10	Any Bull	EM	GMUs 336, 346	9
Observatory B	Oct. 1-10	Any Bull	EM	GMUs 340, 342	9
Goose Prairie B	Oct. 1-10	Any Bull	EM	GMUs 352, 356	18
Bethel C	Oct. 1-10	Any Bull	EM	GMU 360	11
Rimrock C	Oct. 1-10	Any Bull	EM	GMU 364	13
Cowiche C	Oct. 1-10	Any Bull	EM	GMU 368	4
Margaret C	Oct. 1-10	3 Pt. Min.	WM	GMU 524	2
Toutle C	Oct. 1-10	3 Pt. Min.	WM	GMU 556	17
Dickey B	Oct. 1-10	3 Pt. Min.	WM	GMU 602	7

PROPOSED

Olympic B	Oct. 1-10	3 Pt. Min.	WM	GMU 621	2
Dungeness C	Oct. 1-10	3 Pt. Min.	WM	Part of GMU 621 *	1

*That part of GMU 621 north and west of Jimmy Come Lately Creek and the Gray Wolf River.

Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)

Blue Creek C*	12/1/00-1/31/01	Antlerless	EM	GMU 154	50
Dayton A	Dec. 1-31	Antlerless	EM	Part of GMU 162**	30
Dayton B	Jan. 1-31, 2001	Antlerless	EM	Part of GMU 162**	30
Couse C*	Dec. 1-31	Antlerless	EM	GMU 181	25
Couse D*	Jan. 1-31, 2001	Antlerless	EM	GMU 181	25
Umtanum B	Oct. 7-13	Antlerless	EM	GMU 342	250
Alkali B	Oct. 7-13	Any Elk	EM	GMU 371	100
Stella A*	Nov. 26-Dec. 15	Antlerless	WM	GMU 504	100
Stella B	Jan. 1-16, 2001	Antlerless	WM	GMU 504	25
Toledo A*	Jan. 1-16, 2001	Antlerless	WM	Elk Area 029	75
Malaga C*	Oct. 7-29	Antlerless	EM	Elk Area 032	7
Mossyrock A	Jan. 1-16, 2001	Antlerless	WM	Elk Area 052	10
Randle A	Jan. 1-16, 2001	Antlerless	WM	Elk Area 053	15
Boistfort*	Jan. 1-16, 2001	Antlerless	WM	Elk Area 054	20
Yale*	Nov. 26-Dec. 15	3 pt. min. or antlerless	WM	GMU 554	75
North River*	Nov. 26-Dec. 15	Antlerless	WM	GMU 658	20

*Damage Hunt.

**That part of GMU 162 east of North Touchet Rd, outside National Forest

Archery Bull Permit Hunts (Only archery elk tag holders may apply.)

Blue Creek D	Sept. 1-14	Any Bull	EA	GMU 154	2
Dayton C	Sept. 1-14	Any Bull	EA	GMU 162	7
Tucannon C	Sept. 1-14	Any Bull	EA	GMU 166	3
Wenaha D	Sept. 1-14	Any Bull	EA	GMU 169	3
Mountain View C	Sept. 1-14	Any Bull	EA	GMU 172	20
Couse F	Sept. 1-14	Any Bull	EA	GMU 181	1
Grande Ronde C	Sept. 1-14	Any Bull	EA	GMU 186	1
Peaches Ridge C	Sept. 1-14	Any Bull	EA	GMUs 336, 346	154
Observatory C	Sept. 1-14	Any Bull	EA	GMUs 340, 342	31
Goose Prairie C	Sept. 1-14	Any Bull	EA	GMUs 352, 356	108
Bethel D	Sept. 1-14	Any Bull	EA	GMU 360	78
Rimrock D	Sept. 1-14	Any Bull	EA	GMU 364	49
Cowiche D	Sept. 1-14	Any Bull	EA	GMU 368	30
Alkali	Sept. 1-14	Any Elk	EA	GMU 371	50
Margaret D	Sept. 1-14	3 Pt. Min.	WA	GMU 524	6
Toutle D	Sept. 1-14	3 Pt. Min.	WA	GMU 556	64
Dickey C	Sept. 1-14	3 Pt. Min.	WA	GMU 602	53
Olympic C	Sept. 1-14	3 Pt. Min.	WA	GMU 621	4
Mashel B	Jan. 15-23	Antlerless	WA	Part of GMUs 654**	25
Raymond A	Dec. 1-31	Antlerless	WA	Part of GMUs 506 & 673***	10
Raymond B	Jan. 1-31, 2001	Antlerless	WA	Part of GMU 506 & 673***	10
Dungeness D	Sept. 1-14	3 Pt. Min.	WA	Part of GMU 621*	1

*That part of GMU 621 north and west of Jimmy Come Lately Creek and the Gray Wolf River.

**That part of GMU 654 south of the Puyallup River.

***That part of GMU 506 & 673 within 1 mile of SR 6 between the east end of Elk Prairie Rd and the Mallis Landing Rd.

Advanced Hunter Education (AHE) Graduate Special Elk Permit Hunts (only AHE graduates may apply)

Toledo B	Jan. 17-31, 2001	Antlerless	Any Elk Tag	Elk Area 029	50
Mossyrock B	Jan. 17-31, 2001	Antlerless	Any Elk Tag	Elk Area 052	10
Randle B	Jan. 17-31, 2001	Antlerless	Any Elk Tag	Elk Area 053	15
Quinault Ridge	Oct. 1-10	3-Pt. Min or Antlerless	Any Elk Tag	GMU 638	5

PROPOSED

Mon.	Sept. 11	- Sun.	Sept. 17	6:15	7:25	6:05	7:10
Mon.	Sept. 18	- Sun.	Sept. 24	6:25	7:10	6:10	7:00
Mon.	Sept. 25	- Sun.	Oct. 1	6:35	6:55	6:20	6:45
Mon.	Oct. 2	- Sun.	Oct. 8	6:45	6:40	6:30	6:30
Mon.	Oct. 9	- Sun.	Oct. 15	6:55	6:25	6:40	6:15
Mon.	Oct. 16	- Sun.	Oct. 22	7:05	6:15	6:50	6:00
Mon.	Oct. 23	- Sat.	Oct. 28	7:10	6:05	7:00	5:50
Pacific Standard Time							
		Sun.	Oct. 29	6:20	5:00	6:05	4:45
Mon.	Oct. 30	- Sun.	Nov. 5	6:25	4:50	6:10	4:40
Mon.	Nov. 6	- Sun.	Nov. 12	6:35	4:40	6:25	4:30
Mon.	Nov. 13	- Sun.	Nov. 19	6:45	4:30	6:35	4:20
Mon.	Nov. 20	- Sun.	Nov. 26	6:55	4:25	6:45	4:15
Mon.	Nov. 27	- Sun.	Dec. 3	7:05	4:20	6:55	4:10
Mon.	Dec. 4	- Sun.	Dec. 10	7:15	4:20	7:00	4:05
Mon.	Dec. 11	- Sun.	Dec. 17	7:20	4:20	7:10	4:05
Mon.	Dec. 18	- Sun.	Dec. 24	7:25	4:20	7:10	4:10
Mon.	Dec. 25	- Sun.	Dec. 31	7:25	4:25	7:15	4:10
Mon.	Jan. 1	- Sun.	Jan. 7	7:30	4:30	7:15	4:20
Mon.	Jan. 8	- Sun.	Jan. 14	7:25	4:40	7:15	4:30
Mon.	Jan. 15	- Sun.	Jan. 21	7:20	4:50	7:10	4:40
Mon.	Jan. 22	- Sun.	Jan. 28	7:15	5:00	7:00	4:50
Mon.	Jan. 29	- Wed.	Jan. 31	7:10	5:05	6:55	4:50

*These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

- Exceptions:
- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
 - 2) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor (except areas north of U.S. Highway 12 and west of U.S. Highway 101), Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
 - 3) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

**2001-02 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS***

September 1, 2001 to January 31, 2002

Dates (Inclusive)			Western Washington			Eastern Washington		
			A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time								
Sat.	Sept. 1	- Sun.	Sept. 2	6:00	7:50	5:45	7:40	
Mon.	Sept. 3	- Sun.	Sept. 9	6:05	7:40	5:00	7:50	
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	- Sun.	Oct. 14	6:50	6:30	6:40	6:15	
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	
Pacific Standard Time								
		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	6:45	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	- Thur.	Jan. 31	7:10	5:05	7:00	4:55

*These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor (except areas north of U.S. Highway 12 and west of U.S. Highway 101), Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- 3) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

2002-2003 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*

September 1, 2002 to January 31, 2003

Dates (Inclusive)				Western Washington			Eastern Washington		
				A.M.	from to	P.M.	A.M.	from to	P.M.
				Daylight Savings Time					
		Sun.	Sept. 1	6:00		7:50	5:45		7:40
Mon.	Sept. 2	- Sun.	Sept. 8	6:00		7:45	5:45		7:30
Mon.	Sept. 9	- Sun.	Sept. 15	6:10		7:30	6:00		7:15
Mon.	Sept. 16	- Sun.	Sept. 22	6:20		7:15	6:10		7:00
Mon.	Sept. 23	- Sun.	Sept. 29	6:30		7:00	6:20		6:45
Mon.	Sept. 30	- Sun.	Oct. 6	6:40		6:45	6:30		6:35
Mon.	Oct. 7	- Sun.	Oct. 13	6:50		6:30	6:40		6:20
Mon.	Oct. 14	- Sun.	Oct. 20	7:00		6:20	6:50		6:05
Mon.	Oct. 21	- Sat.	Oct. 26	7:10		6:05	7:00		5:55
				Pacific Standard Time					
		Sun.	Oct. 27	6:15		5:00	6:00		4:50
Mon.	Oct. 28	- Sun.	Nov. 3	6:20		4:55	6:10		4:50
Mon.	Nov. 4	- Sun.	Nov. 10	6:30		4:45	6:20		4:30
Mon.	Nov. 11	- Sun.	Nov. 17	6:40		4:35	6:30		4:20
Mon.	Nov. 18	- Sun.	Nov. 24	6:50		4:25	6:40		4:15
Mon.	Nov. 25	- Sun.	Dec. 1	7:00		4:20	6:50		4:10
Mon.	Dec. 2	- Sun.	Dec. 8	7:10		4:20	7:00		4:10
Mon.	Dec. 9	- Sun.	Dec. 15	7:15		4:20	7:05		4:10
Mon.	Dec. 16	- Sun.	Dec. 22	7:20		4:20	7:10		4:10
Mon.	Dec. 23	- Sun.	Dec. 29	7:25		4:25	7:10		4:15
Mon.	Dec. 30	- Sun.	Jan. 5	7:25		4:30	7:15		4:15
Mon.	Jan. 6	- Sun.	Jan. 12	7:25		4:35	7:15		4:25
Mon.	Jan. 13	- Sun.	Jan. 19	7:20		4:45	7:10		4:35
Mon.	Jan. 20	- Sun.	Jan. 26	7:15		4:55	7:05		4:45
Mon.	Jan. 27	- Fri.	Jan. 31	7:10		5:05	7:00		4:55

*These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor (except areas north of U.S. Highway 12 and west of U.S. Highway 101), Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- 3) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

PROPOSED

2000-01 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*

September 1, 2000 to January 31, 2001

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	from to	P.M.	A.M.	from to	P.M.
Daylight Savings Time						
Fri. Sept. 1 - Sun. Sept. 3	6:00		8:20	5:45		8:05
Mon. Sept. 4 - Sun. Sept. 10	6:05		8:10	5:55		7:55
Mon. Sept. 11 - Sun. Sept. 17	6:15		7:55	6:05		7:40
Mon. Sept. 18 - Sun. Sept. 24	6:25		7:40	6:10		7:30
Mon. Sept. 25 - Sun. Oct. 1	6:35		7:25	6:20		7:15
Mon. Oct. 2 - Sun. Oct. 8	6:45		7:10	6:30		7:00
Mon. Oct. 9 - Sun. Oct. 15	6:55		6:55	6:40		6:45
Mon. Oct. 16 - Sun. Oct. 22	7:05		6:45	6:50		6:30
Mon. Oct. 23 - Sat. Oct. 28	7:10		6:35	7:00		6:20
Pacific Standard Time						
Mon. Oct. 30 - Sun. Oct. 29	6:20		5:30	6:05		5:15
Mon. Nov. 6 - Sun. Nov. 5	6:25		5:20	6:10		5:10
Mon. Nov. 13 - Sun. Nov. 12	6:35		5:10	6:25		5:00
Mon. Nov. 20 - Sun. Nov. 19	6:45		5:00	6:35		4:50
Mon. Nov. 27 - Sun. Nov. 26	6:55		4:55	6:45		4:45
Mon. Dec. 4 - Sun. Dec. 3	7:05		4:50	6:55		4:40
Mon. Dec. 11 - Sun. Dec. 10	7:15		4:50	7:00		4:35
Mon. Dec. 18 - Sun. Dec. 17	7:20		4:50	7:10		4:35
Mon. Dec. 25 - Sun. Dec. 24	7:25		4:50	7:10		4:40
Mon. Dec. 25 - Sun. Dec. 31	7:25		4:55	7:15		4:40
Mon. Jan. 1 - Sun. Jan. 7	7:30		5:00	7:15		4:50
Mon. Jan. 8 - Sun. Jan. 14	7:25		5:10	7:15		5:00
Mon. Jan. 15 - Sun. Jan. 21	7:20		5:20	7:10		5:10
Mon. Jan. 22 - Sun. Jan. 28	7:15		5:30	7:00		5:20
Mon. Jan. 29 - Wed. Jan. 31	7:10		5:35	6:55		5:20

*These are lawful hunting hours (one-half hour before sunrise to one half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- 1) 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 or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 2) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

2001-2002 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS & FOREST GROUSE*

September 1, 2001 to January 31, 2002

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	from to	P.M.	A.M.	from to	P.M.
Daylight Savings Time						
Sat. Sept. 1 - Sun. Sept. 2	6:00		8:20	5:45		8:10
Mon. Sept. 3 - Sun. Sept. 9	6:05		8:10	5:50		8:00
Mon. Sept. 10 - Sun. Sept. 16	6:15		7:55	6:00		7:45
Mon. Sept. 17 - Sun. Sept. 23	6:20		7:40	6:10		7:30
Mon. Sept. 24 - Sun. Sept. 30	6:30		7:25	6:20		7:15
Mon. Oct. 1 - Sun. Oct. 7	6:40		7:15	6:30		7:00
Mon. Oct. 8 - Sun. Oct. 14	6:50		7:00	6:40		6:45
Mon. Oct. 15 - Sun. Oct. 21	7:00		6:45	6:50		6:35
Mon. Oct. 22 - Sat. Oct. 27	7:10		6:35	7:00		6:20
Pacific Standard Time						

PROPOSED

Exceptions:

- 1) 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 or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 2) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

Hound Hunting During Deer and Elk Hunting Seasons

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar, and bobcat is prohibited year around.

BOBCAT

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide

Sept. 5, 2000-Mar. 15, 2001; Sept. 4, 2001-Mar. 15, 2002; Sept. 3, 2002-Mar. 15, 2003.

RACCOON

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED on Long Island within Willapa National Wildlife Refuge.

Sept. 5, 2000-Mar. 15, 2001; Sept. 4, 2001-Mar. 15, 2002; Sept. 3, 2002-Mar. 15, 2003.

FOX

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

Sept. 5, 2000-Mar. 15, 2001; Sept. 4, 2001-Mar. 15, 2002; Sept. 3, 2002-Mar. 15, 2003.

COYOTE

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, year around except closed from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 304, and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with hounds during the following period: Sept. 5, 2000-Mar. 15, 2001; Sept. 4, 2001-Mar. 15, 2002; Sept. 3, 2002-Mar. 15, 2003; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1-Dec. 31, 2000, Sept. 1-Dec. 31, 2001, Sept. 1-Dec. 31, 2002.

PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE

Season closed Statewide.

Upland Birds

Eastern Washington

Ring-necked Pheasant

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Youth Season: Sept. 23 and 24, 2000; Sept. 22 and 23, 2001; Sept. 21 and 22, 2002. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 7-Dec. 31, 2000; Oct. 6-Dec. 31, 2001; Oct. 5-Dec. 31, 2002.

Chukar Partridge

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Regular Season: Oct. 1, 2000-Jan. 15, 2001; Oct. 1, 2001-Jan. 21, 2002; Oct. 1, 2002-Jan. 20, 2003.

Gray (Hungarian) Partridge

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Regular Season: Oct. 1, 2000-Jan. 15, 2001; Oct. 1, 2001-Jan. 21, 2002; Oct. 1, 2002-Jan. 20, 2003.

Mountain Quail

Season closed throughout eastern Washington

Valley and Bobwhite Quail

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Youth Season: September 23 and 24, 2000; Sept. 22 and 23, 2001; Sept. 21 and 22, 2002. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 7, 2000-Jan. 15, 2001, Oct. 6, 2001-Jan. 21, 2002; Oct. 5, 2002-Jan. 20, 2003.

Yakama Indian Reservation: The 2000-01, 2001-02, 2002-03 Upland Bird Seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

Western WashingtonRing-necked Pheasant

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

Youth Season: Sept. 23 and 24, 2000; Sept. 22 and 23, 2001; Sept. 21 and 22, 2002. Only open to youth hunters accompanied by an adult at least 18 years old.

Hunters 65 years of age or older: Sept. 25-29, 2000; Sept. 24-28, 2001; Sept. 23-27, 2002.

Regular season: Sept. 30-Nov. 30, 2000; Sept. 29-Nov. 30, 2001; Sept. 29-Nov. 30, 2002. 8 a.m. to 4 p.m.; except Dungeness Recreation site (Clallam County) starting Oct. 7, 2000; Oct. 6, 2001; Oct. 5, 2002.

A Western Washington Pheasant Permit is required to hunt pheasant in western Washington, in addition to a current small game hunting license. Pheasant kills must be recorded. Upon taking a pheasant, the holder of a Western Washington Pheasant Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available:

- (1) Full Season Option: Allows the harvest of eight (8) pheasants.
- (2) Youth option: Allows the harvest of eight (8) pheasants by youth hunters.
- (3) 3-Day Option: Allows the harvest of four (4) pheasants during three consecutive days.

Every person possessing a Western Washington Pheasant Permit must by December 31, return the permit to the Department of Fish and Wildlife. The number of permits purchased per year is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Pheasant Permit. It is unlawful to purchase an additional permit until the eight pheasant allowed on the current permit are taken.

Special Restriction: Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, and must indicate their choice on the western Washington pheasant permit by choosing "odd" or "even." Hunters that select the three day option, hunters 65 years of age or older, and youth hunters may hunt during either weekend day morning. Youth hunters must be accompanied by an adult at least 18 years old. Adults must have an appropriately marked pheasant permit.

Mountain Quail

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Oct. 7-Nov. 30, 2000; Oct. 6-Nov. 30, 2001; Oct. 5-Nov. 30, 2002.

Valley and Bobwhite Quail

Bag and Possession Limits: Ten (10) valley or bobwhite quail per day, with a total of thirty (30) valley or bobwhite quail in possession at any time; straight or mixed bag.

Oct. 7-Nov. 30, 2000; Oct. 6-Nov. 30, 2001; Oct. 5-Nov. 30, 2002.

TURKEY

Spring Season

Gobblers and Turkeys with Visible Beards Only.

Statewide: April 15-May 15, 2001; April 15-May 15, 2002; April 15-May 15, 2003.

Fall Season

Either Sex

Permit Only - Asotin, Columbia, Garfield, Klickitat, Skamania, Stevens, and Walla Walla counties, and GMU 133: Oct. 1-5, 2000; Oct. 1-5, 2001; Oct. 1-5, 2002.

Permit Area	Number of Permits
Asotin, Columbia, Garfield, and Walla Walla counties	50
Klickitat and Skamania counties	75
Stevens County	250
GMU 133	30

OFFICIAL HUNTING HOURS/BAG LIMITS:

Bag and Possession Limit: One turkey per day, only two may be killed in eastern Washington per year, except only one may be killed in Chelan, Kittitas, or Yakima counties; and one per year in western Washington, except two turkeys may be killed in Klickitat County.

Hunting Hours: One-half hour before sunrise to sunset during spring and fall seasons.

SPECIAL REGULATIONS:

- 1. Turkey season is open for shotgun and bow-and-arrow hunting only.
- 2. A turkey tag is required for hunting turkey.
- 3. Each successful hunter must complete and return a game harvest report card to the Department of Fish and Wildlife within ten days after taking a turkey.
- 4. It is unlawful to use dogs to hunt turkeys.
- 5. It is unlawful to bait game birds.

BIRD DOG TRAINING SEASON

Wild upland game birds may be pursued during the dog training season, but may not be killed except during established hunting seasons. Captive raised game birds may be released and killed during dog training if proof of lawful acquisition (invoices) are in possession and the birds are appropriately marked (WAC 232-12-271) (WAC 232-12-044).

PROPOSED

Aug. 1, 2000-Mar. 30, 2001; Aug. 1, 2001-Mar. 30, 2002; Aug. 1, 2002-Mar. 30, 2003, except from Sept. 15-Nov. 30, dog training is only allowed from 8:00 a.m. to 4:00 p.m. on designated western Washington pheasant release sites.

Dog training may be conducted year around on posted portions of: Region One - Espanola (T 24 N, R 40 E, E 1/2 of Sec. 16); Region Three - South L.T. Murray Wildlife Area; Region Four - Fort Lewis Military Base, Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area.

HIP REQUIREMENTS:

All hunters age 16 and over of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey form at a license dealer, and possess a Washington Migratory Bird Stamp as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey form, and possess a free Washington Youth Migratory Bird Authorization as evidence of compliance with this requirement when hunting migratory game birds.

CANADA GOOSE SEPTEMBER SEASON

Bag and Possession Limits: Five (5) Canada geese per day with a total of ten (10) in possession at any time.

Statewide: September 9-14, 2000; September 8-13, 2001; September 7-12, 2002.

BAND-TAILED PIGEON

Closed Season Statewide.

MOURNING DOVE

Bag and possession limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15, 2000; September 1-15, 2001; September 1-15, 2002.

COTTONTAIL AND SNOWSHOE HARE (OR WASHINGTON HARE)

Bag and Possession Limits: Five (5) rabbits or hares per day, with a total of fifteen (15) in possession at any time; straight or mixed bag.

Statewide: Sept. 1, 2000-Mar. 15, 2001; Sept. 1, 2001-Mar. 15, 2002; Sept. 1, 2002-Mar. 15, 2003.

JACKRABBIT

Closed Season Statewide.

CROWS

Bag and possession limits: No limit

Statewide: Oct. 1, 2000-Jan. 31, 2001; Oct. 1, 2001-Jan. 31, 2002, Oct. 1, 2002 - Jan. 31, 2003

FALCONRY SEASONS

Upland Game Bird - Falconry

Daily bag: Two (2) pheasants (either sex), six (6) partridge, five (5) quail, and three (3) forest grouse (blue, ruffed, spruce) per day.

Statewide: Sept. 1, 2000-Mar. 15, 2001; Sept. 1, 2001-Mar. 15, 2002; Sept. 1, 2002-Mar. 15, 2003.

Mourning Dove - Falconry

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Statewide: Sept. 1-15 and Oct. 1-Dec. 31, 2000; Sept. 1-15 and Oct. 1-Dec. 31, 2001; Sept. 1-15, and Oct. 1-Dec. 31, 2002.

Cottontail and Snowshoe Hare - Falconry

Daily bag: Five (5) rabbits or hares per day; straight or mixed bag.

Statewide: Aug. 1, 2000-Mar. 15, 2001; Aug. 1, 2001-Mar. 15, 2002; Aug. 1, 2002-Mar. 15, 2003; for cottontail and snowshoe hare (or Washington hare).

WSR 00-06-087

PROPOSED RULES

DEPARTMENT OF FISH AND WILDLIFE

[Filed March 1, 2000, 11:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-01-142.

Purpose: To adopt WAC 232-28-278 2000-2002 Deer general seasons and 2000 special permits.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This rule establishes general hunting seasons and permits for deer. Mule deer populations are recovering from the 1996-97 winter and buck ratios are above management objectives. Buck hunting opportunity will be shared by the three user groups (modern firearm, archery, and muzzle-loader). The three point restriction is recommended to be retained for mule deer.

Reasons Supporting Proposal: The proposed deer hunting seasons will maintain most hunting opportunities from current seasons.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effect will be to maintain hunting opportunity and reduce liability to damage claims from deer damage.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Yakima Convention Center, 10 North 8th Street, Yakima, WA, on April 7-8, 2000, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 31, 2000, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 31, 2000.

Date of Intended Adoption: April 7, 2000.

March 1, 2000
Evan Jacoby
Rules Coordinator

NEW SECTION

WAC 232-28-278 2000-2002 Deer general seasons and 2000 special permits.

Bag Limit: One (1) deer per hunter during the 2000 hunting season. The Fish and Wildlife Commission may authorize two doe permits for damage areas. Any multiple doe permits will be identified by special permit.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Any Buck Deer Seasons: Open only to the taking of male deer with visible antlers (buck fawns illegal).

Branched Antler Restrictions: APPLIES TO ALL HUNTERS DURING ANY OPEN SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be

at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

2 Point GMUs: 437, 558, 574, 578, 588, 636, 654, and 681.

3 Point GMUs: All Mule Deer in 100, 200, and 300 series GMUs; Whitetail Deer in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, and 186.

Permit Only Units: The following GMUs are closed during general seasons: 290 (Desert), 329 (Quilomene), 342 (Umtanum), 371 (Alkali), and 485 (Green River).

GMUs Closed to Deer Hunting: 157 (Mill Creek Watershed) and 522 (Loo-wit).

Blacktail Deer: Any member of blacktail/mule deer (species *Odocoileus hemionus*) found west of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to Klickitat County and in Klickitat County west of Highway 97.

Mule Deer: Any member of blacktail/mule deer (species *Odocoileus hemionus*) found east of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to Klickitat County and in Klickitat County east of Highway 97.

Whitetail Deer: Means any whitetail deer (member of the species *Odocoileus virginianus*) except the Columbian Whitetail Deer (species *Odocoileus virginianus leucurus*).

Harvest Report Card: Successful hunters must fill out and return a Game Harvest Report Card within 10 days after taking a deer.

Modern Firearm Deer Seasons

License Required: A valid big game hunting license which includes a deer species option.

Tag Required: Valid modern firearm deer tag on his/her person for the area hunted.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

Hunt Season	2000 Dates	2001 Dates	2002 Dates	Game Management Units (GMUs)	Legal Deer
HIGH BUCK HUNTS					
	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness Areas and Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail	3 pt. min.

PROPOSED

PROPOSED

GENERAL SEASON HUNTS					
Western Washington Blacktail Deer	Oct. 14-31	Oct. 13-31	Oct. 12-31	407, 418, 426, 448 through 466, 490, 501 through 520, 524 through 556, 560, 568, 572, 601 through 633, 638 through 673, 684	Any buck
				410, 564	Any deer
				437, 558, 574, 578, 588, 654, 681	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 14-27	Oct. 13-26	Oct. 12-25	101 through 124, 203 through 382	Any whitetail buck
	Oct. 14-22	Oct. 13-21	Oct. 12-20	127 through 154, 162 through 186	Whitetail, 3 pt. min.
Mule Deer	Oct. 14-22	Oct. 13-21	Oct. 12-20	All 100, 200, and 300 series GMUs except closed in GMUs 157, 290, 329, 342, 371, and PLWMA 201	3 pt. min., except any deer in GMU 381
LATE BUCK HUNTS					
Western Washington Blacktail Deer	Nov. 16-19	Nov. 15-18	Nov. 14-17	All 400, 500, and 600 GMUs except closed in GMUs 418, 426, 437, 448, 450, 460, 485, 522, 574, 578, and 588	Any buck except 2 pt. min. in GMUs 558, 654, 681 and any deer in GMUs 410 and 564
Eastern Washington Whitetail Deer	Nov. 11-19	Nov. 10-18	Nov. 9-17	105 through 124	Any whitetail buck
				127 through 142	Whitetail-3 pt. min.
HUNTERS OVER 65, DISABLED, OR YOUTH SEASONS					
Eastern Washington Whitetail Deer	Oct. 14-27	Oct. 13-26	Oct. 12-25	101 through 124	Any whitetail deer
	Oct. 14-22	Oct. 13-21	Oct. 12-20	127 through 142	Whitetail-3 pt. min. or antlerless
DISABLED HUNTERS					
Eastern Washington Whitetail Deer	Oct. 14-22	Oct. 13-21	Oct. 12-20	145 through 154, 162 through 186	Whitetail-3 pt. min. or antlerless

Archery Deer Seasons

License Required: A valid big game hunting license which includes a deer species option.

Tag Required: Valid archery deer tag on his/her person for the area hunted.

Special Notes: Archery tag holders can only hunt with archery equipment during archery seasons.

Hunt Area	2000 Dates	2001 Dates	2002 Dates	Game Management Units (GMUs)	Legal Deer
Early Archery Deer Seasons					
Western Washington Blacktail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	407 through 426, 448 through 466, 490 through 520, 524 through 556, 560 through 572, 601 through 633, 638 through 673, 684 and Long Island. Bangor Submarine Base within GMU 627 is open for archers with disabilities by permit from the Navy. For information on this hunt call Tom Jones at (360) 396-5097. Special Restrictions: Must be a U.S. Citizen and hunting is open on weekends only.	Any Deer, except buck only in GMUs 506, 530, 550, 568, 672, 673
				437, 558, 574, 578, 588, 636, 654, 681	2 pt. min. or antlerless

PROPOSED

				Alpine Lakes, Glacier Peak, and Olympic Peninsula Wilderness Areas	3 pt. min. or antlerless
Eastern Washington Mule Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	101 through 127, 181 through 247, 249 through 251, 260, 262, 328, 334 through 340, 346 through 368, 372	3 pt. min.
	Sept. 1-15	Sept. 1-15	Sept. 1-15	130 through 154, 162 through 178, 248, 254, 266, 269, 272, 278, 284, 381, 382, 387	3 pt. min., except any deer in GMU 381
	Sept. 16-30	Sept. 16-30	Sept. 16-30	130 through 154, 162 through 178, 248, 254, 266, 269, 272, 278, 284, 381, 382	3 pt. min. or antlerless, except any deer in GMU 381
Eastern Washington Whitetail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	101 through 124, 204 through 284	Any deer
	Sept. 1-30	Sept. 1-30	Sept. 1-30	127 through 154, 162 through 186	3 pt. min. or antlerless
Late Archery Deer Seasons					
Western Washington Blacktail Deer	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	588	2 pt. min. or antlerless
	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	558, 636, 681	2 pt. min. or antlerless
				460, 466, 506 through 520, 524, 530, 556, 560, 572, 601, 607 through 618, 638, 648, 673, and Long Island	Any deer, except buck only in GMUs 506, 530, and 673
	Nov. 22-Dec. 31	Nov. 21-Dec. 31	Nov. 20-Dec. 31	407, 410, 454, 505, 603, 624, 627, 642, 652, 660 through 672	Any deer
			437	2 pt. min. or antlerless	
Eastern Washington Mule Deer	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	127, 145, 178	3 pt. min. or antlerless
				209, 215, 233, 243, 250, 346, 352, that part of GMU 360 north of USFS Roads 324, 325 to the intersection of Carmack Canyon; then northeast down Carmack Canyon bottom to the Naches River and north to State Highway 410, GMUs 364, 368	3 pt. min.
				272	3 pt. min. or antlerless
Eastern Washington Whitetail Deer	Nov. 10-Dec. 15	Nov. 10-Dec. 15	Nov. 20-Dec. 15	101	Any Whitetail
	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	105, 117, 121, 124, 209, 215, 233, 272	Any Whitetail
				127, 145, 178	3 pt. min. or antlerless

Muzzleloader Deer Seasons

License Required: A valid big game hunting license which includes a deer species option.

Tag Required: Valid muzzleloader deer tag on his/her person for the area hunted.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment.

Hunt Area	2000 Dates	2001 Dates	2002 Dates	Game Management Units	Legal Deer
High Buck Hunts	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness Areas, Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail.	3 pt. min.

PROPOSED

Early Muzzleloader Deer Seasons					
Western Washington Blacktail Deer	Oct. 7-11	Oct. 6-10	Oct. 5-9	407, 418, 426, 448, 501, 504, 505, 513, 520, 530, 554, 568, 578, 603, 612, 624, 627, 638, 642, 660, 663, 672, 673, 684	Any buck
				410, 454, 564, 652, 666	Any deer
				437, 578	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 7-11	Oct. 6-10	Oct. 5-9	209, 239, 244, 245, 246, 251, 284	Whitetail, any buck
				133, 142, 145, 149	Whitetail, 3 pt. min.
				109, 117, 124	Whitetail, any deer
Eastern Washington Mule Deer	Oct. 7-11	Oct. 6-10	Oct. 5-9	109, 117, 133, 142, 145, 149, 209, 239, 243 through 246, 250, 336, 352, 360, 382	Mule deer, 3 pt. min.
Late Muzzleloader Deer Seasons					
Hunt Area	2000 Dates	2001 Dates	2002 Dates	Game Management Units (GMUs)	Legal Deer
Western Washington Blacktail Deer	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	410, 501, 504, 564, 666, 684, and Muzzleloader Area 926	Any deer
				654	2 pt. min.
	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	578	2 pt. min.
Eastern Washington Whitetail Deer	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	113, 284	Whitetail, any buck
				130, 139	Whitetail, 3 pt. min. or antlerless
Eastern Washington Mule Deer	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	130, 284	Mule deer, 3 pt. min. or antlerless
				382	3 pt. min.

Firearm Restricted Deer Hunts Open To All Deer Hunters

License Required: Hunting license.

Tag Required: Valid modern firearm, archery or muzzleloader deer tag on his/her person for the area hunted.

Hunting Method: Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs.

Firearm Restricted Hunts Open To All Deer Hunters					
Hunting license and deer tag required. Must use hunting method in compliance with tag. Check firearm restrictions. Archery, shotgun, muzzleloader or revolver type handgun only. Hunter orange required.					
Hunt Area	2000 Dates	2001 Dates	2002 Dates	Game Management Units (GMUs)	Legal Deer
Western Washington Blacktail Deer	Oct. 14-31	Oct. 13-31	Oct. 12-31	410, Vashon and Maury Islands	Any deer
	Nov. 22-Dec. 31	Nov. 21-Dec. 31	Nov. 20-Dec. 31	564	Any deer
	Sept. 1-Dec. 31	Sept. 1-Dec. 31	Sept. 1-Dec. 31	Indian Island. Restricted Access.*	Any deer
*Archery only except for one day persons of disability hunt. Archers must qualify during the June to August period to hunt. For information call Bill Kalina at (360) 396-5353.					

Special Deer Permit Hunting Seasons

(Open to Permit Holders Only)

Hunters must purchase a deer hunting license prior to purchase of a permit application.

Hunt Name	2000 Permit Season	Special Restrictions	Boundary Description	2000 Permits
Modern Firearm Deer Permit Hunts (Only modern firearm and muzzleloader deer tag holders may apply)				
Hunters may hunt only with weapon in compliance with tag.				
Sherman	Oct. 14-27	Whitetail, Antlerless	GMU 101	100
Kelly Hill	Oct. 14-27	Whitetail, Antlerless	GMU 105	100
Threeforks	Oct. 14-27	Whitetail, Antlerless	GMU 109	300
Selkirk	Oct. 14-27	Whitetail, Antlerless	GMU 113	25
49 Degrees North	Oct. 14-27	Whitetail, Antlerless	GMU 117	100

Huckleberry	Oct. 14-27	Whitetail, Antlerless	GMU 121	250
Mt. Spokane	Oct. 14-27	Whitetail, Antlerless	GMU 124	800
Mica Peak	Oct. 14-22	Whitetail, Antlerless	GMU 127	160
Cheney	Oct. 14-22	Antlerless	GMU 130	150
Roosevelt	Nov. 6-15	Antlerless	GMU 133	450
Harrington	Nov. 6-15	Antlerless	GMU 136	125
Step toe	Nov. 6-15	Whitetail, Antlerless	GMU 139	200
Almota	Nov. 6-15	Antlerless	GMU 142	225
Mayview	Nov. 6-15	Antlerless	GMU 145	500
Prescott A	Nov. 6-15	Antlerless	GMU 149	400
Prescott B	Nov. 6-15	Antlerless	That portion of GMU 149 north of Hwy 261	150
Blue Creek	Nov. 6-15	Whitetail, Antlerless	GMU 154	200
Dayton	Nov. 6-15	Whitetail, Antlerless	GMU 162	250
Marengo A	Nov. 6-15	Whitetail, Antlerless	GMU 163	150
Marengo B	Nov. 6-15	Antlerless	GMU 163	50
Peola	Nov. 6-15	Antlerless	GMU 178	125
Blue Mtns. Foothills A	Nov. 6-21	Whitetail, 3 Pt. Min. or Antlerless	GMUs 149-154, 162-166	100
Blue Mtns. Foothills B	Nov. 6-21	Whitetail, 3 Pt. Min. or Antlerless	GMUs 145, 172-181	50
East Okanogan	Nov. 1-15	Any Whitetail	GMU 204	100
West Okanogan	Nov. 1-15	Any Whitetail	GMUs 209, 218-242	100
Sinlahekin	Nov. 1-15	Any Whitetail	GMU 215	50
Chewuch	Nov. 1-15	Any Buck	GMU 218	15
Pearygin	Nov. 1-15	Any Buck	GMU 224	15
Gardner	Nov. 1-15	Any Buck	GMU 231	15
Pogue	Nov. 1-15	Any Buck	GMU 233	15
Chiliwist	Nov. 1-15	Any Buck	GMU 239	5
Alta	Nov. 1-15	Any Buck	GMU 242	15
Manson	Nov. 1-15	Any Buck	GMU 243	5
Chiwawa	Nov. 1-15	Any Buck	GMU 245	5
Entiat	Nov. 1-15	Any Buck	GMU 247	5
Big Bend A	Oct. 14-22	Antlerless	GMU 248	50
Swakane	Nov. 1-15	Any Buck	GMU 250	5
Mission	Nov. 1-15	Any Buck	GMU 251	5
Badger	Nov. 1-15	Antlerless	GMU 266	75
Beazeley East	Oct. 14-22	Antlerless	That part of GMU 272 in Grant County	300
Kahlotus	Oct. 14-22	Antlerless	GMU 284	100
Desert A	Nov. 1-15	Any Buck	GMU 290	15
Desert B	Nov. 18-26	Antlerless	GMU 290	50
Quilomene A	Nov. 8-23	Any Buck	GMU 329	100
Umtanum A	Nov. 8-23	Any Buck	GMU 342	105
Alkali A	Nov. 8-23	Any Buck	GMU 371	60
Alkali B	Nov. 8-23	Antlerless	GMU 371	25
East Klickitat	Oct. 14-23	3 Pt. Min. or Antlerless	GMU 382	25
Green River A	Oct. 7-13	Any Buck	GMU 485	10
Lincoln	Oct. 14-31	Any Deer	GMU 501	80
Stella	Oct. 14-31	Any Deer	GMU 504*	75
Mossyrock	Oct. 14-31	Any Deer	GMU 505	150
Stormking	Oct. 14-31	Any Deer	GMU 510	75
South Rainier	Oct. 14-31	Any Deer	GMU 513	75
Packwood	Oct. 14-31	Any Deer	GMU 516	100
Winston	Oct. 14-31	Any Deer	GMU 520	100
Yale	Oct. 14-31	Any Deer	GMU 554*	50
Marble	Oct. 14-31	2 Pt. Min. or Antlerless	GMU 558	75

PROPOSED

Lewis River	Oct. 14-31	Any Deer	GMU 560	100
Siouxon	Oct. 14-31	Any Deer	GMU 572	100
Wind River A	Oct. 14-31	2 Pt. Min. or Antlerless	GMU 574	40
Wind River B	Nov. 16-19	2 Pt. Min.	GMU 574	25
West Klickitat A	Oct. 14-31	2 Pt. Min. or Antlerless	GMU 578	50
West Klickitat B	Nov. 16-19	2 Pt. Min.	GMU 578	35
Grayback A	Oct. 14-31	2 Pt. Min. or Antlerless	GMU 588	125
Grayback B	Nov. 16-19	2 Pt. Min.	GMU 588	50
Pysht**	Oct. 14-31	Any Deer	GMU 603	50
Olympic	Oct. 14-31	Any Deer	GMU 621	40
Coyle	Oct. 14-31	Any Deer	GMU 624	30
Kitsap	Oct. 14-31	Any Deer	GMU 627	20
Mason Lake	Oct. 14-31	Any Deer	GMU 633	70
Skokomish	Oct. 14-31	2 Pt. Min. or Antlerless	GMU 636	80
Wynoochee	Oct. 14-31	Any Deer	GMU 648	100
Satsop	Oct. 14-31	Any Deer	GMU 651	150
North River	Oct. 14-31	Any Deer	GMU 658	60
Minot Peak	Oct. 14-31	Any Deer	GMU 660	100
Capitol Peak	Oct. 14-31	Any Deer	GMU 663	120
Deschutes	Oct. 14-31	Any Deer	GMU 666	80
Skookumchuck A	Oct. 14-31	Any Deer	GMU 667	200

*Firearm Restriction Areas - Muzzleloader or archery equipment only.

**Permit not valid on Merrill and Ring Tree Farm.

Muzzleloader Only Deer Permit Hunts (Only muzzleloader tag holders may apply.)

Green Bluff	Dec. 9-31	Whitetail Antlerless	That portion of GMU 124 east of Hwy 2	75
Blue Mtns Foothills C	Nov. 22-Dec. 8	Whitetail, 3 Pt. Min. or Antlerless	GMUs 149-154, 162-166	60
Blue Mtns Foothills D	Nov. 22-Dec. 8	Whitetail, 3 Pt. Min. or Antlerless	GMUs 172-175, 181	50
Moses Coulee	Dec. 1-31	Antlerless	GMU 269	50
Desert C	Oct. 23-29	Any Deer	GMU 290	2
Quilomene B	Oct. 1-10	Any Buck	GMUs 329	35
Umtanum B	Oct. 1-10	Any Buck	GMU 342	10
Alkali C	Sept. 30-Oct. 6	Any Buck	GMU 371	10
Alkali D	Sept. 30-Oct. 6	Antlerless	GMU 371	5
Mason Lake	Oct. 7-13	Antlerless	GMU 633	30
Satsop	Oct. 7-13	Any Deer	GMU 651	50

Archery Only Permit Hunts (Only archery deer tag holders may apply.)

Desert D	Nov. 27-Dec. 8	Any Deer	GMU 290	35
Quilomene C	Nov. 24-Dec. 8	Any Buck	GMU 329	110
Umtanum C	Nov. 24-Dec. 8	Any Buck	GMU 342	100
Alkali E	Nov. 24-Dec. 8	Any Deer	GMU 371	90

Advanced Hunter Education (AHE) Graduate Special Deer Permit Hunts (Only AHE graduates may apply.)

Palouse	Dec. 9-15	Antlerless Only	GMUs 127-142	125
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Special Deer Permit Hunts for Hunters 65 or older.

Walla Walla	Oct. 14-24	3-Pt. Min. or Antlerless	GMUs 149, 163	100
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Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license & accompanied by an adult during the hunt.)

Blue Mtns. Foothills E	Oct. 14-22	3-Pt. Min. or Antlerless	GMUs 149, 154, 162-166	150
Blue Mtns. Foothills F	Oct. 14-22	3-Pt. Min. or Antlerless	GMUs 145, 172-181	75
Big Bend B	Oct. 14-22	Antlerless	GMU 248	25
Toutle	Oct. 14-31	Any Deer	GMU 556	100
Wind River	Oct. 14-31	2-Pt. Min. or Antlerless	GMU 574	75
Satsop	Oct. 10-31	Any Deer	GMU 651	10
Skookumchuck D	Oct. 10-31	Any Deer	GMU 667	60

WSR 00-06-088
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 1, 2000, 11:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-01-142.

Purpose: To amend WAC 232-12-047 Unlawful firearms for hunting

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The proposed changes simplify modern firearm equipment regulations by eliminating "foot-pounds of energy" as one of the required standards for rifles and handguns, and expand big game hunting opportunity to include shotguns with slugs for all big game hunting.

Reasons Supporting Proposal: The proposed rule changes will make it easier for hunters to understand and comply with equipment regulations.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule changes will make it easier for hunting license buyers to understand and comply with equipment rules for hunting seasons.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Yakima Convention Center, 10 North 8th Street, Yakima, WA, on April 7-8, 2000, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 31, 2000, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 31, 2000.

Date of Intended Adoption: April 7, 2000.

March 1, 2000

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending Order 98-53, filed 4/22/98)]

WAC 232-12-047 Unlawful firearms for hunting. (1)

It is unlawful to hunt any big game with:

((+)) (a) A fully automatic firearm.

~~((2)) A handgun that does not meet the following criteria:~~

~~(a) For deer, bear, or cougar~~

~~(i) Be a minimum of .24 caliber;~~

~~(ii) Have a minimum barrel length of 4 inches, per manufacturer's specification; and~~

~~(iii) Fire a centerfire cartridge which uses a mushrooming or expanding type bullet that develops a minimum of 500 foot pounds of energy at 100 yards.~~

~~(b) For all other big game species:~~

~~(i) Be a minimum of .24 caliber;~~

~~(ii) Have a minimum barrel length of 4 inches, per manufacturer's specification; and~~

~~(iii) Fire a centerfire cartridge which uses a mushrooming or expanding type bullet that develops a minimum of 750 foot pounds of energy at 100 yards.~~

~~(3) A rifle with a bore diameter less than .240 of an inch (6mm), or barrel length less than 16 inches, except that cougar may be hunted with a .22 caliber centerfire rifle.~~

~~(4) A rifle cartridge with a bullet weighing less than 85 grains, or that develops less than 900 foot pounds of energy at 100 yds, except that cougar may be hunted with a rifle cartridge with a mushrooming or expanding type bullet weighing greater than 50 grains.~~

~~(5) A rifle cartridge containing a bullet other than a mushrooming or expanding type designed for big game hunting.)~~

~~(b) A center fire cartridge less than .22 for cougar.~~

~~(c) A center fire cartridge less than .24 for any other big game.~~

~~((6)) (d) A shotgun, provided that a 20 gauge, or larger shotgun, using shells loaded with slugs or buckshot size #1 or larger, may be used to hunt deer, bear, and cougar.~~

~~(e) A shotgun for any other big game, except that a 12 gauge or 10 gauge shotgun using slugs may be used.~~

~~((7) A muzzle loader that does not meet the definition as provided in WAC 232-12-051.)~~

~~(2) It is unlawful to hunt game birds with a shotgun capable of holding more than three shells.~~

~~(3) It is unlawful to hunt game birds or game animals, except bullfrogs, in a manner other than with a firearm, a bow and arrow, or by falconry.~~

~~(4) It is unlawful to hunt game animals or game birds with a shotgun larger than 10 gauge.~~

~~(5) It is unlawful to hunt game birds with a rifle or pistol, with the exception of blue grouse, spruce grouse and ruffed grouse.~~

~~((It is unlawful to hunt wildlife with a crossbow.))~~

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 00-06-089
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 1, 2000, 11:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-01-142.

Purpose: To amend WAC 232-12-051 Muzzleloading firearms.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The proposed changes clarify the use of certain types of sights on muzzleloading firearms for use during any special muzzleloading season.

Reasons Supporting Proposal: A number of nonmetal sights are now manufactured and are factory-installed for use on muzzleloading firearms. There has been widespread misunderstanding about the legality of such sights, and the proposed changes clarify and authorize the use of such sights.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule changes will make it easier for hunting license buyers to understand and comply with equipment rules for muzzleloading hunting seasons.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Yakima Convention Center, 10 North 8th Street, Yakima, WA, on April 7-8, 2000, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 31, 2000, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 31, 2000.

Date of Intended Adoption: April 7, 2000.

March 1, 2000

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending Order 450, filed 7/5/90)]

WAC 232-12-051 Muzzleloading firearms. (1) It is unlawful to carry or possess any firearm during special muzzleloading seasons which does not meet the following specification for a muzzleloader. A muzzleloading firearm is loaded from the muzzle and uses black powder or a black powder substitute as recommended by the manufacturer for use in muzzleloading firearms. A muzzleloading firearm has a single or double barrel of at least 20 inches, rifled or

smooth-bored. Ignition is to be wheel lock, matchlock, flint-lock, or percussion using original style percussion caps that fit on the nipple and are exposed to the elements. Sights must be ((metal)) open, peep or of other open sight design. Fiber optic sights are legal. Telescopic sights or sights containing glass are prohibited. It is unlawful to have any electrical device or equipment attached to a muzzleloading firearm while hunting.

(2) A muzzleloading firearm used for deer must fire a single, nonjacketed lead projectile of nominal .40 caliber or larger, except that buckshot size #1 or larger may be used in a smoothbore of .60 caliber or larger.

(3) A muzzleloading firearm used for all other big game must fire a single, nonjacketed lead projectile of nominal .50 caliber or larger, or fire a single, nonjacketed lead projectile of at least 170 grains.

(4) This section shall not apply to the carrying of a handgun designed to be charged with black powder only.

(5) This section shall not apply to persons lawfully hunting game birds with a shotgun.

(6) Only one barrel of a double barrel muzzleloader may be charged with a load at any one time while hunting in a muzzleloading season except in specified firearm restricted areas.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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.

WSR 00-06-090

PROPOSED RULES

DEPARTMENT OF FISH AND WILDLIFE

[Filed March 1, 2000, 11:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-01-142.

Purpose: To amend WAC 232-12-054 Bow and arrow requirements.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The proposed changes incorporate the archery industry recommended arrow weight of 6 grains per pound (of draw weight) as the required minimum standard, establishes that arrow length must be a minimum of eighteen inches and allows the director to authorize by permit cross bow hunting for persons of disability.

Reasons Supporting Proposal: The current arrow weight requirements are more restrictive than the archery industry standards. The proposed changes apply the industry standard.

The proposed minimum arrow length maintains the concept of primitive hunting for archers.

Disabled hunters have requested authorization to hunt during archery seasons with a crossbow. The proposed

changes allow the director to issue permits for such hunting opportunities.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule changes will eliminate discrepancies between agency requirements and industry standards for selecting appropriate weight hunting arrows.

Establishes a minimum length of eighteen inches for arrows. The proposed minimum arrow length maintains the concept of primitive equipment for archers.

The use of crossbows will make it easier for disabled hunters to take an animal.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Yakima Convention Center, 10 North 8th Street, Yakima, WA, on April 7-8, 2000, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 31, 2000, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 31, 2000.

Date of Intended Adoption: April 7, 2000.

March 1, 2000

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending Order 427, filed 1/24/90)]

WAC 232-12-054 Bow and arrow requirements. (1) It is unlawful for any person to hunt big game animals with a bow that possesses less than 40 pounds of pull measured at twenty-eight inches or less draw length or has a greater than 65% reduction (let off) in holding weight at full draw.

(2) It is unlawful to hunt big game animals with any arrow, including broadhead, measuring less than 18 inches in length, weighing less than ~~((400 grains (400 gr.)))~~ 6 grains per pound of draw weight or having sharp broadhead blade or blades less than seven-eighths inches wide. It is unlawful to hunt with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width forming a smooth line toward the feather end of the shaft and such line does not angle toward the point.

(3) It is unlawful for any person to carry or have in his possession any firearm while in the field archery hunting, during the bow and arrow season specified for that area.

(4) It is unlawful to shoot at wildlife with an arrow from a vehicle or from, across or along the maintained portion of a public highway.

(5) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position.

(6) It is unlawful to have any electrical equipment or device(s) attached to the bow or arrow while hunting.

(7) It is unlawful to hunt wildlife with a crossbow, except hunters who have a valid disabled permit issued by the director may use a crossbow during archery seasons. A disabled hunter companion may not use a crossbow to assist a disabled hunter.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 00-06-091

PROPOSED RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Filed March 1, 2000, 11:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-01-142.

Purpose: To amend WAC 232-12-068 Nontoxic shot requirement for waterfowl, coot, and snipe hunting.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This amendment clarifies existing language and adds more areas where nontoxic shot is required for hunting of all game birds and game animals.

Reasons Supporting Proposal: Lead shot is currently used for hunting of game birds (other than waterfowl, coot, and snipe) and game animals in areas used by waterfowl and other wildlife. Elimination of lead shot will result in healthier wildlife populations on WDFW lands and WDFW operated pheasant release sites, where lead deposition poses potential hazards to wildlife.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment reduces mortalities caused by lead shot poisoning and increases the health of wildlife populations.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Yakima Convention Center, 10 North 8th Street, Yakima, WA, on April 7-8, 2000, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 31, 2000, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 31, 2000.

Date of Intended Adoption: April 7, 2000.

March 1, 2000

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending Order 99-118, filed 8/11/99)]

WAC 232-12-068 Nontoxic shot (~~requirement for waterfowl, coot, and snipe hunting~~) requirements It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for waterfowl, coot, or snipe. Nontoxic shot includes steel shot, bismuth-tin shot (nominally 97 parts bismuth:3 parts tin with <1 percent residual lead), tungsten-iron shot (nominally 40 parts tungsten:60 parts iron with <1 percent residual lead), tungsten-polymer shot (nominally 95.5 parts tungsten:4.5 parts polymer with <1 percent residual lead), tungsten-matrix shot (nominally 95.9 parts tungsten:4.1 parts polymer with < 1 percent residual lead), or tin shot (99.9 percent ~~((tin with)) tin with~~ <1 percent residual lead) (~~when hunting for waterfowl, coot, or snipe~~)).

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for game birds or game animals in the following areas:

Bridgeport Bar segment of the Well's Wildlife Area

Dungeness Recreation Area

Hunter Farms pheasant release site

Lake Terrell Wildlife Area (including Tennant Lake and other segments)

Skagit Wildlife Area (all segments)

Snoqualmie Wildlife Area (all segments)

Sunnyside Wildlife Area

Two Rivers and Wallula Segments of the Corps of Engineer's McNary Wildlife Area

The Driscoll Island, Hegdahl, and Kline Parcel segments of the Sinlahekin Wildlife Area

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 00-06-092

PROPOSED RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Filed March 1, 2000, 11:39 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-01-142.

Purpose: To amend WAC 232-28-273 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The amendment provides language changes in permit quotas for moose, bighorn sheep, and mountain goat. The proposed changes are to eliminate the Mt. Spokane either sex moose hunt and create a new antlerless only hunt in the same area, eliminate goat hunting in two of the thirteen goat management units, and eliminate sheep hunting in two of the nine sheep management units.

Reasons Supporting Proposal: Moose surveys in the Mt. Spokane area (GMU 124) indicate that the bull:cow ratio is about 24:100 and is below the desired management level of 50 to 55:100. The proposed change in moose permits would shift the sex ratio toward the desired level.

Bighorn sheep abundance continues to decline in the Vulcan Mt. area (Sheep Unit 2) due to a recent disease (muscle-worm) outbreak. Similarly, sheep abundance is declining in the Tucannon River area (Sheep Unit 3) due to mite infestation. Suspending harvest in Vulcan Mt. and Tucannon River is recommended.

In goat units 4-8 and 4-32, the % kids (3-year average) has dropped below management guidelines and the number of goats seen/hunter-day is critically low. Reliable information on goat abundance and survival is lacking. Eliminating harvest in these areas is recommended.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule provides limited entry, permit seasons for moose, bighorn sheep, and mountain goat. The purpose of the proposed changes, is to provide recreational hunter opportunity when consistent with the biological status of the species. The anticipated effects of the changes are a shift in the Mt. Spokane moose sex ratio and an increase in bighorn sheep and mountain goat survival in the closed areas.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

PROPOSED

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Yakima Convention Center, 10 North 8th Street, Yakima, WA, on April 7-8, 2000, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 31, 2000, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 31, 2000.

Date of Intended Adoption: April 7, 2000.

March 1, 2000
Evan Jacoby
Rules Coordinator

AMENDATORY SECTION [(Amending Order 99-40, filed 5/5/99)]

WAC 232-28-273 ((1999)) 2000 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

((1999)) 2000 Moose Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who drew a moose permit previously in Washington State. Only one moose permit will be issued during an individual's lifetime (waived for Mt. Spokane youth hunt).

Bag Limit: One moose of either sex, EXCEPT antlerless only for the Mt. Spokane ((Youth)) Hunt((-)) and the Mt. Spokane Youth Hunt.

PROPOSED

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((1999)) 2000 Permits
Selkirk Mtns.	Oct. 1-Nov. 30	GMU 113	Any Legal Weapon	15
Mt. Spokane	Oct. 1-Nov. 30	GMU 124	Any Legal Weapon	((10)) 15
Mt. Spokane Youth Only*	Oct. 1-Nov. 30	GMU 124	Any Legal Weapon	5
49 Degrees North	Oct. 1-Nov. 30	GMU 117	Any Legal Weapon	13
Three Forks	Oct. 1-Nov. 30	GMU 109	Any Legal Weapon	4
Hangman	Oct. 1-Nov. 30	GMU 127, 130	Any Legal Weapon	2

*Applicants must be eligible to purchase a youth moose permit application. Youth hunters must be accompanied by an adult during the hunt.

((1999)) 2000 Mountain Sheep (Bighorn) Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who drew a bighorn permit previously in Washington State. Only one bighorn sheep permit will be issued during an individual's lifetime.

Bag Limit: One bighorn ram.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((1999)) 2000 Permits
((Vulcan Mountain))	((Sept. 15-Oct. 10))	((Sheep Unit 2))	((Any Legal Weapon))	((1))
((Tucannon River))	((Sept. 15-Oct. 10))	((Sheep Unit 3))	((Any Legal Weapon))	((1))
Selah Butte	Sept. 15-Oct. 10	Sheep Unit 4	Any Legal Weapon	2
Umtanum	Sept. 15-Oct. 10	Sheep Unit 5	Any Legal Weapon	3
Cleman Mountain	Sept. 15-Oct. 10	Sheep Unit 7	Any Legal Weapon	3
Mt. Hull	Sept. 15-Oct. 10	Sheep Unit 10	Any Legal Weapon	1
Lincoln Cliffs	Sept. 15-Oct. 10	Sheep Unit 12	Any Legal Weapon	1
Quilomene	Sept. 15-Oct. 10	Sheep Unit 13	Any Legal Weapon	3
Swakane	Sept. 15-Oct. 10	Sheep Unit 14	Any Legal Weapon	1

Mountain (Bighorn) Sheep Units:

~~((Sheep Unit 2 Vulcan Mountain: Permit Area: Ferry County north of the Kettle River.))~~

~~((Sheep Unit 3 Tucannon River: Permit Area: The Tucannon River drainage in Columbia and Garfield counties.))~~

Sheep Unit 4 Selah Butte: Permit Area: That part of Yakima and Kittitas counties between Ellensburg and Yakima east of the Yakima River and north of Selah Creek, west of Interstate 82 and south of Interstate 90.

Sheep Unit 5 Umtanum: Permit Area: Those portions of Yakima and Kittitas counties west of the Yakima River, north

of Wenas Creek, and east of USFS Road 1701 to Manastash Lake and its drainage; south and east along the South Fork Manastash Creek to Manastash Creek and the Yakima River.

Sheep Unit 7 Cleman Mountain: Permit Area: That part of Yakima County south of Wenas Creek and east of USFS Road 1701, north of Highway 410 and Highway 12 and west of the Yakima River.

Sheep Unit 10 Mt. Hull: Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

Sheep Unit 12 Lincoln Cliffs: Permit Area: That part of Lincoln County north of Highway 2.

Sheep Unit 13 Quilomene: Permit Area: GMU((s)) 329 ((and 330.))

Sheep Unit 14 Swakane: Permit Area: GMU ((316)) 250.

((1999)) 2000 Mountain Goat Permit Hunts

Who May Apply: Anyone may apply((-)); EXCEPT those who drew a 1999 mountain goat permit in Washington state. As of 1999, only one mountain goat permit will be issued during an individuals lifetime.

Bag Limit: One (1) adult goat of either sex with horns four (4) inches or longer. WDFW urges hunters to refrain from shooting nannies with kids. Permit hunters may start hunting Sept. 1 with archery equipment.

PROPOSED

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((1999)) 2000 Permits
Methow	Sept. 15-Oct. 31	Goat Unit 2-2	Any Legal Weapon	5
Naches Pass	Sept. 15-Oct. 31	Goat Unit 3-6	Any Legal Weapon	3
Bumping River	Sept. 15-Oct. 31	Goat Unit 3-7	Any Legal Weapon	2
Tieton River	Sept. 15-Oct. 31	Goat Unit 3-9	Any Legal Weapon	3
Blazed Ridge	Sept. 15-Oct. 31	Goat Unit 3-10	Any Legal Weapon	6
Kachess Ridge	Sept. 15-Oct. 31	Goat Unit 3-11	Any Legal Weapon	1
((East Ross Lake))	((Sept. 15-Oct. 31))	((Goat Unit 4-8))	((Any Legal Weapon))	((1))
Jack Mountain	Sept. 15-Oct. 31	Goat Unit 4-9	Any Legal Weapon	1
((Foss River))	((Sept. 15-Oct. 31))	((Goat Unit 4-32))	((Any Legal Weapon))	((2))
Corral Pass	Sept. 15-Oct. 31	Goat Unit 4-38	Any Legal Weapon	2
Tatoosh	Sept. 15-Oct. 31	Goat Unit 5-2	Any Legal Weapon	5
Smith Creek	Sept. 15-Oct. 31	Goat Unit 5-3	Any Legal Weapon	3
Goat Rocks	Sept. 15-Oct. 31	Goat Unit 5-4	Any Legal Weapon	7

Mountain Goat Units:

Goat Unit 2-2 Methow Area: Permit Area: Okanogan County within the following described boundary: Beginning at the Town of Twisp, westerly along the Twisp River Road (County Road 4440) to Roads End; west up the Twisp Pass Trail 432 to Twisp Pass and the Okanogan County line; northerly along the Okanogan County line through Washington Pass to Harts Pass; southeast down Harts Pass (Road 5400) to Lost River; then along the Lost River-Mazama Road to Mazama; then southwest to State Highway 20; then southeasterly along State Highway 20 to Twisp and the point of beginning.

Goat Unit 3-6 Naches Pass: Permit Area: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

Goat Unit 3-7 Bumping River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail 980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; EXCEPT Timberwolf Mountain, which is closed.

Goat Unit 3-9 Tieton River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and Pacific Crest Trail; then south to the Yakima Indian Reservation Boundary; then east to USFS Jeep Trail 1137; then west to USFS Road 1070-578 Spur; then west to Road 1000; then north to USFS Road 12; then north to State Highway 12; then west on State Highway 12 to point of beginning.

Goat Unit 3-10 Blazed Ridge: Permit Area: Kittitas and Yakima counties within the following described boundary: Beginning at the mouth of Cabin Creek on the Yakima River; then west along Cabin Creek to the headwaters near Snowshoe Butte; then south along the Cascade Crest separating the

Green and Yakima river drainage to Pyramid Peak; then southeast along the North Fork, Little Naches, and Naches River to the Yakima River; then north along the Yakima River to the mouth of Cabin Creek and point of beginning.

Goat Unit 3-11 Kachess Ridge: Permit Area: Kittitas County within the following described boundary: Beginning at the mouth of the Kachess River on the Yakima River; then north along the Kachess River and Kachess Lake to USFS Road 4600; then east on USFS Road 4600 to the Cle Elum River; then south along the Cle Elum River and Lake Cle Elum to the Yakima River; then northwest along the Yakima River to the mouth of the Kachess River and point of beginning.

~~((Goat Unit 4-8 East Ross Lake: Permit Area: Whatcom County within the following described boundary: Beginning at the point the U.S.-Canada boundary meets the east boundary of North Cascades National Park; then south along the park boundary to Stetattle Creek; then south down Stetattle Creek to Gorge Lake; then southwest along Gorge Lake to State Highway 20; then east and north along State Highway 20 to Ross Dam; then north along the east shoreline of Ross Lake (Note: Exclude Ruby Arm) to Devil's Creek; then east up Devil's Creek to a tributary extending south to ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue south over this ridge line into the Crater Creek Basin and Crater Creek; then down Crater Creek to its confluence with Ruby Creek; then east up Ruby Creek to Granite Creek; then continue east up Granite to the Cascades Summit; then north along the Cascades Summit to the U.S.-Canada boundary; then west along the Canadian line to the east boundary of North Cascades National Park and the point of beginning. (Notice: Jack Mountain not included in Goat Unit 4-8, East Ross Lake. See description for Goat Unit 4-9, Jack Mountain.))~~

Goat Unit 4-9 Jack Mountain: Permit Area: Whatcom County within the following described boundary: Beginning at the confluence of Ruby Creek and Crater Creek; then north up Crater Creek to the ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue due north to Devil's Creek; then west down Devil's Creek to Ross Lake; then south along the east shoreline of Ross Lake to Ruby Arm; then easterly up Ruby Arm and Ruby Creek to the confluence of Crater Creek and the point of beginning.

~~((Goat Unit 4-32 Foss River: Permit Area: King and Snohomish counties within the following described boundary: Beginning at intersection of U.S. Highway 2 and the King County line at Stevens Pass; then south along the King County line to the headwaters of the Middle Fork Snoqualmie River near Dutch Miller Gap; then west and south down said river to the confluence with the Dingford Creek; then north and east up said creek to its headwaters intersection with USFS Trail 1005; then north up said trail to Little Myrtle Lake; then west and north to Marlene Lake (approximately 4 miles); then north down the stream outlet from Marlene Lake to the junction with USFS Trail 1002 near Dorothy Lake; then north along said trail to the junction with the East Fork Miller River headwaters; then north down said river to~~

~~the confluence with the South Fork Skykomish River; then east up said river to the junction with U.S. Highway 2; then east along said highway to the point of beginning.))~~

Goat Unit 4-34 Pratt River: Permit Area: King County within the following described boundary: Beginning at the point where the Weyerhaeuser Mainline Truck Road intersects the Middle Fork Snoqualmie River (near the confluence of the North Fork and Snoqualmie Rivers); then northeast up the Middle Fork Snoqualmie to its headwaters near Dutch Miller Gap at the King County line; then south along the King County line to Snoqualmie Pass and the intersection with Interstate 90; then west along Interstate 90 to the point nearest the Middle Fork Snoqualmie River (approximately one mile east of North Bend); then north and east up the Middle Fork Snoqualmie River and to the point of beginning. Except closed: Snoqualmie Mountain and the watersheds of Denny Creek and South Fork of the Snoqualmie above Denny Creek.

Goat Unit 4-38 Corral Pass: Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail 1188; then northwest along said trail to USFS Trail 1176; then north along said trail to Corral Pass; then west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

Goat Unit 5-2 Tatoosh: Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park Boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the Mount Rainier National Park Boundary; then east along the southern park boundary to the point of beginning.

Goat Unit 5-3 Smith Creek: Permit area: Lewis County within the following described boundary: Beginning at the Town of Randle; then east along U.S. Highway 12 to USFS Road 21; then southeast along USFS Road 21 to USFS Road 22; then northeast and northwest along USFS Road 22 to USFS Road 23; then east and northwest on USFS Road 23 to USFS Road 25; then north along USFS Road 25 to Randle and point of beginning.

Goat Unit 5-4 Goat Rocks: Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302).

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 00-06-093
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 1, 2000, 11:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-01-142.

Purpose: To amend WAC 232-16-700 Swinomish Spit Game Reserve.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This amendment allows waterfowl hunting (other than brant) to occur at this reserve through November 15.

Reasons Supporting Proposal: The change was requested by area hunters to provide more recreational opportunity.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment provides recreational opportunity while protecting the function of the reserve.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Yakima Convention Center, 10 North 8th Street, Yakima, WA, on April 7-8, 2000, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 31, 2000, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 31, 2000.

Date of Intended Adoption: April 7, 2000.

March 1, 2000
 Evan Jacoby
 Rules Coordinator

AMENDATORY SECTION [(Amending Order 98-158, filed 8/13/98)]

WAC 232-16-700 Swinomish Spit Game Reserve. It shall be unlawful to hunt wild animals and wild birds within the following described boundary November ((+)) 15 through March 31, and it shall be unlawful to hunt brant at any time

within the following described boundary: Beginning at the Burlington Northern railroad tracks on the west shoreline of the Swinomish Channel; thence in a northwesterly direction along the west side of the Swinomish Channel to the red channel mark buoy N "20" (as indicated on Navigation Map #18427, 13th Ed., July 16, 1983); thence 6,000 feet ENE (east-northeast); thence 3,300 feet SSE (south-southeast); thence 4,200 feet SW (southwest) to the dike at the south end of Padilla Bay; thence continue westerly along said dike to the intersection of the Burlington Northern railroad tracks and the east shoreline of the Swinomish Channel; thence continue along said railroad tracks (across swing bridge) to the west shoreline of the Swinomish Channel and the point of beginning.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 00-06-094
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 1, 2000, 11:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-01-142.

Purpose: To amend WAC 232-12-257 Control of unattended decoys.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The amendment further restricts the use of waterfowl decoys on department lands.

Reasons Supporting Proposal: Waterfowl hunter conflicts on department lands have necessitated additional restrictions to ensure fair access by all public hunters.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment requires removal of decoys each night from department lands.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Yakima Convention Center, 10 North 8th Street, Yakima, WA, on April 7-8, 2000, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 31, 2000, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 31, 2000.

Date of Intended Adoption: April 7, 2000.

March 1, 2000

Evan Jacoby
Rules Coordinator

AMENDATORY SECTION [(Amending Order 165, filed 6/1/81)]

WAC 232-12-257 ((Control of unattended decoys))
Use of decoys or other devices to attract waterfowl on department controlled lands ((It is unlawful to leave duck or goose decoys unattended)) The use of decoys or other devices to attract waterfowl on lands or water ((owned, leased or)) controlled by the department((-)) is subject to the following restrictions:

1) Decoys or other devices must not be placed prior to 4:00 am and must be removed within two hours after the close of established hunting hours.

2) ((Duck or goose decoys left unattended in excess of)) Decoys or other devices to attract waterfowl, which are not under the immediate control of a hunter for a period exceeding one hour during legal hunting hours, or not removed within two hours following the close of established daily hunting hours, may be removed by a fish and wildlife ((agent)) officer and may be disposed of by the department.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 00-06-095
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed March 1, 2000, 11:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-01-142.

Purpose: To amend WAC 232-28-248 Special closures and firearm restriction areas.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Firearm restriction areas and closures are updated annually to provide accurate descriptions. Restriction designations are identified for safety reasons. Centerfire and rimfire rifles are not legal for hunting in these areas. A new restriction is recommended this year for BLM lands in San Juan County and the Dungeness Recreation Area in Clallam County. Shotguns are being proposed for elk hunting.

Reasons Supporting Proposal: Persons with modern firearm tags may hunt with archery or muzzleloader equipment during modern firearm seasons in these areas.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The effect will be to ban high power rifles in those areas and update restrictions for hunting in certain areas.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Yakima Convention Center, 10 North 8th Street, Yakima, WA, on April 7-8, 2000, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 31, 2000, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 31, 2000.

Date of Intended Adoption: April 7, 2000.

March 1, 2000

Evan Jacoby
Rules Coordinator

AMENDATORY SECTION [(Amending Order 99-40, filed 5/5/99)]

WAC 232-28-248 ((1999-2000)) Special closures and firearm restriction areas.

RESTRICTED AND PROHIBITED HUNTING AREAS.

These areas are closed by Fish and Wildlife Commission action. Other areas may be closed to hunting by local, state or federal regulations.

IT IS ILLEGAL TO HUNT EXCEPT WHERE PROVIDED IN THE FOLLOWING AREAS:

1. Little Pend Oreille National Wildlife Refuge: The southern part of the Little Pend Oreille National Wildlife Refuge in Stevens County is closed to hunting and discharge of firearms except during the period of Oct. 1-Dec. 31. This closure is south of a boundary beginning at the west project boundary in Section 3, Township 34 N, R 40 EWM, then easterly along Road 1.0 (Bear Creek Road) to the intersection with Road 2.0 (Blacktail Mountain Road) in Section 2, then easterly along Road 2.0 to the easterly boundary in Section 8, Township 34 N, R 42 EWM.

The Little Pend Oreille National Wildlife Refuge north of the preceding boundary is open to all legally estab-

lished hunting seasons during September through December.

2. Parker Lake: All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds year round. Both the Little Pend Oreille (1) and Parker Lake (2) closures were established to provide a protected area for the Air Force Military Survival Training Program.
3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.
4. Green River (GMU 485): Except for special permit hunts, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game by Department of Fish and Wildlife regulated hunters throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds). The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.
5. McNeil Island: McNeil Island (part of GMU 484) is closed to the hunting of all wild animals (including wild birds) year around.
6. Loo-wit (GMU 522): Closed to hunting and trapping within GMU 522 (Loo-wit).
7. The Voice of America Dungeness Recreation Area County Park in Clallam County is closed to all hunting ~~((from February 1 through September 30))~~ except Wednesdays, weekends, and holidays, from the first weekend in October to the end of January.

BIG GAME CLOSURES

1. Clark, Cowlitz, Pacific, and Wahkiakum counties are closed to Columbian Whitetail Deer hunting.
2. Cathlamet: Beginning in the town of Skamokawa; then east along SR 4 to the Risk Road; then south and east along the Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to the Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning. This area is closed to all deer and elk hunting, to protect the Columbian White-tail Deer.

3. Willapa National Wildlife Refuge: Except for Long Island, Willapa National Wildlife Refuge is closed to all big game hunting.
4. Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds) except for holders of special elk permits during the established open season. This area is closed to motorized vehicles. Entry is allowed only by Forest Service permit for the duration of the hunt. Any entry into the Mill Creek Watershed at other times is prohibited.
5. Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.

FIREARM RESTRICTION AREAS

The firearm restriction areas listed below have been established by the Fish and Wildlife Commission. Centerfire and rimfire rifles are not legal for hunting in these areas.

In firearm restriction areas, hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment except in the GMU 484 restriction area outlined for King County. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloaders or revolver-type handguns meeting the equipment restrictions or legal shotguns firing slugs or ~~((legal))~~ buckshot. ~~((Shotguns are not legal for hunting elk.))~~

COUNTY	AREA
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.
Clark	GMU 564 (Battleground)
Cowlitz	GMU 554 (Yale) GMU 504 (Stella)
Franklin, Grant, Adams	Those portions of GMU 281 (Ringold) and GMU 278 (Wahluke) known as the Wahluke Slope Wildlife Area.
Grays Harbor	That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Logging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of

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COUNTY	AREA	COUNTY	AREA
	<p>Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning.</p> <p>The South Elma restriction applies only during elk seasons:</p> <p>That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; then southeast on South Bank Road to the Delezene Road; then south on the Delezene Road to ((the K Line Road to the A Line Road; then south on the A Line Road to the T Line Road; then south on the T Line Road)) <u>a point 1 mile from the South Bank Road; southeast along a line 1 mile southwest of the South Bank Road</u> to the Oakville-Brooklyn Road; then east on the Oakville-Brooklyn Road to Oakville and Highway 12; then northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.</p>	Kitsap	<p>East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to Newbury Hill Road, north of Newbury Hill Road and the Bremerton-Seabeck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor Military Reservation.</p>
		Kittitas	<p>GMU 334 (Ellensburg) Closed to high power rifles during deer and elk seasons.</p>
		Mason	<p>GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstene Island.</p>
		Pacific	<p>GMU 684 (Long Beach) west of Sand Ridge Road. The portion of GMU 658 (North River) south and west of State Highway 105 and Airport Road between Raymond and North River Bridge.</p>
		Pierce	<p>GMU 484 (Anderson and Ketron islands) limited to archery, shotgun, and muzzleloader shotgun. McNeil Island closed to hunting.</p> <p>See GMU 484 restriction area outlined for King County.</p>
Island	<p>That portion of GMU 410 (Island) located on Camano and Whidbey islands.</p>		<p>GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area.</p>
Jefferson King	<p>Indian and Marrowstone islands.</p> <p>The area west of Highway 203 (Monroe-Fall City, Fall City-Preston Road) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury islands.</p> <p>The following portion of GMU 484 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning. (This restriction includes high power rifles and muzzleloaders.)</p>	San Juan	<p><u>GMU 410 BLM lands in San Juan County are limited to shotgun, handgun, archery, and muzzleloader only.</u></p>
		Snohomish Skagit	<p>West of Highway 9.</p> <p>Guemes Island and March Point north of State Highway 20.</p>
		Thurston	<p>GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.</p>
		Whatcom	<p>Area west of I-5 and north of Bellingham city limits including Lummi Island and Point Roberts.</p>

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 00-06-096
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 1, 2000, 11:46 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-01-142.

Purpose: To amend WAC 232-28-266 Landowner damage hunts.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Extends landowner damage hunts through March 2003.

Reasons Supporting Proposal: Continues successful landowner program to address agricultural damage issues.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes landowner damage hunting seasons for the next three years. These seasons are established to address landowner damage problems caused by deer and elk.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Yakima Convention Center, 10 North 8th Street, Yakima, WA, on April 7-8, 2000, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 31, 2000, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 31, 2000.

Date of Intended Adoption: April 7, 2000.

March 1, 2000

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending WSR 97-05-074, filed 2/19/97)]

WAC 232-28-266 (~~1997-98, 1998-99, 1999-2000~~)
2001-01, 2001-02, 2002-03 Landowner damage hunts.

LANDOWNER DAMAGE HUNTS

Deer:

Tag Required: Deer hunter must have a current valid, unaltered, unnotched deer tag on his/her person.

Hunting Method: Any legal weapon.

Season Framework:

((1997-1998))	((1998-1999))	((1999-2000))
<u>2000-2001</u>	<u>2001-2002</u>	<u>2002-2003</u>
August 1-	August 1-	August 1-
March 31	March 31	March 31

Location: Statewide

Legal Deer: Antlerless Only

Kill Quota: 600 Statewide

Elk:

Tag Required: Elk hunter must have a current valid, unaltered, unnotched elk tag on his/her person.

Hunting Method: Any legal weapon

Season Framework:

((1997-1998))	((1998-1999))	((1999-2000))
<u>2000-2001</u>	<u>2001-2002</u>	<u>2002-2003</u>
August 1-	August 1-	August 1-
March 31	March 31	March 31

Location: Statewide

Legal Elk: Antlerless Only

Kill Quota: 100 Statewide

Special Notes: A landowner with deer/elk damage will enter into a Cooperative Agreement with WDFW and establish a boundary for deer/elk hunt, season dates within the framework and number of animals to be removed. Landowner agrees not to claim damage payments and will allow access to hunters during the general hunting seasons. Landowner selects hunters. A landowner damage access permit provided by the landowner will authorize the hunter to use an unused general deer/elk tag to hunt and kill a legal animal during the prescribed damage hunt season.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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.

WSR 00-06-097
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 1, 2000, 11:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-01-142.

PROPOSED

Purpose: To amend WAC 232-28-02202 Game management units (GMUs)—Special game areas—Boundary descriptions—Region two.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This amendment will prevent an overlap in boundary descriptions between GMUs 246 and 247 and correct a direction error in GMU 278.

Reasons Supporting Proposal: Clarification and correction.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Department of Fish and Wildlife, 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: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Yakima Convention Center, 10 North 8th Street, Yakima, WA, on April 7-8, 2000, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 31, 2000, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Britnell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 31, 2000.

Date of Intended Adoption: April 7, 2000.

March 1, 2000

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending order 00-05, filed 1/24/00)]

WAC 232-28-02202 Game management units (GMUs)—Special game areas—Boundary descriptions—Region two.

GMU 203-PASAYTEN (Okanogan and Whatcom counties): The Pasayten Wilderness Area.

GMU 204-OKANOGAN EAST (Okanogan and Ferry counties): Beginning on the eastern shore of Osoyoos Lake and the Washington-Canadian border; east on the border to the Kettle River near Ferry customs office; south along the Kettle River to the mouth of Toroda Creek at Toroda; west along Toroda Creek to the Toroda Creek Road (County Roads 502 and 9495); west and south on the Toroda Creek Road to State Highway 20 at Wauconda; east on State Highway 20 to Republic; south on State Route 21 to the north

boundary of the Colville Indian Reservation; west on the reservation boundary to the Okanogan River; north along the Okanogan River and the eastern shore of Osoyoos Lake to the point of beginning.

GMU 209-WANNACUT (Okanogan County): Beginning at the Canadian border station near Nighthawk on the Washington-Canadian border; east on the border to the west shore of Lake Osoyoos; south along the west shore of Lake Osoyoos and the Okanogan River to the bridge at Tonasket and County Road 7 (9400); south on County Road 7 to the North Pine Creek-Aeneas Lake Road (9437); southwest on the Pine Creek-Aeneas Lake Road to the Horse Springs Coulee Road (4371); north on the Horse Springs Coulee Road to the Loomis-Oroville Highway (9425) near Spectacle Lake; west on the Loomis-Oroville Highway to Loomis; north on the Loomis-Oroville Highway past Palmer Lake to Nighthawk and the Allemandi Road; north on the Allemandi Road to the Similkameen Road; north on the Similkameen Road to the border station on the Washington-Canadian border and the point of beginning.

GMU 215-SINLAHEKIN (Okanogan County): Beginning at the eastern boundary of the Pasayten Wilderness and the Washington-Canadian border; east on the border to the border station near Nighthawk and the Similkameen Road; southeast on the Similkameen Road to the Allemandi Road; south on the Allemandi Road to Nighthawk and the Loomis-Oroville Road (USFS Road 9425); south on the Loomis-Oroville Road through Loomis to the Horse Springs Coulee Road (USFS Road 4371) near Spectacle Lake; south on the Horse Springs Coulee Road to the Aeneas Lake-Pine Creek Road (USFS Road 9400); northeast on the Aeneas Lake-Pine Creek Road to the Okanogan River; south along the Okanogan River to the town of Riverside and U.S. Highway 97; north on U.S. Highway 97 to the South Pine Creek-Fish Lake Road (USFS Road 9410); west on the South Pine Creek-Fish Lake Road along the south shore of Fish Lake to the Conconully-Sinlahekin Road (USFS Road 4015); southwest on the Conconully-Sinlahekin Road along the north shore of Conconully Lake to Conconully and the Salmon Creek North Fork Road (USFS Roads 2361, 38, and 2820); north on the Salmon Creek North Fork Road over Lone Frank Pass to USFS Road 39; north on USFS Road 39 to Long Swamp and the Middle Fork Toats Coulee Road; east on the Middle Fork Toats Coulee Road (USFS Road 39) to Iron Gate Road (USFS Road 500); northwest on Iron Gate Road to its end; north and east on Trails 533 and 341 to the eastern boundary of the Pasayten Wilderness; north on the wilderness boundary to the Washington-Canadian border and the point of beginning.

GMU 218-CHEWUCH (Okanogan County): Beginning at Harts Pass on the Pacific Crest Trail; north on the Pacific Crest Trail approximately one mile to the boundary of the Pasayten Wilderness; east on the Pasayten Wilderness Boundary to Iron Gate Road (USFS Road 500); south on the Iron Gate Road to the Middle Fork Toats Coulee Creek (USFS Road 39); west and south on the Middle Fork Toats Coulee Creek Road past Long Swamp to the Boulder Creek Road (USFS Road 37); southwest on Boulder Creek Road to

the East Chewuch River Road (USFS Road 9137); south on the East Chewuch River Road to Winthrop and State Highway 20; northwest on State Highway 20 to the Pacific Crest Trail crossing on Highway 20; north on the Pacific Crest Trail to Harts Pass and the point of beginning.

GMU 224-PEARRYGIN (Okanogan County): Beginning at the North Fork Boulder Creek Road (USFS Road 39) and USFS Road 3820; south on Road 3820 through Lone Frank Pass to the North Fork Salmon Creek Road (USFS Road 38); southeast on the North Fork Salmon Creek Road to the County Road 2361; southeast on County Road 2361 to County Road 2017 at Conconully; southwest on County Road 2017 to the North Summit Road (USFS Road 42); southwest on the North Summit Road to State Highway 20 at Loup Loup Summit; west on State Highway 20 through Twisp to the East Chewuch River Road at Winthrop; north on the East Chewuch River Road to the Boulder Creek Road (USFS Road 37); northeast on the Boulder Creek Road to the Middle Fork Boulder Creek Road (USFS Road 39); northeast on the Middle Fork Boulder Creek Road to USFS Road 3820 and the point of beginning.

GMU 231-GARDNER (Okanogan County): Beginning where the Pacific Crest Trail crosses State Highway 20; south and east on State Highway 20; south through the Methow Valley, south through Winthrop to the Twisp River Road at Twisp; west on the Twisp River Road to North Fork Twisp River Trail 432; north on Trail 432 to Trail 426; north and west on Trail 426 to the Pacific Crest Trail; north on the Pacific Crest Trail to State Highway 20 and the point of beginning.

GMU 233-POGUE (Okanogan County): Beginning at the town of Conconully; north on the Sinlahekin Road (USFS Road 4015) to the Fish Lake Road; east on the Fish Lake Road along the south end of Fish Lake to the South Pine Creek Road (USFS Road 9410); east on the South Pine Creek Road to U.S. Highway 97; south on U.S. Highway 97 to the town of Riverside and the Okanogan River; south along the Okanogan River through Omak to the town of Okanogan and State Highway 20; west on State Highway 20 near Loup Loup Summit and the North Summit Road (USFS Road 42); north on the North Summit Road to County Road 2017; north on County Road 2017 to Conconully and the point of beginning.

GMU 239-CHILIWIST (Okanogan County): Beginning at the intersection of State Highway 153 and State Highway 20 south of the town of Twisp; east on State Highway 20 past Loup Loup Summit to the town of Okanogan and the Okanogan River; south along the Okanogan River to the Columbia River and the Okanogan County south boundary; west along the Columbia River to Pateros and State Highway 153; north on State Highway 153 to State Highway 20 and the point of beginning.

GMU 242-ALTA (Okanogan County): Beginning at the junction of the Twisp Pass and Trail 432; east on Trail 432 to Roads End Campground and the Twisp River Road (County Road 9114 and USFS Road 4440); east on the Twisp River

Road to Twisp and State Highway 153; south on State Highway 153 to Pateros and the Columbia River; south along Lake Pateros to Wells Dam and U.S. Highway 97; south on U.S. Highway 97 to Apple Acres Road (USFS Road 8140); west on Apple Acres Road to Antoine Creek Road (USFS Road 8140); northwest on the Antoine Creek Road to USFS Road 8020; north on the USFS Road 8020 to its junction with the South Navarre Road and the South Fork Gold Creek Road (USFS Road 8200 and 4330); north on the South Fork Gold Creek Road to the Okanogan-Chelan County line; northwest on the Okanogan-Chelan County line to the intersection of Trail 432 and the point of beginning.

GMU 243-MANSON (Chelan County): Beginning at the town of Chelan to Lake Chelan; northwest along the north shore of Lake Chelan to the Lake Chelan National Recreation Area Boundary near Flick Creek campground; northeast along the National Recreation Area Boundary to Sawtooth Ridge; southeast along Sawtooth Ridge separating the Chelan and Methow-Twisp river drainages to Fox Peak and USFS Road 8020; southeast on USFS Road 8020 to Antoine Creek Road (USFS Road 8140); southeast on Antoine Creek Road to Apple Acres Road; northeast on Apple Acres Road to U.S. Highway 97; northeast on U.S. Highway 97 to Wells Dam and the Columbia River; southeast along the Columbia River (Chelan-Douglas county line) to the Chelan River; northwest along the Chelan River to the town of Chelan and the point of beginning.

GMU 244-CLARK (Chelan County): Beginning where the Stehekin River flows into Lake Chelan; southeast along the south shore of Lake Chelan to the Glacier Peak Wilderness Boundary at Bearcat Ridge; south, west and north on the wilderness boundary to the Pacific Crest Trail at Kodak Peak; north on the Pacific Crest Trail to North Cascades National Park; north and east on the North Cascades National Park Boundary to Hock Mountain; south along the Lake Chelan National Recreation Area Boundary to Lake Chelan; northwest along the north shore of Lake Chelan to the Stehekin River and the point of beginning.

GMU 245-CHIWAWA (Chelan County): Beginning on the Pacific Crest Trail and the Glacier Peak Wilderness Boundary at Kodak Peak; southeast and north on the wilderness boundary to the Entiat River; southeast along the Entiat River to Ardenvoir and the Mad River Road (USFS Road 5700); northwest on the Mad River Road to the USFS Road 5800; southwest on USFS Road 5800 at French Corral and Eagle Creek Road (USFS Road 7520); southwest on the Eagle Creek Road to State Highway 209 north of Leavenworth; north on State Highway 209 to State Highway 207 near Lake Wenatchee; south on State Highway 207 to U.S. Highway 2 at Coles Corner; west on U.S. Highway 2 to the Pacific Crest Trail at Stevens Pass; north on the Pacific Crest Trail to Kodak Peak and the point of beginning.

GMU 246-SLIDE RIDGE (Chelan County): Beginning on the south shore of Lake Chelan at Bearcat Ridge; southeast along the south shore of Lake Chelan to Twenty-five Mile Creek; southwest along Twenty-five Mile Creek to the Slide Ridge Road (USFS Road 8410); south on the Slide Ridge

Road to Stormy Mountain and Trail 1448; northwest on Trail 1448 to Fourmile Ridge Trail 1445; west on the Fourmile Ridge Trail to Fox Creek; southwest along Fox Creek to the Entiat River; northwest along the Entiat River to the Glacier Peak Wilderness Boundary; north on the wilderness boundary to ((~~Lake Chelan, the Lake Chelan National Recreation Boundary and~~)) the point of beginning.

GMU 247-ENTIAT (Chelan County): Beginning at Twenty-five Mile Creek on the south shore of Lake Chelan; southeast along Lake Chelan and the Chelan River to the Columbia River; southwest along the Columbia River to the mouth of the Entiat River; northwest along the Entiat River to Fox Creek; northeast along Fox Creek to the Fourmile Ridge Trail 1445; east on the Fourmile Ridge Trail to Trail 1448; southeast on Trail 1448 to Stormy Mountain and the Slide Ridge Road (USFS Road 8410); north on the Slide Ridge Road to Twenty-five Mile Creek; north along Twenty-five Mile Creek to Lake Chelan and the point of beginning.

GMU 248-BIG BEND (Douglas and Grant counties): Beginning on State Highway 17 at the Chalk Hills Road (Road K N.E.); north on the Chalk Hills Road (K & L N.E.) for 4 miles to the east line of Range 26 East; north on the east line of Range 26 to the Columbia River; east along the Columbia River to Grand Coulee Dam and the Feeder Canal; southwest along the Feeder Canal to Banks Lake; south along the west shore of Banks Lake to a point due east from Mold Road (Road 9 N.E.); west from that point on Mold Road through Mold to State Highway 17; north along State Highway 17 to Sim's Corner and State Highway 172; west on State Highway 172 through Mansfield to Mathieson Road (Road B N.E.); north on the Mathieson Road and the West Foster Creek Road (Bridgeport Hill Road) to State Highway 17; east on State Highway 17 to the Chalk Hills Road (Road K N.E.) and the point of beginning.

GMU 249-ALPINE (Kittitas and Chelan counties): Beginning on the Pacific Crest Trail and the Alpine Lakes Wilderness Boundary near Josephine Lake (south of Stevens Pass); east, south and west on the wilderness boundary to the Pacific Crest Trail near Kendall Peak; north on the Pacific Crest Trail to Josephine Lake and the point of beginning.

GMU 250-SWAKANE (Chelan County): Beginning at Stevens Pass on U.S. Highway 2; east on U.S. Highway 2 to Coles Corner and State Highway 207; north on State Highway 207 to State Highway 209 near Lake Wenatchee; southeast on State Highway 209 to the Eagle Creek Road (USFS Road 7520); northeast on Eagle Creek Road to French Corral and USFS Road 5800; northeast on USFS Road 5800 to the Mad River Road (USFS Road 5700); southeast on the Mad River Road to Ardenvoir and the Entiat River; southeast along the Entiat River to the Columbia River; south along the Columbia River to the Wenatchee River; northwest along the Wenatchee River to Leavenworth and Icicle Creek; south and northwest along Icicle Creek to the Alpine Lakes Wilderness Boundary; north on the Alpine Lakes Wilderness Boundary to the Pacific Crest Trail near Josephine Lake; north on the Pacific Crest Trail to Stevens Pass and the point of beginning.

GMU 251-MISSION (Kittitas and Chelan counties): Beginning at the Black Pine Creek Horse Camp near the Alpine Lakes Wilderness Boundary and Icicle Creek; east along Icicle Creek to the Wenatchee River; south and east along the Wenatchee and Columbia rivers to the mouth of Tarpiscan Creek; west along Tarpiscan Creek and North Fork Tarpiscan Creek and North Fork Road (WDFW Road No. 10.10) to the Colockum Pass Road (WDFW Road 10) to the Naneum Ridge Road (WDFW Road 9); northwest on the Naneum Ridge Road to Wenatchee Mountain; northwest along the ridge past Mission Peak to the Liberty-Beehive Road (USFS Road 9712); northwest on the Liberty-Beehive Road to USFS Road 9716; north on USFS Road 9716 to U.S. Highway 97 at Swauk Pass; northwest on the Kittitas-Chelan County line and Trail 1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak; north on the Alpine Lakes Wilderness Boundary to Icicle Creek and the point of beginning.

GMU 254-SAINT ANDREWS (Douglas and Grant counties): Beginning at Mansfield on State Highway 172; east on State Highway 172 to Sim's Corner and State Highway 17; south on State Highway 17 to Buckeye Road (Road 9 N.E.); east on the Buckeye Road to Mold and the Mold Road; east on the Mold Road and continuing due east to the west shore of Banks Lake; south along the west shore of Banks Lake to U.S. Highway 2; west on U.S. Highway 2 to Farmer and State Highway 172; north and east on State Highway 172 to Mansfield and the point of beginning.

GMU 260-FOSTER CREEK (Douglas County): Beginning at Brewster and the Douglas-Okanogan County line; east on the county line (Columbia River) past Bridgeport to the east line of Range 26 East; south on the east line of Range 26 East to Road L N.E.; south on Road L N.E. to the Chalk Hills Road (K & L N.E.); southwest on the Chalk Hills Road to State Highway 17; west on State Highway 17 to the Bridgeport Hill Road; south on the Bridgeport Hill Road to the Dyer Hill Road; north on the Dyer Hill Road to Dyer and the Bonita Flat Road; west on the Bonita Flat Road to the Columbia River (opposite the Okanogan-Chelan County line); north along the river to Brewster and the point of beginning.

GMU 262-WITHROW (Douglas County): Beginning at Dyer and the Dyer Hill Road; south on the Dyer Hill Road to the Bridgeport Hill Road; south 3/4 mile on the Bridgeport Hill Road to Road 18 N.E.; east on Road 18 N.E. to the Mathieson Road (B N.E.); south on the Mathieson Road to State Highway 172; west and south on State Highway 172 to Farmer and U.S. Highway 2; west on U.S. Highway 2 through Waterville to Orondo and the Douglas-Chelan County line; north on the county line (Columbia River) past the Wells Dam to the Bonita Flat Road (opposite the Okanogan-Chelan County line); east on the Bonita Flat Road to Dyer and the point of beginning.

GMU 266-BADGER (Douglas County): Beginning at Orondo and U.S. Highway 2; east on U.S. Highway 2 through Waterville and Douglas to the Westerman Road (K S.W.); south on the Westerman Road to Alston and the Alston Road; west on the Alston Road to the Titchenal Canyon Road;

southwest on the Titchenal Canyon Road to the Sheehan Road; south on the Sheehan Road to the Rock Island Grade Road; southwest on the Rock Island Grade Road to the Rock Island Dam and the Douglas-Chelan County line (Columbia River); north on the county line through Wenatchee to Orondo and the point of beginning, (includes Turtle Rock Island).

GMU 269-MOSES COULEE (Douglas and Grant counties): Beginning on U.S. Highway 2 and the Westerman Road (K S.W.); east on U.S. Highway 2 to the Moses Coulee Road; south on the Moses Coulee Road to the Grant-Douglas County line and the Sagebrush Flat Road; south on the Sagebrush Flat Road to J N.W. Road; south on J N.W. to 20 N.W. Road; west on 20 N.W. Road to the Overen Road; southwest on the Overen Road to the Baird Springs Road; southwest on the Baird Springs Road across State Highway 28 to the Crescent Bar Road; south along the Crescent Bar Road to the Douglas-Kittitas County line (Columbia River); north on the county line to the Rock Island Dam and the Rock Island Grade Road; north on Rock Island Grade Road to the Sheehan Road; north on the Sheehan Road to the Titchenal Canyon Road; north on the Titchenal Road Canyon Road to the Alston Road; east on the Alston Road through Alston to the Westerman Road (K S.W.); north on the Westerman Road to U.S. Highway 2 and the point of beginning.

GMU 272-BEEZLEY (Grant and Douglas counties): Beginning at the junction of Grant, Lincoln and Okanogan County lines near the town of Grand Coulee; south on the Grant County line to Interstate 90; west on Interstate 90 to the Grant-Kittitas County line (Columbia River); north on the county line to the Crescent Bar Road; northeast on the Crescent Bar Road to the Baird Springs Road near Trinidad; northeast on the Baird Springs Road across State Highway 28 to the Overen Road; northeast on the Overen Road to the 20 N.W. Road; east on the 20 N.W. Road to the J N.W. Road; north on the J N.W. Road to the Sagebrush Flats Road; north on the Sagebrush Flats Road to the Grant-Douglas County line and the Moses Coulee Road; north on the Moses Coulee Road to U.S. Highway 2; east on U.S. Highway 2 to the west shore of Banks Lake; north along the west shore of Banks Lake to the feeder canal and to Grand Coulee Dam; up river to the Grant-Lincoln County line and the point of beginning, EXCEPT Private Lands Wildlife Management Area 201, Wilson Creek.

GMU 278-WAHLUKE (Grant and Adams counties): Beginning at the Vantage Bridge on Interstate 90 and the Grant-Kittitas County line (Columbia River); northeast and east on Interstate 90 to Road R SW (Beverly-Burke Road); south along Road R SW to Road 7 SW (Frenchman Hills Road); east along Road 7 SW to State Highway 262 (O'Sullivan Dam Road); east along State Highway 262 to State Highway 17; north on State Highway 17 to Interstate 90; east on Interstate 90 to the Grant-Adams County line; south on Road X S.E. to Road 12 S.E.; west on Road 12 S.E. and west on Grant-Adams County line to State Highway 17; south on State Highway 17 to Muse Road; ((east)) west on Muse Road to State Highway 24; west on State Highway 24 to the Vernita Bridge and the Columbia River (Grant County line);

west and north along the Columbia River to the Vantage Bridge on Interstate 90 and the point of beginning.

GMU 284-KAHLLOTUS (Adams County): Beginning on State Highway 17 and the Adams-Grant County line (Road 12 S.E.); east on the Adams-Grant County line (Road 12 S.E.) to Road X S.E.; north on Road X S.E. to the Adams-Lincoln County line (Davis Road); east on the Adams-Lincoln County line (Davis Road) to the Whitman County line; south on the Adams-Whitman County line to the Palouse River; south and west on the Palouse River to State Highway 26; west on State Highway 26 to State Highway 17; north on State Highway 17 to the Adams-Grant County line (12 S.E. Road) and the point of beginning.

GMU 290-DESERT (Grant County): Beginning at the town of George on Interstate 90; east along Interstate 90 to State Highway 17; south along State Highway 17 to State Highway 262 (O'Sullivan Dam Road); west along State Highway 262 to Road 7 SW (Frenchman Hills Road); west along Road 7 SW to Road R SW (Beverly-Burke Road); north along Road R SW to Interstate 90; east along Interstate 90 to the point of beginning.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 00-06-099
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed March 1, 2000, 11:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-01-142.

Purpose: To amend WAC 232-28-272.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The amendment provides language changes in general season dates for black bears in GMUs 101-117, 485, and the North Cascades Black Bear Management Unit (BBMU). In GMUs 101-117, the fall season will be shortened and open on the day following Labor Day rather than August 1. In contrast, the fall season will be extended from November 14 to November 30 in the North Cascades BBMU. Finally, hunters who have drawn a deer permit in GMU 485 may harvest a bear.

Reasons Supporting Proposal: The recommendation to shorten the fall black bear season in GMUs 101-117 is the result of overharvest, as indicated by our management guidelines. In that area, the male and female median age fails to meet management goals. The increased harvest likely was the result of the poor berry crop in 1998, which made bears more vulnerable to hunters. The proposed change recommends delaying the opening day by thirty-five days to avoid the ill effects of berry failures in the future. In contrast, an evaluation of the percent female in the harvest and median ages of males and females reveals that additional hunter opportunity exists in the North Cascades BBMU. As such,

PROPOSED

the proposed change delays the closure of the fall season by about fifteen days. The recommendation to open a limited entry black bear hunt in GMU 485 was proposed by the Muckleshoot Indian Tribe and is supported by regional biologists.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The recommendation reduces the length of the fall black bear season in GMUs 101-117 from ninety-nine to sixty-four days. The purpose of the change is to allow black bear populations in the area to recover from overharvest and will likely reduce the harvest by about 15-30%. The recommendation also increases the length of the fall season from ninety-six to one hundred twenty-two days in the North Cascades BBMU. The purpose of the increase is to provide additional hunter opportunity when appropriate and will likely result in a 5-15% increase in harvest. The new black bear hunt in GMU 485 will increase total bear harvest in the unit by ten-twenty bears and is consistent with the departments cooperative management with the Muckleshoot Indian Tribe.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Yakima Convention Center, 10 North 8th Street, Yakima, WA, on April 7-8, 2000, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 31, 2000, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 31, 2000.

Date of Intended Adoption: April 7, 2000.

March 1, 2000

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending Order 98-249, filed 12/22/98)]

WAC 232-28-272 ((1998-99 and 1999-2000)) 2000-2001, 2001-2002, and 2002-2003 Black bear and cougar hunting seasons and regulations.

Black Bear Seasons:

((+)) **General Season in Eastern Washington:** August 1-November 7, 1999, except September 7-November 7, 1999 in that part of GMU 113 north of the line

beginning at the mouth of Mill Creek on the Pend Oreille River; E along Mill Creek to Le Clere Creek Rd.; N on Le Clere Creek Rd. to USFS Rd. 1200; E on USFS Rd. 1200 to Pyramid Pass (Colville NFID Panhandle NF boundary); E on USFS Rd. 312 to USFS Rd. 658; N on USFS Rd. 658 to USFS Rd. 219; E on USFS Rd. 219 to the state line and in GMUs 145-186.

(2) **General Season in Western Washington:** August 1-November 15, 1998 and August 1-November 14, 1999, except July 15-November 15, 1998 and July 15-November 14, 1999)) on PLWMA's 401 and 600 and on Long Island where the seasons are September 1-November 15, 1998 and September 1-November 14, 1999.)

Hunt Name	2000 Season	Hunt Area
General Eastern	Aug. 1-Nov. 5	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 5-Nov. 5	GMUs 101-117
Blue Mt.	Sept. 5-Nov. 5	GMUs 145-154, 162-186
General Western	Aug. 1-Nov. 12	GMUs 407-410, 454, 466-520, 524-574, 601-684
North Cascades	Aug. 1-Nov. 30	GMUs 418-450, 460
West Side PLWMA's	July 15-Nov. 12	PLWMA's 401, 600
Green River*	Oct. 7-Oct. 13	GMU 485
Long Island	Sept. 1-Nov. 12	Long Island

Hunt Name	2001 Season	Hunt Area
General Eastern	Aug. 1-Nov. 4	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 4-Nov. 4	GMUs 101-117
Blue Mt.	Sept. 4-Nov. 4	GMUs 145-154, 162-186
General Western	Aug. 1-Nov. 11	GMUs 407-410, 454, 466-520, 524-574, 601-684
North Cascades	Aug. 1-Nov. 30	GMUs 418-450, 460
West Side PLWMA's	July 15-Nov. 11	PLWMA's 401, 600
Green River*	Oct. 6-Oct. 12	GMU 485
Long Island	Sept. 1-Nov. 11	Long Island

Hunt Name	2002 Season	Hunt Area
General Eastern	Aug. 1-Nov. 3	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 3-Nov. 3	GMUs 101-117
Blue Mt.	Sept. 3-Nov. 3	GMUs 145-154, 162-186
General Western	Aug. 1-Nov. 10	GMUs 407-410, 454, 466-520, 524-574, 601-684
North Cascades	Aug. 1-Nov. 30	GMUs 418-450, 460
West Side PLWMA's	July 15-Nov. 10	PLWMA's 401, 600
Green River*	Oct. 5-Oct. 11	GMU 485
Long Island	Sept. 1-Nov. 10	Long Island

* Only hunters with a Green River deer permit may hunt black bear.

PROPOSED

License Required: A valid big game hunting license which includes black bear as a species option is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

Bag Limit: Two (2) black bear per annual hunting season only one of which may be taken in ~~((Eastern Washington outside of))~~ the General Eastern Hunt, Northeastern Hunt or Blue Mt. Hunt; Except two (2) black bears may be taken in GMUs ((304, 306, 308 or 316)) 245, 246, 247, or 250.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

~~((GMUs Closed to Bear Hunting: 157 (Mill Creek Watershed), 485 (Green River), and 522 (Loowit).))~~

Harvest Report Cards: All hunters that purchase a big game hunting license which includes black bear as an option are required to fill out and return their black bear harvest report card(s). Successful hunters must complete the report card(s) and return within 10 days after taking an animal. Unsuccessful hunters are required to complete and return their report card(s) within 10 days after the close of the bear season.

Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

Cougar Season:

General Statewide Season: ~~((August 1, 1998-March 15, 1999 and August 1, 1999-March 15, 2000.))~~ Aug. 1, 2000-Mar. 15, 2001, Aug. 1, 2001-Mar. 15, 2002, and Aug. 1, 2002-Mar. 15, 2003.

License Required: A valid big game hunting license which includes cougar as a species option is required to hunt cougar.

Bag Limit: Two (2) cougar per annual hunting season. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

Tag Information: One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. Cougar may also be hunted with a .22 caliber centerfire rifle with a mushrooming or expanding type bullet weighing greater than 50 grains. The use of hounds to hunt cougar is prohibited statewide.

~~((GMUs Closed to Cougar Hunting: 157 (Mill Creek Watershed), 485 (Green River), and 522 (Loowit).))~~

Harvest Report Cards: All hunters that purchase a big game license which includes cougar as a species option are required to fill out and return their cougar harvest report card. Successful hunters must complete the report card and return within 10 days after taking an animal. Unsuccessful hunters are required to complete and return their report card within 10 days after the close of the cougar season.

Cougar Pelt Sealing: Any person who takes a cougar must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

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 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.

WSR 00-06-100
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed March 1, 2000, 11:51 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-01-143.

Purpose: To amend WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished by adding one species to the state's list of sensitive species.

Statutory Authority for Adoption: RCW 77.12.020.

Statute Being Implemented: RCW 77.12.020.

Summary: Adds the common loon to protected wildlife designated as sensitive species in Washington.

Reasons Supporting Proposal: The common loon is currently a rare breeder, but common migrant and wintering species in Washington. Fewer than ten nests are recorded in a typical year. About half of these are located on water bodies that are relatively inaccessible to people. Little information exists on the former distribution and abundance of common loons in Washington. Across North America, however, the common loon range contracted with the westward expansion of European settlers. Shoreline development, disturbance by human activities, and directed persecution toward the loon likely caused abandonment of some lakes where loons once nested. While human intrusions have not ceased, allowances for loons are sometimes made. Floating nest platforms, access restrictions, and educational campaigns have helped the current loon population to become somewhat stable at certain sites. The common loon is a rare breeding species and

PROPOSED

vulnerable to a number of threats (habitat loss and alteration, human disturbance, predation, and oil spills). Under current conditions, the loon population is not in imminent danger of extirpation. Loons require special management to breed in proximity to humans, and they are likely to become endangered or threatened without continued cooperative management and removal of threats.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 232-12-011 identifies species of wild animals to be managed by the Department of Fish and Wildlife as protected species in one of three categories: Threatened, sensitive, and other protected wildlife. This amendment adds the common loon to protected wildlife designated as a sensitive species. Sensitive species are in need of special management consideration to keep them from becoming threatened or endangered. Land managing agencies and local, state and federal governments may use these lists to consider the needs of species of special concern in land management decisions.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Yakima Convention Center, 10 North 8th Street, Yakima, WA, on April 7-8, 2000, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 31, 2000, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 31, 2000.

Date of Intended Adoption: April 7, 2000.

March 1, 2000

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending Order 00-05, filed 1/24/00)]

WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished. Protected wildlife are designated into three subcategories: Threatened, sensitive, and other.

(1) Threatened species are any wildlife species native to the state of Washington that are likely to become endangered within the foreseeable future throughout a significant portion of their range within the state without cooperative manage-

ment or removal of threats. Protected wildlife designated as threatened include:

Common Name	Scientific Name
western gray squirrel	<i>Sciurus griseus</i>
Steller (northern) sea lion	<i>Eumetopias jubatus</i>
North American lynx	<i>Lynx canadensis</i>
Aleutian Canada goose	<i>Branta Canadensis leucopareia</i>
bald eagle	<i>Haliaeetus leucocephalus</i>
ferruginous hawk	<i>Buteo regalis</i>
marbled murrelet	<i>Brachyramphus marmoratus</i>
green sea turtle	<i>Chelonia mydas</i>
loggerhead sea turtle	<i>Caretta caretta</i>
sage grouse	<i>Centrocercus urophasianus</i>
sharp-tailed grouse	<i>Phasianus columbianus</i>

(2) Sensitive species are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as sensitive include:

Common Name	Scientific Name
Gray whale	<i>Eschrichtius gibbosus</i>
<u>Common Loon</u>	<u><i>Gavia immer</i></u>
Larch Mountain salamander	<i>Plethodon larselli</i>
Pygmy whitefish	<i>Prosopium coulteri</i>
Margined sculpin	<i>Cottus marginatus</i>
Olympic mudminnow	<i>Novumbra hubbsi</i>

(3) Other protected wildlife include:

Common Name	Scientific Name
cony or pika	<i>Ochotona princeps</i>
least chipmunk	<i>Tamias minimus</i>
yellow-pine chipmunk	<i>Tamias amoenus</i>
Townsend's chipmunk	<i>Tamias townsendii</i>
red-tailed chipmunk	<i>Tamias ruficaudus</i>
hoary marmot	<i>Marmota caligata</i>
Olympic marmot	<i>Marmota olympus</i>
Cascade golden-mantled ground squirrel	<i>Spermophilus saturatus</i>
golden-mantled ground squirrel	<i>Spermophilus lateralis</i>
Washington ground squirrel	<i>Spermophilus washingtoni</i>
red squirrel	<i>Tamiasciurus hudsonicus</i>
Douglas squirrel	<i>Tamiasciurus douglasii</i>

PROPOSED

Common Name	Scientific Name
northern flying squirrel	<i>Glaucomys sabrinus</i>
wolverine	<i>Gulo gulo</i>
painted turtle	<i>Chrysemys picta</i>
California mountain kingsnake	<i>Lampropeltis zonata</i> ;

All birds not classified as game birds, predatory birds or endangered species, or designated as threatened species or sensitive species; all bats, except when found in or immediately adjacent to a dwelling or other occupied building; all wildlife within Titlow Beach Marine Preserve Area and the conservation areas defined in chapter 220-16 WAC; mammals of the order *Cetacea*, including whales, porpoises, and mammals of the order *Pinnipedia* not otherwise classified as endangered species, or designated as threatened species or sensitive species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

PROPOSED



NO EXPEDITED ADOPTIONS FILED IN THIS ISSUE

EXPEDITED ADOPTION



WSR 00-05-051
PERMANENT RULES
BENTON CLEAN
AIR AUTHORITY

[Filed February 14, 2000, 12:18 p.m.]

Date of Adoption: January 20, 2000.

Purpose: Change name throughout document; remove illegal agricultural burn exemption; reduce copy fee to \$.15 to comply with state law; general housekeeping items; etc.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 99-19-156 on September 22, 1999.

Changes Other than Editing from Proposed to Adopted Version: Proposed fee schedules were not adopted in Section 10.05, 10.06, and 10.07.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 11, 2000

David A. Lauer

Control Officer

January 2000
TABLE OF CONTENTS
REGULATION 1

ARTICLE 1 Policy, Short Title, and Definitions

Section 1.01: Policy 1-1
Section 1.02: Name of Authority 1-1
Section 1.03: Short Title 1-1

ARTICLE 2 General Provisions

Section 2.01: Powers and Duties of the Board 2-1
Section 2.02: Control Officer's Duties and Powers . . . 2-1
Section 2.03: Confidential Information 2-2
Section 2.04: Violations 2-2
Section 2.05: Orders and Hearings 2-3
Section 2.06: Appeals from the Board, Judicial Review 2-3
Section 2.07: Status of Orders and Appeals 2-3
Section 2.08: Falsification of Statement or Document, Unlawful Alteration of Documents, Display of Documents and Their Removal, Or Mutilation Prohibited 2-3
Section 2.09: Service of Notice 2-4

Section 2.10: Severability 2-4
Section 2.11: Penalties 2-4
Section 2.12: Restraining Order - Injunction - Other Court Order 2-5

ARTICLE 3 Reserved

ARTICLE 4 Reserved

ARTICLE 5 Open Burning

Section 5.01: Reserved 5-1
Section 5.02: Authority Implementation 5-1

ARTICLE 6 Agricultural Burning

Section 6.01: Reserved 6-1
Section 6.02: Authority Implementation 6-1

ARTICLE 7 Solid Fuel Burning Device Standards

Section 7.01: Reserved 7-1
Section 7.02: Authority Implementation 7-1

ARTICLE 8 Asbestos

Section 8.01: CFR Adoption by Reference 8-2
Section 8.02: Authority Implementation 8-2
Section 8.03: Unexpected Discovery of Asbestos . . . 8-3
Section 8.04: Emergency Safeguards for the Public in the Case of Asbestos Spills or Scattering of Suspected Asbestos Material 8-3

ARTICLE 9 Source Registration

General Requirements for Registration 9-1
Source Classification 9-2

ARTICLE 10 Fees and Charges

Section 10.01: Fees and Charges Required 10-1
Section 10.02: Fees Otherwise Provided 10-1
Section 10.03: Fee Waiver, Indigency 10-1
Section 10.04: General Administrative Fees 10-1
Section 10.05: Registration Fees for Air Contaminant Sources 10-2
Section 10.06: Application and Permit Fees for Notice of Construction and Application for Approval and for Notice of Intent to Install and Operate a Temporary Source 10-2
Section 10.07: Asbestos 10-3
Section 10.08: Operating Permit Fees 10-4
Section 10.09: Special Open Burning Permits 10-10
Section 10.10: Agricultural Burning Permits 10-11

ABBREVIATIONS AND ACRONYMS A-1

ARTICLE 1

Policy, Short Title, and Definitions

ADOPTED: April 18, 1996

EFFECTIVE: May 25, 1996

Section 1.01: Policy

The Benton County Clean Air Authority, with the boundaries of Benton County, has been activated by the Washington Clean Air Act, Revised Code of Washington (RCW) 70.94 as amended. The Benton County Clean Air

PERMANENT

Authority, declared to be and directed to function as a single county authority, adopts this Regulation as well as RCW 70.94 as amended to control the emissions of air contaminants from all sources within the jurisdiction of the Authority; to provide for the uniform administration and enforcement of this Regulation; and to carry out the requirements and purposes of the Washington Clean Air Act.

It is hereby declared to be the public policy of the Benton County Clean Air Authority to secure and maintain such levels of air quality that protect human health and safety, including the most sensitive members of the population, to comply with the requirements of the federal clean air act, to prevent injury to plant and animal life and to property, to foster the comfort and convenience of its inhabitants, to promote the economic and social development of the County and to facilitate the enjoyment of the natural attractions of the County.

It is further the intent of this Regulation to protect the public welfare, to preserve visibility, to protect scenic, aesthetic, historic, and cultural values, and to prevent air pollution problems that interfere with the enjoyment of life, property, or natural attractions.

This Regulation adopts the RCW and Washington Administrative Codes (WAC) to the extent applicable to this Authority. When the Benton County Clean Air Authority judges it necessary, specific local provisions are adopted to implement the above laws.

Section 1.02: Name of Authority

The name of the County Air Pollution Control Authority, with the boundaries of Benton County, shall be known as the "BENTON COUNTY CLEAN AIR AUTHORITY."

Section 1.03: Short Title

This Regulation shall be known and cited as "Regulation 1 of the Benton County Clean Air Authority" (hereinafter referred to as the ~~BCCAA~~ BCAA or the Authority).

ARTICLE 5 Open Burning

ADOPTED: April 18, 1996

EFFECTIVE: May 25, 1996

Section 5.01: Reserved

Section 5.02: Authority Implementation

A. Open burning in Benton County will be regulated using the "General Rule Burn" permitting system described in WAC 173-425-070. This system, which provides a limited number of days when open burning is allowed, will be implemented and enforced by the ~~BCCAA~~ BCAA within all city limits and urban growth areas in Benton County. The ~~BCCAA~~ BCAA will provide a spring window and fall window when burn days will be specified as established by WAC 173-425-070 or Board decision. Within each window, the ~~BCCAA~~ BCAA will make daily burn decisions based on current monitoring and meteorological information. This information will be provided daily on a published burn-message phone line, and/or through the local media. Open burning is

restricted at all other times throughout the year, except as defined in Section 5.02 (B) and (C), or with a Special Burn Permit as described in Section 5.02(F) below.

B. For all areas within Benton County which are outside of all city limits and urban growth areas, open burning for residential purposes may be conducted without a permit (or permission) and without the payment of a fee except for those outlined in Section 5.02 (D)(2), (D)(8), (D)(9), and (F)(2) below.

C. There are no restrictions on burning tumbleweeds which have been blown by the wind, regardless of location within Benton County or the current "burn day" status.

D. A person burning under this section must follow these requirements and restrictions:

1. Unless otherwise specified, on "burn days" open burning may be conducted in areas where open burning is allowed only between the hours of 9 a.m. and one hour before Sunset.

2. The fire must not include the following materials: garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, metal or any substance (other than natural vegetation) which when burned releases toxic emissions, dense smoke, or obnoxious odors.

3. A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.

4. No fires are to be within fifty feet of structures.

5. The pile must not be larger than four feet by four feet by three feet.

6. Only one pile at a time may be burned, and each pile must be extinguished before lighting another.

7. No outdoor fire is permitted in or within 500 feet of forest slash.

8. If the fire creates a nuisance, it must be extinguished.

9. Permission from the landowner or the landowner's designated representative must be obtained before starting an open fire.

E. No open burning shall be allowed on sites where active construction or demolition activities are occurring.

F. Special burning permits

1. No building, structure, or vessel may be demolished by intentional burning, either for demolition or for fire training, without a written approval, in the form of a special burning permit, from the Authority. The special permit will contain restrictions regarding prohibited materials, fire safety, asbestos removal or demolition, and other restrictions as deemed necessary. Special burn permits shall be subject to a fee as described in Section 10.09.

2. No burning of large quantities of unprocessed or processed natural vegetation, except as provided under Section 5.02(D), accumulated from land clearing or other activities or events is allowed except by written special permit from the Authority. Special burning permits will specify restrictions and conditions on a case by case basis. Special burning permits shall be subject to a fee as described in Section 10.09. Agricultural burning as defined in WAC 173-430-020 on commercially viable agricultural enterprises is exempted.

3. When anyone under the jurisdiction of this Authority would like to apply for a special burning permit to allow them

to perform an operation or procedure otherwise not granted under this Article, they may submit a request for special burn permit ~~Request for Special Burning Permit (RSBP)~~ at least five (5) working days prior to the proposed activity to the Authority with an application fee as described in Section 10.09. Payment of the fee shall not guarantee the applicant that the request will be approved. The ~~RSBP~~ request for special burn permit must include the name, address and phone number of the applicant, a detailed explanation of the requested special permit, purpose of the special permit, and how the applicant would incur hardship without the special permit.

ARTICLE 6

Agricultural Burning

ADOPTED: April 18, 1996

EFFECTIVE: May 25, 1996

Section 6.01: Reserved

Section 6.02: Authority Implementation

A. For the purpose of this section agricultural burning does not include incidental agricultural burning as listed in RCW 70.94.745. All other agricultural burning ~~of more than ten (10) acres annually~~ requires a written agricultural burning permit.

B. Agricultural burning permit applications and agricultural burning permits for Benton County farmers are available from the ~~BCCAA~~ BCAA and are subject to the fees described in Section 10.10.

C. Agricultural burning will be allowed only on designated "burn days". The Authority will make daily "burn" or "no-burn" designations based on current monitoring and meteorological data. This information will be provided daily on a published burn-message phone line, and/or through the local media.

D. A person burning under this section must follow these requirements and restrictions:

1. Unless otherwise specified, on "burn days" agricultural burning may be conducted in areas where burning is allowed only between the hours of 9 a.m. and one hour before Sunset.

2. It is the responsibility of those conducting agricultural burning to be informed of any additional fire safety rules as determined by their local fire district or county.

ARTICLE 8

Asbestos

ADOPTED: April 18, 1996

EFFECTIVE: May 25, 1996

Section 8.01: CFR Adoption by Reference.

This article adopts all provisions of the following Code of Federal Regulations (CFR) by reference and makes it a part of Regulation 1 of this Authority: **CFR 40 Part 61 Subpart M "National Emission Standard for Asbestos;" and**

CFR 40 Part 763 Subpart E "Asbestos Containing Materials in Schools."

Section 8.02: Authority Implementation

A. Definitions

1. Residential asbestos projects are defined as the renovation of any residential unit component or contents containing category I and II non-friable asbestos containing material (ACM) or regulated asbestos containing material (RACM), as defined in CFR 40 Part 61 Subpart M occurring in or on a residential unit.

2. Residential units are defined as any building with four or fewer dwelling units each containing space for uses such as living, sleeping, preparation of food, and eating that is used, occupied, or intended or designed to be occupied by one family as their domicile. This term includes houses, mobile homes, trailers, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include any facility that contains a residential unit.

B. All Section 8.01 requirements shall apply to asbestos renovation and demolition projects that are greater than 48 square feet or 10 linear feet, (unless the surface area of the pipe is greater than forty-eight feet) and are subject to the notification requirements and fee schedule described in Section 10.07.

C. Operators (Certified Asbestos Abatement Contractors) who perform residential asbestos projects are subject to the requirements of Section 8.03(A) only when RACM is involved

D. Only resident owners who occupy the residence and certified asbestos abatement contractors may conduct residential asbestos projects.

E. Resident owners performing their own residential asbestos projects for ACM and/or RACM are subject to the following requirements:

1. A written notification on forms provided by the Authority shall be submitted to the Authority ten (10) working days prior to the asbestos removal.

2. A filing fee as described in Section 10.07 of this Regulation shall accompany the written notice.

3. The owner of a residential project must participate in a prescribed educational program prepared by the Authority concerning the hazards of asbestos removal in the home. This program may include, but may not be limited to:

a. Watching an informational video,

b. Agreement to read and understand informational pamphlets, provided by the Authority, concerning proper residential asbestos removal. Any questions pertaining to this material shall be addressed by the Authority.

4. If after reviewing the notification form, interviewing the applicant about methods of removal and disposal, and inspecting the site as deemed necessary, the Authority may grant permission for owner or operator, or require a certified asbestos contractor to perform removal.

F. A demolition project under Section 8.01 and 8.02 (F) that contains no asbestos requires ten (10) working day advance notification.

F. G. All residential demolition projects are subject to the provisions of 8.01.

Section 8.03: Unexpected Discovery of Asbestos

A. In the event of an unexpected discovery of asbestos during a renovation or demolition project, which was originally thought to contain no asbestos, the requirements of either Section 8.01 or 8.02 are applicable, and all work must stop until these requirements have been met.

B. During an approved renovation or demolition project, if an unexpected discovery of additional asbestos is made which increases the project by 20% or greater than originally reported, an amendment or emergency waiver form must be filed with the Authority before work may continue.

Section 8.04: Emergency Safeguards for the Public in the Case of Asbestos Spills or Scattering of Suspected Asbestos Material

A. In all such instances the suspected material shall be considered asbestos, and treated with proper precautions until such time as it is determined not to contain asbestos.

B. Immediate action shall be taken to contain the spill and to prevent entry of unprotected and/or unauthorized persons; methods shall include but are not limited to:

1. Roping off contaminated areas, danger signs may be considered appropriate in open areas.

2. Locking or barring doors in buildings.

C. A call shall be placed to the appropriate emergency response center to provide them with the necessary information so that they may notify the ~~BCCAA~~ BCAA and/or respective law enforcement agency on an emergency basis.

ARTICLE 9**Source Registration**

ADOPTED: April 18, 1996

EFFECTIVE: May 25, 1996

Section 9.01: ~~Registration Required~~ General Requirements for Registration

The classes of air contaminant sources listed in ~~Exhibit "A"~~ Section 9.02 below shall be registered with the Authority.

A. Program purpose. The registration program is a program to develop and maintain a current and accurate record of air contaminant sources. Information collected through the registration program is used to evaluate the effectiveness of air pollution control strategies and to verify source compliance with applicable air pollution requirements.

B. Program components. The components of the registration program consist of:

1. Registration Issuance Initial registration and annual or other periodic reports from stationary source owners providing information on location, size, height of contaminant outlets, processes employed, nature and quantity of the air contaminant emissions, and other information that is relevant to air pollution and available or reasonably capable of being assembled. For purposes of this chapter, information relevant to air pollution may include air pollution requirements

established by rule, regulatory order, or ordinance pursuant to chapter 70.94 RCW.

2. On-site inspections necessary to verify compliance with registration requirements.

3. Data storage and retrieval systems necessary for support of the registration program.

4. Emission inventory reports and emission reduction credits computed from information provided by source owners pursuant to registration requirements.

5. Staff review, including engineering analysis for accuracy and currentness of information provided by source owners pursuant to registration program requirements.

6. Clerical and other office support in direct furtherance of the registration program.

7. Administrative support provided in directly carrying out the registration program.

C. Registration Issuance**Section 9.02: General Requirements for Registration**

~~A. Registration of an installation or facility shall be made by the owner or lessee of the source, or agent of the owner, lessee or source, on forms furnished by the Authority. The owner or lessee of the source is responsible for registration and for the accuracy of the information submitted.~~

~~B. A separate registration shall be required for each source. The owner or operator shall register each facility with a detailed inventory of emission points, emission type, and quantity of emissions.~~

~~C. Each registration shall be signed by the owner or lessee, or the agent for such owner or lessee, and returned with the appropriate fee. Penalties can be assessed for non-compliance in accordance with Section 2.11 (B)(8).~~

1. General. Any person operating or responsible for the operation of an air contaminant source in Benton County for which registration and reporting are required shall register the source emission unit with the BCAA. The owner or operator shall make reports containing information as may be required by the BCAA concerning location, size and height of contaminant outlets, processes employed, nature and quantity of the air contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

E. 2. Registration form. Registration information shall be provided on forms supplied by the BCAA and shall be completed and returned within the time specified on the form. Emission units within the facility shall be listed separately unless the BCAA determines that certain emission units may be combined into process streams for purposes of registration and reporting.

F. 3. Signatory responsibility. The owner, operator, or their designated management representative shall sign the registration form for each source. The owner or operator of the source shall be responsible for notifying the BCAA of the existence of the source, and for the accuracy, completeness, and timely submittal of registration reporting information and any accompanying fee.

G. 4. Operational and maintenance plan. Owners or operators of registered sources within Benton County shall maintain an operation and maintenance plan for process and

control equipment. The plan shall reflect good industrial practice and shall include a record of performance and periodic inspections of process and control equipment. In most instances, a manufacturer's operations manual or an equipment operation schedule may be considered a sufficient operation and maintenance plan. The plan shall be reviewed and updated by the source owner or operator at least annually. A copy of the plan shall be made available to the BCAA upon request.

H. 5. Report of closure. A report of closure shall be filed with the BCAA within ninety days after operations producing emissions permanently cease at any applicable source under this section.

I. 6. Report of change of ownership. A new owner or operator shall report to the BCAA within ninety days of any change of ownership or change in operator.

J. 7. Operating permit program source exemption. Permit program sources, as defined in RCW 70.94.030(17), are not required to comply with the registration requirements of WAC 173-400-100 through 173-400-104 this section.

Section 9.01: Section 9.02: EXHIBIT "A" Source Classification

1. A. All sources required to register with Ecology according to WAC 173-400-100 in General Regulations for Air Pollution Sources.

2. B. All facilities required to register according to WAC 173-491, Emission Standards and Controls for Sources Emitting Gasoline Vapors.

3. Any source or emission unit as defined in WAC 173-400-030 with an emission greater than or equal to 20% of the amount of the regulated pollutants listed in WAC 173-400-030 excluding "major sources" as defined in WAC 173-401-200.

4. C. Any existing stationary source, which if new, the federal standard of performance (NSPS) would be applicable according to WAC 173-400-115 Standards of Performance for New Sources.

5. D. Any existing source, which if new, would be subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS).

6. E. Any new or existing source of toxic air pollutants as defined in WAC 173-460-020, which exceeds small quantity emission rates defined in WAC 173-460-080.

7. F. Any new source category and any existing source, which if new, would be required by WAC 173-400-110 to undergo New Source Review.

8. G. Permanently located abrasive blasting operations.

9. Dry cleaners and dry-cleaning plants.

10. Fuel burning equipment other than those serving dwellings of four or less families and has a heat input of more than 1,000,000 BTU per hour.

11. Insulation manufacturers.

12. Metal plating and anodizing operations.

13. Plastics and fiberglass fabrication facilities.

14. Permanently located surface coating operations including but not limited to coating of vehicles, metal, wood, plastic, rubber, or glass.

15. Permanently located vapor and gas collection systems including liquid stripping and flares.

16. H. Waste oil burners except waste oil burners used for space heating and which have an input not to exceed 500,000 BTU per hour provided that such burners are operated in accordance with WAC 173-303-515.

17. Corpus crematoriums.

ARTICLE 10

Fees and Charges

ADOPTED: April 18, 1996

EFFECTIVE: May 25, 1996

Section 10.01: Fees and Charges Required

A fee or service charge shall be paid to the Authority for issuance of permits and for providing services as hereinafter provided.

Section 10.02: Fees Otherwise Provided

All fees and charges provided for in this Article are in addition to fees otherwise provided for or required to be paid by Regulation 1, PROVIDED the Control Officer shall waive payment of any fee or service charge hereby required if such fee duplicates a fee charged or required to be paid by another Article of this Regulation.

Section 10.03: Fee Waiver, Indigency

The Control Officer shall waive payment of all or a portion of any fee or service charge required by this Article to be paid upon a showing deemed sufficient by the Control Officer that the permit or service requested is necessary and payment of the fee would cause hardship upon the applicant. An applicant may apply for a fee waiver by filing a Fee Waiver, Indigency Form supplied by the Authority.

Section 10.04: General Administrative Fees

A. A fee of ~~twenty-five~~ fifteen cents (\$.15) per page shall be charged for photocopies.

B. A fee of ~~twenty dollars (\$20.00) per hour shall be charged for all time expended preparing photocopies and for obtaining documents to be photocopied for requests covering more than ten pages.~~

B. A fee of twenty dollars (\$20.00) per hour will be charged for research time for requests covering more than one-hour of staff time.

C. A fee of ten dollars (\$10.00) will be charged per copy of audio or video materials.

C. D. The actual cost of postage or shipping shall be charged for all material requested to be mailed.

D. E. For other administrative services requested and performed by Authority staff which are not provided to the public generally, the Control Officer shall determine such charge as reasonably reimburses the Authority for time and materials expended in providing the service.

Section 10.05: Registration Fees for Air Contaminant Sources

A. The Authority shall charge an annual registration fee pursuant to RCW 70.94.151. The Authority shall levy annual registration fees for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the registration program. The Board will review the registration program on an annual basis.

B. All air contaminant sources required by Section 9.02; ~~EXHIBIT "A"~~ to be registered shall be divided into the following three categories and are subject to the applicable fee:

1. Class 1 sources are defined as all sources emitting pollutants, unless otherwise exempted by law or contained in Class 2 or Class 3. Class 1 sources shall pay an annual registration fee of one hundred dollars (\$100.00) at the time of registration.

2. Class 2

a. Class 2 sources shall pay an annual registration fee at the time of registration. In no case shall the fee so calculated be less than three hundred fifty dollars (\$350.00) per year.

b. Sources emitting a base amount of more than 20% of the amount of the regulated pollutants listed in the definition of significant emissions in WAC 173-400-030, except major sources as defined in WAC 173-401-200, which are eligible for the Federal Clean Air Act Title V air operating permits. For these emission sources, the Class 2 fee shall be an amount equal to the average BCCAA "per ton" fee for air operating permittees times the actual tons of pollutants emitted each year in excess of the above defined base amount.

c. Class 2 toxic sources are those sources emitting more than one (1) ton of a single or more than 2.5 tons of a combination of toxic substances as defined in WAC 173-460-020, except major sources as defined in RCW 70.94.030(17). (Section 10.05(B)(2)(b)). The Class 2 fee for sources emitting toxic pollutants shall be an amount equal to the average BCCAA "per ton" fee for air operating permittees times the actual tons of toxic pollutants over the above defined base amount times a factor of seven (7).

3. Class 3 sources are those sources that meet the requirements for permitting under the air operating program as described in WAC 173-401. Class 3 sources are subject to the fee schedule outlined in Section 10.08 of this Regulation.

C. All gasoline facilities required by Section 9.02 to be registered shall register annually in accordance with WAC 173-491-030 and pay the following annual fees:

1. Gasoline Loading Terminals: five hundred dollars (\$500.00),

2. Bulk Gasoline Plants two hundred dollars (\$200.00), and

3. Gasoline Dispensing Facilities: one hundred dollars (\$100.00)

Section 10.06: Application and Permit Fees for Notice of Construction and Application for Approval and for Notice of Intent to Install and Operate a Temporary Source

A. All construction under RCW 70.94.152 and 153 shall be required to file a Notice of Construction and Application for Approval (NOC). A filing fee of fifty dollars (\$50.00) shall be paid at the time of filing the NOC. If the registration fee required in Section 10.05 also applies to the construction, the filing fee shall be waived.

B. For portable air contaminant sources that locate temporarily at particular sites within the Authority's jurisdiction, a Notice of Intent to Operate a Temporary Source and Application for Approval (NIO) must be filed with the Authority. A fee of one hundred dollars (\$100.00) shall be paid at the time of filing the NIO.

C. In addition to the filing fees provided in Section 10.06 (A) and (B), when an inspection is deemed necessary by the Authority, a plan review and inspection fee shall be paid at a rate equal to the hourly rate of the Authority's Air Operating Permit Engineer for a period not to exceed 10 hours.

D. State Environmental Policy Act (SEPA) fees under WAC 197-11. For every environmental checklist the Authority reviews when it is Lead Agency, the applicant shall pay the threshold determination fee of fifty dollars (\$50.00) prior to the undertaking of the threshold determination by the responsible official of the Authority. If the Authority decides it must prepare a statement in order to comply with the SEPA before taking any action on an NOC the cost of preparing, publishing, and distributing such a statement at a cost per hour rate for Authority staff time based upon actual cost as determined by the Control Officer and such other expenses as mutually agreed upon by the applicant and the Control Officer including consulting services, testing, reproduction, distributing, etc., shall be paid by the applicant.

E. The cost of publishing a public notice shall be borne by the applicant or other initiator of the action.

F. When an operation for which an NOC or NIO Temporary NOC (less than one year at a location) is required commences prior to making application and receiving approval, the Control Officer or his authorized agent may conduct an investigation as part of the application NIO review. In such a case, an investigation fee of three hundred dollars (\$300.00) shall be paid in addition to all other required fees in Section 10.06. Payment of the fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

Section 10.07: Asbestos

A. Any owner or operator of a renovation or demolition activity required by CFR 40 Part 61 Subpart M or Article 8 to notify the Authority prior to starting the renovation or demolition, or required by federal regulation to be approved or inspected by the Authority, shall give the required advance notice and pay a processing fee to the Authority determined by the following:.

1. All single renovation or demolition projects under Section 8.01 or Section 8.02(B), require a ten (10) working

day advance notification on a written "Notice of Intent to Remove Asbestos Materials," and a fifty dollar (\$50.00) fee.

2. Annual notices under Section 8.01, and within the notification requirements of Section 8.02(B), require ten (10) working day advance notification, an annual written application for approval, and a three hundred dollar (\$300.00) fee.

3. An amendment under Section 8.01 or Section 8.02 to an approved renovation or demolition requires prior notification, an amended application, and a twenty-five dollar (\$25.00) fee for the 2nd amendment and any thereafter.

4. An emergency under Section 8.01 or Section 8.02 requires prior notification, an Emergency Waiver Request Letter submitted by the property owner or operator, a Notice of Intent to Remove Asbestos, and a fifty dollar (\$50.00) emergency fee as well as the normal application fee described in this Section.

5. A residential asbestos project under Section 8.02 requires ten (10) working day advance notification, on a "Notice of Intent to Remove Asbestos Materials," form accompanied by a filing fee of ten dollars (\$10.00).

~~6. A demolition project under Section 8.01 and 8.02 that contains no asbestos requires ten (10) working day advance notification.~~

Section 10.08: Operating Permit Fees

All eligible sources under WAC 173-401 shall be subject to the annual fees described in this section.

A. Permanent annual fee determination and certification
1. Fee Determination

a. Fee Determination. The ~~BCCAA~~ BCAA shall develop a fee schedule using the process outlined below, according to which it will collect fees from permit program sources under its jurisdiction. The fees shall be sufficient to cover all permit administration costs. The ~~BCCAA~~ BCAA shall also collect its jurisdiction's share of Ecology's development and oversight costs. The fee schedule shall differentiate as separate line items the ~~BCCAA~~ BCAA's and Ecology's fees. Opportunities for public participation shall be afforded throughout the fee determination process, as provided in Section 10.08 (A)(3)(a).

b. Fee Eligible Activities. The costs of permit administration and development and oversight activities are fee eligible.

i. Permit Administration. Permit administration costs are those incurred by ~~BCCAA~~ BCAA in administering and enforcing the operating permit program with respect to sources under its jurisdiction. Eligible permit administration costs are as follows:

(A) Preapplication assistance and review of an application and proposed compliance plan for a permit, permit revision, or renewal;

(B) Source inspection, testing, and other data-gathering activities necessary for the development of a permit, permit revision, or renewal;

(C) Acting on an application for a permit, permit revision, or renewal, including the costs of developing an applicable requirement as part of the processing of a permit, permit revision, or renewal, preparing a draft permit and fact sheet, and preparing a final permit, but excluding the costs of

developing BACT, LAER, BART, or RACT requirements for criteria and toxic air pollutants;

(D) Notifying and soliciting, reviewing and responding to comment from the public and contiguous states and tribes, conducting public hearings regarding the issuance of a draft permit and other costs of providing information to the public regarding operating permits and the permit issuance process;

(E) Modeling necessary to establish permit limits or to determine compliance with permit limits;

(F) Reviewing compliance certifications and emissions reports and conducting related compilation and reporting activities;

(G) Conducting compliance inspections, complaint investigations, and other activities necessary to ensure that a source is complying with permit conditions;

(H) Administrative enforcement activities and penalty assessment, excluding the costs of proceedings before the pollution control hearings board and all costs of judicial enforcement;

(I) The share attributable to permitted sources of the development and maintenance of emissions inventories;

(J) The share attributable to permitted sources of ambient air quality monitoring and associated recording an reporting activities;

(K) Training for permit administration and enforcement;

(L) Fee determination, assessment, and collection, including the costs of necessary administrative dispute resolution and penalty collection;

(M) Required fiscal audits, periodic performance audits, and reporting activities;

(N) Tracking of time, revenues and expenditures, and accounting activities;

(O) Administering the permit program including the costs of clerical support, supervision, and management;

(P) Provision of assistance to small businesses under the jurisdiction of the permitting authority as required under section 507 of the federal clean air act; and

(Q) Other activities required by operating permit regulations issued by the United States Environmental Protection Agency under the Federal Clean Air Act.

ii. Ecology Development and Oversight. Development and oversight costs are those incurred by Ecology in developing and administering the state operating permit program and in overseeing the administration of the program by the delegated local authorities. Development and oversight costs are in Chapter 252, Laws of 1993 Section 6 (2)(b).

c. Workload Analysis.

i. The ~~BCCAA~~ BCAA shall conduct an annual workload analysis projecting resource requirements for the purpose of facilitating budget preparation for permit administration. The workload analysis shall include resource requirements for both the direct and indirect costs of the permit administration activities in Section 10.08 (A)(1)(b)(i).

ii. Ecology will, for the two-year period corresponding to each biennium, identify the development and oversight activities that it will perform during that biennium. The eligible activities are those referenced in Section 10.08 (A)(1)(b)(ii).

d. Budget Development. The ~~BCCAA~~ BCAA shall annually prepare an operating permit program budget. The budget shall be based on the resource requirements identified

in an annual workload analysis and shall take into account the projected fund balance at the start of the calendar year. The BCCAA BCAA shall publish a draft budget for the following calendar year on or before May 31 and shall provide opportunity for public comment thereon in accordance with 10.08 (A)(3)(a). The BCCAA BCAA shall publish a final budget for the following calendar year on or before June 30.

c. Allocation Methodology.

i. Permit Administration Costs. The BCCAA BCAA shall allocate its permit administration costs and its share of Ecology's development and oversight costs among the permit program sources for whom it acts as permitting authority, according to a three-tiered model based upon:

(A) the number of sources under its jurisdiction;

(B) the complexity of the sources under its jurisdiction, and

(C) the size of the sources under its jurisdiction, as measured by the quantity of each regulated pollutant emitted. The quantity of each regulated pollutant emitted by a source shall be determined based on the annual emissions data during the most recent calendar year for which data is available. Each of the three tiers shall be equally weighted.

ii. Ecology Development and Oversight Costs. Ecology will allocate its development and oversight costs among all permitting authorities, including the BCCAA BCAA, based upon the number of permit program sources under the jurisdiction of each permitting authority. If Ecology determines that it has incurred extraordinary costs in order to oversee a particular permitting authority and that those costs are readily attributable to the particular permitting authority, Ecology may assess to that permitting authority such extraordinary costs.

f. Fee Schedule. The BCCAA BCAA shall issue annually a fee schedule reflecting the permit administration fee and Ecology's development and oversight fee to be paid by each permit program source under its jurisdiction. The fee schedule shall be based on the information contained in the final source data statements for each year; the final source data statements shall be issued after opportunity for petition and review has been afforded in accordance with Section 10.08 (A)(4).

2. Fee Collection - Ecology and BCCAA BCAA.

a. Collection from Sources. The BCCAA BCAA, as a delegated local authority, shall collect the fees from the permit program sources under its jurisdiction.

i. Permit Administration Costs. The BCCAA BCAA shall collect from permit program sources under its jurisdiction fees sufficient in the aggregate to cover its permit administration costs.

ii. Ecology Development and Oversight Costs. The BCCAA BCAA shall collect from permit program sources under its jurisdiction fees sufficient in the aggregate to cover its share of Ecology's development and oversight costs.

b. Dedicated Account.

i. All receipts from fees collected by the BCCAA BCAA, as a delegated local authority, from permit program sources pursuant to RCW 70.94.152(1), and RCW 70.94.161, Section 6 of Chapter 252, Laws of 1993, and Section 8 of Chapter 252, Laws of 1993 shall be deposited in the dedicated accounts of its treasury. Expenditures from these dedi-

cated accounts will be used only for the activities described in RCW 70.94.152(1), and RCW 70.94.161, Section 6 of Chapter 252, Laws of 1993, and Section 8 of Chapter 252, Laws of 1993.

ii. All receipts from fees collected by BCCAA BCAA on behalf of Ecology from permit program sources pursuant to RCW 70.94.152(1), and RCW 70.94.161, Section 6 of Chapter 252, Laws of 1993, and Section 8 of Chapter 252, Laws of 1993 shall be deposited in the air operating permit account created under RCW 70.94.015. Expenditures from the air operating permit account may be used only for the activities described in RCW 70.94.152(1), and RCW 70.94.161, Section 6 of Chapter 252, Laws of 1993, and Section 8 of Chapter 252, Laws of 1993.

3. Accountability

a. Public Participation During Fee Determination Process. The BCCAA BCAA shall provide for public participation in the fee determination process described under 10.08 (A)(1), which provision shall include but not be limited to the following:

i. The BCCAA BCAA shall provide opportunity for public review of and comment on:

(A) each annual workload analysis;

(B) each annual budget; and

(C) each annual fee schedule

ii. The BCCAA BCAA shall submit to Ecology for publication in the *Permit Register* notice of issuance of its draft annual workload analysis, issuance of its draft annual budget and issuance of its draft annual fee schedule.

iii. The BCCAA BCAA shall make available for public inspection and to those requesting opportunity for review copies of its draft:

(A) annual workload analysis on or before March 31.

(B) annual budget on or before May 31.

(C) annual fee schedule on or before December 31.

iv. The BCCAA BCAA shall provide a minimum of thirty (30) days for public comment on the draft annual workload analysis and draft annual budget. Such thirty-day period for comment shall run from the date of publication of notice in the *Permit Register* as provided in Section 10.08 (A)(3)(a)(ii).

b. Tracking of Revenues, Time and Expenditures.

i. Revenues. The BCCAA BCAA shall track revenues on a source-specific basis.

ii. Time and Expenditures. The BCCAA BCAA shall track time and expenditures on the basis of functional categories as follows:

(A) application review and permit issuance;

(B) permit modification;

(C) permit maintenance;

(D) compliance and enforcement;

(E) business assistance;

(F) regulation and guidance development;

(G) management and training;

(H) technical support.

iii. Use of Information Obtained from Tracking Revenues, Time and Expenditures. The BCCAA BCAA shall use the information obtained from tracking revenues, time and expenditures to modify its workload analysis during each cal-

endar year's review provided for under Section 10.08 (A)(1)(d).

iv. The information obtained from tracking revenues, time, and expenditures shall not provide a basis for challenge to the amount of an individual source's fee.

c. Periodic Fiscal Audits, Reports and Performance Audits. A system of regular, periodic fiscal audits, reports and performance audits shall be conducted in order to evaluate Ecology's and the Authority's operating permit program administration, as follows:

i. Fiscal Audits. The ~~BCCAA~~ BCAA shall contract with the State Auditor to perform a standard fiscal audit of its operating permit program every other year.

ii. Annual Routine Performance Audits. The ~~BCCAA~~ BCAA shall be subject to annual routine performance audits, except that the routine audit shall be incorporated into the extensive performance audit, conducted pursuant to Section 10.08 (A)(3)(c)(v) in each year during which an extensive performance is conducted. Ecology shall issue guidance regarding the content of the routine performance audits and shall conduct the Authority's audits.

iii. Annual Random Individual Permit Review. One permit issued by the ~~BCCAA~~ BCAA shall be subject to review in conjunction with the annual routine performance. The permit to be reviewed shall be selected at random. Ecology shall issue guidance regarding the content of the random individual permit review and shall conduct the Authority's review.

iv. Periodic Extensive Performance Audits. The ~~BCCAA~~ BCAA shall be subject to extensive performance audits every five years. In addition, this authority may be subject to an extensive performance audit more frequently under the conditions of Section 10.08 (A)(3)(c)(v). Ecology shall issue guidance regarding the content of the extensive performance audits and shall conduct the audits of this Authority.

v. Finding of Inadequate Administration or Need for Further Evaluation. If, in the process of conducting a fiscal audit, annual routine audit, or annual random individual permit review, the auditor or Ecology finds that the ~~BCCAA~~ BCAA is inadequately administering the operating permit program or finds that further evaluation is immediately warranted, an extensive performance audit shall be conducted, as provided in Section 10.08 (A)(3)(c)(iv).

vi. Annual Reports. The ~~BCCAA~~ BCAA shall prepare an annual report evaluating its operating permit program administration. Such report shall include any findings of the auditor or Ecology resulting from the relevant fiscal audits, annual routine audits, annual random individual permit reviews or periodic extensive performance audits. The ~~BCCAA~~ BCAA shall submit its report to its Board and to Ecology.

4. Administrative Dispute Resolution.

a. Preliminary Statement of Source Data. The ~~BCCAA~~ BCAA shall provide to the permit program sources under their respective jurisdictions a preliminary statement of emissions and other data from that source upon which the authority intends to base its allocation determination under Section 10.08 (A)(1)(e). Such preliminary statement shall be provided to the permit program sources on or before September 30 of each year. Such preliminary statement shall indicate

the name, address and telephone number of the person or persons to whom the source or other individual may direct inquiries and/or petitions for review under Section 10.08 (A)(4)(b) regarding the accuracy of the data contained therein.

b. Petition for Review of Statement. A permit program source or other individual under the jurisdiction of the ~~BCCAA~~ BCAA, as a delegated local authority, may petition to review for accuracy the data contained in the preliminary source data statement provided for under Section 10.08 (A)(4)(a). Such petition shall be lodged on or before October 31 of each year. Such petition shall be in writing, directed to the individual indicated on the statement of source data. Such petition shall indicate clearly the data to be reviewed, the specific action that the source or petitioning individual is requesting be taken and may, if the source or petitioning individual desires, be accompanied by written documentation supporting the request for review. Such petition shall, in addition, state the name, address and telephone number of the person or persons to whom the ~~BCCAA~~ BCAA may direct inquiries regarding the request. Upon receipt of such a petition, the ~~BCCAA~~ BCAA, as a delegated local authority, must issue its written response to the petitioner on or before November 30 of each year. Such response shall state the conclusions of the review and the reasons therefore, and shall contain a new preliminary source data statement, revised to reflect any changes necessitated by the authority's response.

c. Final Source Data Statement. The ~~BCCAA~~ BCAA shall provide to the permit program sources under its jurisdiction a final statement of emissions and other data from that source upon which the local authority will base its allocation determination under Section 10.08 (A)(1) along with an invoice reflecting the fee billed to that source on or before December 31 of each year.

5. Fee Payment and Penalties

a. Fee Payment. Each permit program source shall pay a fee in the amount reflected in the invoice issued under Section 10.08 (A)(4)(c). Such fee shall be due on or before February 28 of each year.

b. Late Payment of Fees. ~~BCCAA~~ BCAA shall charge a penalty to a permit program source under its jurisdiction for late payment of all or part of its operating permit fee at the following rates:

i. Ten percent of the source's total assessed fee for payment received after the due date for fee payment but up to the first thirty days past the due date for fee payment;

ii. Fifteen percent of the source's total assessed fee for payment received between the thirty-first day and the sixtieth day past the due date for fee payment; and

iii. Twenty-five percent of the source's total assessed fee for payment received between the sixty-first day and the ninetieth day past the due date for fee payment.

c. Failure to Pay Fees. The ~~BCCAA~~ BCAA shall charge a penalty to a permit program source under its jurisdiction for failure to pay all or part of its operating permit fee and/or penalties thereon after ninety days past the due date for fee payment in an amount three times the source's total assessed fee.

d. Other Penalties. The penalties authorized in Section 10.08 (A)(5)(b) and (c), are additional to and in no way prejudice the ~~BCCAA~~ BCAA's ability to exercise other civil and

criminal remedies, including the authority to revoke a source's operating permit for failure to pay all or part of its operating permit fee.

e. Facility Closure. Sources that permanently cease operations will be required to pay only a pro rata portion of the annual operating permit fee for the fiscal year in which they cease operations. The portion of the fee to be paid will be calculated by dividing the number of calendar days that have passed in the relevant calendar year at the time the source ceases operations by the total of 365 calendar days, and multiplying the fraction thus derived by the fee that the source would have paid for the relevant calendar year, had it not ceased operations.

f. Transfer in Ownership. Transfer in ownership of a source shall not affect that source's obligation to pay operating permit fees. Any liability for fee payment, including payment of late payment and other penalties shall survive any transfer in ownership of a source.

6. Development and Oversight Remittance by Local Authorities to Ecology

a. Ecology will provide to the Authority a statement of the share of Ecology's development and oversight costs for which it is responsible for collecting from sources under its jurisdiction on or before December 31 of each year.

b. The Authority shall remit to Ecology one-half of the share of Ecology's development and oversight costs for which it is responsible for collecting from sources under its jurisdiction on or before March 31 of each year and shall remit to Ecology the balance of its share of Ecology's development and oversight costs on or before June 30 of each year.

Section 10.09: Special Open Burning Permits

A. Anyone who submits to the Authority a request for special burning permit RSBP shall pay an application fee of fifty dollars (\$50.00).

B. Upon approval of the request for special burn permit RSBP the Authority will charge an additional fee at a rate determined by the volume of the material to be burned, and inspection and oversight costs. The additional fee shall not exceed eight dollars and fifty cents (\$8.50) per cubic yard or the adjusted amount according to WAC 173-425. Special Open Burning Permits shall be valid for a period not to exceed one year, at which time the applicant may re-apply with another \$50.00 fee.

Section 10.10: Agricultural Burning Permits

A. Upon approval of any agricultural burn permit application, the BCCAA BCAA will charge a fee not to exceed two dollars and fifty cents (\$2.50) per acre for each acre permitted to be burned. This fee is divided into a local and a state portion. One dollar (\$1.00) per acre of each fee will go directly to Ecology to be divided among administration, oversight costs, and the research fund. The remainder of the fee will go to the BCCAA BCAA for local administration and implementation of the program.

B. The local portion of the agricultural burn permit fee will be seventy-five cents (\$0.75) per acre.

C. Permits will only be issued upon receipt of full payment. Refunds may be issued by the BCCAA BCAA for acres not burned under each permit.

ACRONYMS AND ABBREVIATIONS

<u>ACM</u>	<u>Asbestos Containing Material</u>
<u>BACT</u>	<u>Best Available Control Technology</u>
<u>BART</u>	<u>Best Available Retrofit Technology</u>
<u>BCAA</u>	<u>Benton Clean Air Authority</u>
<u>Board</u>	<u>Benton Clean Air Authority Board of Directors</u>
<u>BTU</u>	<u>British Thermal Unit (unit of measure)</u>
<u>CEM</u>	<u>Continuous Emission Monitoring</u>
<u>CFR</u>	<u>U.S. Code of Federal Regulations</u>
<u>Ecology</u>	<u>Washington State Department of Ecology</u>
<u>ERC</u>	<u>Emission Recovery Credit</u>
<u>LAER</u>	<u>Lowest Achievable Emission Rate</u>
<u>MACT</u>	<u>Maximum Achievable Control Technology</u>
<u>NESHAP</u>	<u>National Emission Standards for Hazardous Air Pollutants</u>
<u>NOC</u>	<u>Notice of Construction</u>
<u>NOI</u>	<u>Notice of Intent to Demolish or Remove Asbestos</u>
<u>NSPS</u>	<u>New Source Performance Standard</u>
<u>PSD</u>	<u>Prevention of Significant Deterioration</u>
<u>RACM</u>	<u>Regulated Asbestos Containing Material</u>
<u>RACT</u>	<u>Reasonably Available Control Technology</u>
<u>RCW</u>	<u>Revised Code of Washington (law)</u>
<u>SEPA</u>	<u>State Environmental Policy Act (law)</u>
<u>WAC</u>	<u>Washington Administrative Code (regulation)</u>

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 00-06-004
PERMANENT RULES
DEPARTMENT OF LICENSING
[Filed February 18, 2000, 10:46 a.m.]**

Date of Adoption: February 18, 2000.
Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-56A-510, 308-56A-515 and 308-56A-520; and amending WAC 308-56A-500 and 308-56A-505.

Statutory Authority for Adoption: RCW 65.20.110.
Adopted under notice filed as WSR 00-01-005 on December 2, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

PERMANENT

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, Repealed 3; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 18, 2000

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 90-11-091, filed 5/18/90, effective 6/18/90)

WAC 308-56A-500. Definitions. The definitions set forth in RCW 65.20.020 shall apply to ~~((sections 505 through 520 of this chapter))~~ WAC 308-56A-505.

AMENDATORY SECTION (Amending WSR 90-11-091, filed 5/18/90, effective 6/18/90)

WAC 308-56A-505 Elimination of manufactured home title—Eligibility. (1) ~~((Any manufactured home purchased or having all ownership transferred to new owners after March 1, 1990, may have the title eliminated or not issued under chapter 46.12 RCW by perfecting ownership as real property pursuant to chapter 65.20 RCW.~~

~~(2) Any existing manufactured home affixed to land owned by the homeowner on March 1, 1990, or thereafter may have the title issued under chapter 46.12 RCW eliminated by perfecting ownership as real property pursuant to chapter 65.20 RCW.)~~ **When may I eliminate the vehicle title on my manufactured home?** You may eliminate the vehicle title on your manufactured home provided you own the manufactured home and the land to which it is affixed as defined in RCW 65.20.020 and 65.20.030.

(2) **How do I apply to eliminate the vehicle title on my manufactured home?** All applications to eliminate or not issue title under chapter 46.12 RCW, and perfect ownership as real property under chapter 65.20 RCW or to transfer ownership in real property to a title under chapter 46.12 RCW, must be signed by all persons having an interest in the land and in the manufactured home as defined in RCW 65.20.020.

(3) **What conditions apply when I request title elimination?** When requesting title elimination for your manufactured home, the following is required:

(a) **Manufactured homes shall be affixed to land prior to applying for title elimination under chapter 65.20 RCW.**

(b) **In the event a manufactured home is in the process of being affixed to the land but is not completed, a certification from the issuing authority as described in RCW 65.20.040(3) will be accepted.**

(4) **How do I perfect my manufactured home title elimination?** To perfect your manufactured home title elimination you shall:

(a) **Present the recorded manufactured home title elimination application to the department for processing;**

(b) **Record the approved manufactured home title elimination application at the county recording office as provided in RCW 65.20.050;**

(c) **Present the recorded manufactured home title elimination application to an auditor's vehicle licensing office or to the department for processing; and**

(d) **Receive a confirmation letter from the department that your manufactured home title has been eliminated.**

If an applicant fails to complete the elimination process after the documents are recorded, the elimination may be void.

(5) **What are the fees for elimination of a manufactured home title?** The fees for elimination of a manufactured home title are as follows:

(a) **Fees as provided in RCW 46.01.140 for each application.**

(b) **Fees as provided in RCW 46.12.040 for each application.**

(c) **Fees as provided in RCW 59.22.080.**

(d) **A fee of twenty-five dollars for each application to defray the cost of processing documents and performing services as required by chapter 65.20 RCW.**

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-56A-510 Elimination of manufactured home title—Application.
- WAC 308-56A-515 Elimination of manufactured home title—When perfected.
- WAC 308-56A-520 Elimination of manufactured home title—Fees.

WSR 00-06-014
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Management Services Administration)

[Filed February 22, 2000, 1:10 p.m.]

Date of Adoption: February 22, 2000.

Purpose: The purpose of the proposed rules is to incorporate LIST policies regarding examination, fees, and code of professional conduct. The proposed rules will also bring the Department of Social and Health Services into compliance with a federal court decision regarding certification and qualification criteria for interpreters and translators providing services to the department. By establishing clear regulations, the proposed rules will ensure equal access and due process

PERMANENT

requirements for the department's limited English proficient clients.

Statutory Authority for Adoption: RCW 2.43.010, 74.04.025, and 74.08.090.

Adopted under notice filed as WSR 99-23-081 on November 16, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 32, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 32, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 32, Amended 0, Repealed 0.

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

February 22, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 00-07 issue of the Register.

WSR 00-06-015
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed February 22, 2000, 1:13 p.m., effective April 1, 2000]

Date of Adoption: February 22, 2000.

Purpose: Ensure WAC 388-406-0015 Expedited service for food assistance, conforms to Section 11 (e)(9) of the Food Stamp Act which does not allow expedited service to clients solely on the basis of homelessness.

Citation of Existing Rules Affected by this Order: Amending WAC 388-406-0015.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: Section 11 (e)(9) of the Food Stamp Act.

Adopted under notice filed as WSR 99-24-051 on November 29, 1999. Continuance filed as WSR 99-24-085 on November 30, 1999.

Changes Other than Editing from Proposed to Adopted Version: We clarified that all clients are screened for expedited service at application.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: April 1, 2000.

February 22, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

WAC 388-406-0015 Expedited service for food assistance. (1) ~~(Expedited service means a client will have verification postponed and receive food assistance benefits by the end of the fifth calendar day from the day after the date the application is filed. The day after that date is day one.~~

~~(2) The five-day period starts at a time after the date the application is filed in the following situations:~~

~~(a) The five-day period starts the date of the rescheduled interview when the client is screened as expedited service eligible and causes a delay by not showing for the initial interview;~~

~~(b) The five-day period starts the date identity is verified when the client causes a delay by not providing verification of identity at the interview; or~~

~~(c) The five-day period starts the date of the interview when the client:~~

~~(i) Waives the expedited interview and is found eligible for the service at the scheduled interview;~~

~~(ii) Is screened as ineligible for expedited service and later found eligible for the service at the scheduled interview; or~~

~~(iii) Does not request expedited service on the application and is found eligible for the service at the interview.~~

~~(3) For SSI recipients, the five-day period begins on the date the:~~

~~(a) Applicant's local office receives the application of a noninstitutionalized SSI household; or~~

~~(b) Applicant is released from a public institution.~~

~~(4) When clients request expedited service on a recertification form, the five-day period:~~

~~(a) Starts the first day of the new certification period when the recertification is made prior to the end of the current certification period;~~

~~(b) Starts the first day of the new certification period or the date of interview, whichever is later, when the client causes a delay in the recertification; or~~

~~(c) Is the same as a new application when the recertification is made after the current certification period ends.~~

~~(5) Clients are eligible for expedited service when:~~

(a) ~~The household has liquid resources of one hundred dollars or less and has gross monthly income under one hundred fifty dollars; or~~

(b) ~~The household has combined gross monthly income and liquid resources which are less than the household's current monthly rent and applicable utility allowance; or~~

(c) ~~All household members are homeless; or~~

(d) ~~The household includes a destitute migrant or seasonal farmworker, as defined in WAC 388-406-0020, whose liquid resources do not exceed one hundred dollars.~~

(6) ~~A household must provide verification of:~~

(a) ~~The identity of the applicant; or~~

(b) ~~The identity of the authorized representative who is applying for the household; and~~

(c) ~~Other eligibility factors that can be verified within the five day time period specified in subsection (1) of this section.~~

(7) ~~A household is not limited to the number of times it can receive expedited service if, following the last expedited certification, the household:~~

(a) ~~Completes the postponed verification requirements;~~

or

(b) ~~Was certified by the regular nonexpedited processing methods;~~

(8) ~~Households eligible for expedited service that are not required to have an office interview will:~~

(a) ~~Have a telephone interview or home visit; and~~

(b) ~~Still receive their benefits within the five-day expedited time period.~~

(9) ~~A household is entitled to an agency conference within two working days from the date of denial for expedited service.)~~ When you give us your food assistance application, the department will look at your situation to see if you can get benefits within five calendar days. This fast service is called "expedited service." "Day one" of the five-day period is, most often, the day after you give us your application. See subsection (7) below for situations for applicants when "day one" is a different day.

(2) To get expedited service, you must provide proof of your identity and meet one of these three conditions:

(a) You have available cash of one hundred dollars or less and have monthly income before taxes under one hundred fifty dollars; or

(b) Your monthly income before taxes plus available cash is less than the total of your rent and utility allowance; or

(c) You have a destitute migrant or seasonal farm worker household member, as defined in WAC 388-406-0021, whose available cash does not exceed one hundred dollars.

(3) If you get expedited service, you have up to thirty days from the time you apply to provide other information we need before we can give you more benefits.

(4) If you have received expedited service in the past, you can get this service again if you meet the requirements listed in subsection (2) above and you:

(a) Provided all the information we needed to prove eligibility for your last expedited service benefit period; or

(b) Had another benefit period under regular nonexpedited processing after your last expedited service benefit period.

(5) If you are eligible for expedited service and are not required to have an office interview, you can:

(a) Have a telephone interview or home visit; and

(b) Still get benefits within the five-day expedited time period.

(6) If you are denied expedited service, you can ask for a department review of your case. The review will take place within two working days from the date you were denied expedited service.

(7) If you are an applicant, your five-day expedited service period starts on the:

(a) Date of the rescheduled interview when you are screened as expedited service eligible but do not show up for your initial interview;

(b) Date you prove your identity if you do not provide proof at the initial interview;

(c) Date of your interview when you:

(i) Waive your expedited interview and are found eligible for expedited service during your rescheduled interview;

(ii) Are screened as ineligible for expedited service and later found eligible for the service during your interview; or

(iii) Do not request expedited service on the application and are found eligible for the service during your interview.

(d) Date you are released from a public institution if you are a SSI recipient.

(8) If you request expedited service on a recertification form, your five-day period:

(a) Starts the first day of your new certification period when you reapply before the end of your current certification period;

(b) Is the same as a new application when you reapply after the current certification period ends; or

(c) Starts the day of your interview if you cause a delay in the recertification.

WSR 00-06-016

PERMANENT RULES

LIQUOR CONTROL BOARD

[Filed February 22, 2000, 4:43 p.m.]

Date of Adoption: February 16, 2000.

Purpose: WAC 314-02-040 Liquor control board administrative director, this rule outlines the duties and responsibilities of an administrative director for the agency. The proposed restructuring would create a more integrated modern management structure for the agency. The position would be appointed by the board members, and the duties would be under the general supervision and management of the board.

Statutory Authority for Adoption: RCW 66.08.030. The following statutes indicate areas where the board can delegate certain duties and activities: RCW 66.08.070(1), 66.08.130, 66.08.140, 66.08.170, 66.20.010, 66.24.010(2).

Adopted under notice filed as WSR 00-02-089 on January 5, 2000.

Changes Other than Editing from Proposed to Adopted Version: Subsections (3)(a) and (4)(g) were amended for clarity to read that the board will continue to be responsible

PERMANENT

for "the employment, termination, and discipline of the director *and staff* of the policy, legislative, and media relations division" (*italics added for emphasis*). The originally proposed rule did not contain the phrase "and staff."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

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

February 22, 2000

Eugene Prince

Chair

NEW SECTION

WAC 314-42-010 Liquor control board administrative director. (1) The purpose of this rule is to ensure efficient and consistent administration of the liquor control board through the delegation of certain administrative functions to an administrative director. The delegation of administrative functions by the board, as provided for in this section, does not alter the board's statutory responsibility to administer Title 66 RCW.

(2) The administrative director will be appointed by, and serve at the pleasure of, the board, and will perform his/her duties under the general control, management, and supervision of the board.

(3) The following duties are delegated by the board to the administrative director:

(a) Employ, terminate, and discipline all liquor control board employees, with the exception of the director and staff of the policy, legislative, and media relations division as described in subsection (4)(g);

(b) Authorize expenditures of funds from the board approved internal budget;

(c) Purchase, lease, contract, or otherwise acquire any goods, services, and products within the board approved internal budget;

(d) Approve liquor purchase orders authorized by the board (this authority may be further delegated);

(e) Approve uncontested licenses and permits (this authority may be further delegated);

(f) Assign duties, coordinate agency operations, and establish performance standards and timelines;

(g) Approve disbursements of excess funds from the liquor revolving fund; and

(h) Perform other duties of a routine administrative nature identified by the board.

(4) The following duties will not be delegated and will remain functions of the board:

(a) Final approval of agency-wide and division budgets as prepared by the administrative director;

(b) Revocation or suspension of a license or permit;

(c) Appeals of price posting actions;

(d) Appeals of administrative actions taken against liquor and tobacco licensees;

(e) Approval of product listings and delistings for state liquor stores and agencies;

(f) Approval of contested liquor license and permit applications; and

(g) Direct oversight of the policy, legislative, and media relations division, including:

(i) Rule making actions,

(ii) Approval of agency-request legislative proposals, and

(iii) The employment, termination, and discipline of the director and staff of the policy, legislative, and media relations division.

WSR 00-06-020

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed February 23, 2000, 9:34 a.m.]

Date of Adoption: February 23, 2000.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-56A-610, 308-56A-650, 308-56A-660, 308-56A-670, 308-56A-680 and 308-56A-690; and amending WAC 308-56A-620 and 308-56A-640.

Statutory Authority for Adoption: RCW 46.01.110.

Other Authority: RCW 46.12.030.

Adopted under notice filed as WSR 00-01-045 on December 8, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 6.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, Repealed 6; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 23, 2000

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 97-14-034, filed 6/25/97, effective 7/26/97)

WAC 308-56A-620 Odometer disclosure—Definitions. ((Terms used in chapters 46.12 and 46.16 RCW and this chapter shall have the following meanings except where otherwise defined, and unless where used the context thereof clearly indicates to the contrary:))

(1) **What does "transferee" mean on odometer disclosure statements?** "Transferee" means a person to whom a motor vehicle is transferred, by purchase, gift, or any means other than by creation of a security interest, and any person who, as agent, signs an odometer disclosure statement for the transferee.

(2) **What does "transferor" mean on odometer disclosure statements?** "Transferor" means a person who transfers ownership in a motor vehicle by sale, gift, or any means other than by creation of a security interest and any person who, as agent, signs an odometer disclosure statement for the transferor.

(3) **What does "involuntary divestiture" mean on odometer disclosure statements?** "Involuntary divestiture" means a change in vehicle ownership without the ((registered)) owner's ((involvement)) voluntary consent resulting from a proceeding in insolvency, attachment, levy or otherwise, whereby the owner is deprived of his or her ownership interest in the vehicle.

AMENDATORY SECTION (Amending WSR 97-14-034, filed 6/25/97, effective 7/26/97)

WAC 308-56A-640 Odometer disclosure statement((—Vehicle dealer transactions)). ((1) Vehicle dealers must obtain odometer disclosure statements from the transferor of the vehicle. A second odometer disclosure statement must be completed by the vehicle dealer as transferor at the time of wholesale or retail sale.

(2) Vehicle dealers must maintain records of completed odometer disclosure statements on dealer to dealer vehicle reassignments.

(3) If the certificate of ownership is unsecure, only the transferor odometer disclosure statement must accompany the application for certificate of ownership at the time of retail sale.

(4) Odometer disclosure statement records must be kept by the vehicle dealer for five years.)) (1) **When is an odometer disclosure statement required?** An odometer disclosure statement must be completed and submitted with every application for certificate of ownership as required by RCW 46.12.124 and 49 Code of Federal Regulations, unless specifically exempted.

(2) **May a power of attorney be used to disclose the mileage of a vehicle?** The transferee and/or transferor may

give a power of attorney to a disinterested third party for the purpose of odometer disclosure.

A secure power of attorney, power of attorney designated under chapter 11.94 RCW or other power of attorney approved by the department may be used with an odometer disclosure statement with the following limitations:

(a) The transferor may not give power of attorney to the transferee of the same vehicle for the purpose of odometer disclosure;

(b) The transferee may not give a power of attorney to the transferor of the same vehicle for the purpose of odometer disclosure;

(c) A power of attorney may not be used to complete another power of attorney for the purposes of odometer disclosure.

(3) **What odometer disclosure statement forms will the department accept?** Odometer disclosure statement forms approved by the department include, but are not limited to:

(a) An odometer disclosure statement on a certificate of ownership issued by any jurisdiction which complies with the Federal Truth in Mileage Act; or

(b) The odometer disclosure/title extension statement; or

(c) A form issued/approved by a foreign jurisdiction which satisfies the provisions of RCW 46.12.124 or the Federal Truth in Mileage Act.

(4) **When is an odometer disclosure/title extension statement used?** An odometer disclosure/title extension statement is a form used:

(a) With a certificate of ownership when an odometer disclosure statement is required;

(b) If the certificate of ownership is unavailable; or

(c) If all reassignments on the certificate of ownership are full.

(5) **When must a vehicle dealer process an odometer disclosure statement as a transferee?** A vehicle dealer must process an odometer disclosure statement as a transferee and obtain the signature of the transferor when taking a vehicle in on trade, purchase, or otherwise acquiring a vehicle.

(6) **When must a vehicle dealer process an odometer disclosure statement as a transferor?** The vehicle dealer must complete an odometer disclosure statement as transferor when selling a vehicle at either wholesale or retail.

(7) **How is mileage disclosed when a vehicle is sold through an auction company?** The seller/consignor signs as the transferor and the successful bidder/buyer signs as the transferee.

(8) **How long must vehicle dealers and auction companies maintain odometer disclosure statements?** The vehicle dealer or vehicle dealers doing business as an auction company must keep all odometer disclosure statement records for five years.

(9) **Can one vehicle dealer representative sign as transferee and transferor for the same transaction?** No. One person cannot represent both the transferor and transferee for the purposes of odometer disclosure.

(10) When are odometer statements needed for leased vehicles? Odometer statements are needed for leased vehicles when: establishing and terminating or buying out a lease. The lessor of a leased vehicle must notify the lessee in writing that the lessee is required to provide to the lessor a written odometer disclosure statement at the termination of the lease. That notice may be given any time after execution of the lease contract and prior to the termination of the lease or transfer of ownership.

(a) When establishing a lease, the dealer or other transferor must disclose the mileage to the lessee on a written odometer statement, and the lessee must acknowledge the written odometer statement as the transferee.

(b) When terminating a lease, the lessee as the transferor must disclose the mileage to the lessor and provide the lessor with a copy of the odometer disclosure statement.

(c) The lessor shall retain each odometer disclosure statement for five years following the date they terminate a lease or transfer ownership of the leased vehicle.

(11) Who discloses the mileage on the odometer disclosure statement on a lease buyout? The lessee shall disclose the mileage on the odometer disclosure statement as transferee if the lessee purchases the vehicle at the termination of the lease. A transferor signature is not required on the odometer disclosure statement when submitted with the application for certificate of ownership.

(12) Is an odometer statement required when there is involuntary divestiture? Yes. If the interest of an owner in a vehicle passes to another through involuntary divestiture, an odometer disclosure statement must be completed under RCW 46.12.124 and the rules under 49 Code of Federal Regulations.

(13) When a vehicle is acquired by involuntary divestiture, are there any circumstances that may allow odometer disclosure statements to be completed by transferee only? Yes. Circumstances that may allow odometer disclosure statements to be completed by only the transferee include, but are not limited to:

- (a) Auction sale of an abandoned vehicle by a registered tow truck operator;
- (b) Chattel/landlord lien;
- (c) Court order;
- (d) Divorce;
- (e) Estate liquidation;
- (f) Repossession;
- (g) Seized vehicle;
- (h) Sheriff sale.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-56A-610 Odometer disclosure statement—General procedures/requirements.
- WAC 308-56A-650 Odometer disclosure statement—Leased vehicles.

- WAC 308-56A-660 Odometer disclosure statement—Involuntary divestiture.
- WAC 308-56A-670 Odometer disclosure statement—Dealer auction companies.
- WAC 308-56A-680 Odometer disclosure statement—Out-of-state vehicles.
- WAC 308-56A-690 Odometer disclosure statement—Forms.

**WSR 00-06-024
PERMANENT RULES
DEPARTMENT OF LICENSING**

[Filed February 23, 2000, 3:39 p.m.]

Date of Adoption: February 23, 2000.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-88-010, 308-88-030, 308-88-040, 308-88-050 and 308-88-170; and amending WAC 308-88-020.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 00-01-059 on December 10, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 5.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 5; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 23, 2000

Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 93-01-066, filed 12/11/92, effective 1/11/93)

WAC 308-88-020 Application and registration of rental car businesses. ~~((A rental car business engaged in the business of renting rental cars must register with the department and renew its registration annually. The rental car business will be assigned a business registration number, which will exempt the payment of the motor vehicle excise tax on properly registered rental cars. The rental car business shall~~

PERMANENT

comply with all department of revenue rules regarding collection of the applicable taxes:)) (1) **What is the definition of a "place of business"?** For the purposes of this section: "Place of business" means a street address location within the state of Washington.

(2) **What is the first step in becoming a rental car business?** Applicants shall complete an application supplied by master licensing service.

(3) **What information is required for application as a rental car business?** Every complete application for a rental car business shall require:

(a) The business name and address of the principal place of business of the applicant.

(b) The business name and address on the application and all required supporting documents must be the same.

(c) Evidence that the corporation is authorized to do business in this state.

(4) **What will I receive as proof that I qualified as a rental car business?** Master licensing service's will assign you a rental car Washington tax registration number and a Unified Business Identifier (UBI) number if none has been previously issued.

(5) **How will I register my rental car vehicles?** Vehicle registration and annual renewals shall be made to the department of licensing.

(6) **Can I transfer my business registration number to another company?** No. The registration number issued by the master licensing service is not assignable or transferable, and is valid only for the rental car business in whose name it is issued. The name of the legal or registered owner of all rental vehicle registrations must be identical to the business name on the master business license application.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-88-010 Definitions.
- WAC 308-88-030 Application for registration.
- WAC 308-88-040 Issuance of rental car business registration.
- WAC 308-88-050 Waiver of business registration requirements.
- WAC 308-88-170 Rental cars registered in another jurisdiction—Temporary operating authority for Washington operations.

WSR 00-06-025
PERMANENT RULES
DEPARTMENT OF LICENSING
[Filed February 23, 2000, 3:43 p.m.]

Date of Adoption: February 23, 2000.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-58-010, 308-58-020, 308-58-030, 308-58-040 and 308-58-050; and amending WAC 308-56A-460.

Statutory Authority for Adoption: RCW 46.01.110.

Other Authority: RCW 46.12.070.

Adopted under notice filed as WSR 00-01-060 on December 10, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 5.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 5; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 23, 2000

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 92-15-024, filed 7/6/92, effective 8/6/92)

WAC 308-56A-460 Destroyed or wrecked vehicle rebuilt. ((1) Any vehicle reported as destroyed pursuant to WAC 308-58-020 (1) or (2) that will be operated on any public road or highway, must be issued a new certificate of ownership and registration. The application for a new title shall include a Washington state patrol inspection and a bill of sale from:

- (a) The insurance company that declared the vehicle a total loss, less salvage value; or
- (b) A motor vehicle wrecker; or
- (c) The last registered owner of record with the department.

(2) When the last registered owner retains a vehicle that is reported destroyed, the owner must apply for a new certificate of ownership before operating the vehicle upon a public road or highway. The application for title must include a Washington state patrol inspection and a bill of sale as provided in subsection (1) of this section.

(3) Regular license plates assigned to a destroyed vehicle may be transferred to a new owner of the vehicle. Fees will be charged for a reissue of title and for an expired registration. If the owner of record retains the vehicle, a fee will be charged for reissue of title and for an expired registration. The license plates may be retained.

(4) Before a vehicle dealer may sell a destroyed vehicle under their vehicle dealer license, the dealer must:

PERMANENT

~~(a) Rebuild the vehicle to standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles; and~~

~~(b) Obtain a Washington state patrol inspection; and~~

~~(e) Apply for and receive a certificate of title for the vehicle, issued in the name of the vehicle dealer.)~~ **(1) What is a destroyed or wrecked vehicle?** For the purposes of this section:

(a) A destroyed vehicle means vehicles of any age that have been reported wrecked or destroyed by the owner, licensed wrecker, scrap processor or insurance company and includes salvage vehicles as defined in RCW 46.12.005; and

(b) A wrecked vehicle is defined in RCW 46.80.010(4).

(2) Who may report destroyed or wrecked vehicles and how are those vehicles reported to the department? Destroyed vehicles may be reported to the department by:

(a) Insurance companies. A vehicle becomes insurance destroyed under RCW 46.12.070 when:

(i) An insurance company in possession of a certificate of ownership to a destroyed vehicle submits to the department the current certificate of ownership indicating the vehicle is "DESTROYED," the insurance company name and address and the date of loss; or

(ii) The Total Loss Claim Settlement form (TD 420 074) completed in its entirety is received by the department (settlement is defined in subsection (4) of this section).

(b) Government or self-insured entities: Any government agency or self-insured entity reports the vehicle is a total loss by indicating on the certificate of ownership or affidavit of loss/release of interest that the vehicle is "DESTROYED" and the date of loss. The document shall be submitted to the department.

(c) Other owners (owner destroyed); and

A vehicle is considered destroyed by an individual when:

(i) The individual submits to the department the certificate of ownership, properly released by the registered and/or legal owner(s), when applicable, and indicates on the face of the ownership document "DESTROYED," the date and location of destruction on the front of the certificate of ownership; or

(ii) The owner submits an affidavit of loss/release of interest with a notation on the document in the same manner as (c)(i) of this subsection; and

(iii) A written statement indicating the vehicle has been destroyed, to include year, make, model, and vehicle identification number.

(d) Washington licensed vehicle wreckers. A vehicle becomes wrecker destroyed when the Washington licensed wrecker submits a written report to the department as required in RCW 46.80.090.

(3) After the certificate of ownership has been surrendered, how do I sell my destroyed vehicle? After the certificate of ownership has been surrendered, you may sell your destroyed vehicle in the following ways:

(a) After the vehicle has been reported destroyed under RCW 46.12.070, the insurer using a bill of sale instead of a release of interest on a certificate of ownership may sell the vehicle. The bill of sale shall be signed by a representative of the insurer and provide their title of office. The representative's signature need not be notarized.

(b) After a vehicle has been reported destroyed under RCW 46.12.070 and the registered owner retains the vehicle, the vehicle may be sold in its present condition using a bill of sale. The bill of sale must be signed by the owner and the owner's signature must be notarized.

(c) A motor vehicle wrecker licensed under chapter 46.80 RCW may utilize a bill of sale issued in accordance with (a) and (b) of this subsection in lieu of a certificate of ownership to comply with RCW 46.80.090.

(4) When is an insurance claim considered settled? For the purpose of this section, those vehicles described in RCW 46.12.070, the settlement of an insurance claim as a total loss, less salvage value shall mean the date on which an insurance company actually makes payment to the claimant for the damage.

(5) If a vehicle has been reported to the department as destroyed or wrecked, may the license plate(s) remain with the vehicle? Depending on the situation the vehicle license plates may stay with the vehicle:

(a) If the vehicle has been reported insurance destroyed, regular vehicle license plates may remain with the vehicle.

(b) If the owner of record has reported the vehicle as destroyed, regular vehicle license plates may remain with the vehicle.

(c) If the vehicle has been reported destroyed by a Washington licensed wrecker, new vehicle license plates are required since the Washington licensed vehicle wrecker must remove the current license plates as required by WAC 308-63-070(7).

(6) What is required of a Washington licensed vehicle dealer before they can sell a vehicle that has been reported destroyed or wrecked? Except as permitted by RCW 46.70.101 (1)(b)(viii) before a vehicle dealer may sell a destroyed or wrecked vehicle under their Washington vehicle dealer license, the dealer must:

(a) Rebuild the vehicle to standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles; and

(b) Obtain a Washington state patrol inspection; and

(c) Apply for and receive a certificate of ownership for the vehicle, issued in the name of the vehicle dealer.

(7) What does "REBUILT" mean on a Washington certificate of ownership? The "REBUILT" designation, as required by RCW 46.12.075, on a vehicle certificate of ownership means that the vehicle is of a model year that is less than six years before the calendar year in which the vehicle was wrecked, destroyed, or damaged and has been reported as destroyed under RCW 46.12.070 or 46.80.010(4) and the vehicle has been rebuilt and inspected under RCW 46.12.030.

(8) For a vehicle described in subsection (7) of this section, will the certificate of ownership and registration always indicate "REBUILT"? Yes, the certificate of ownership and registration shall prominently display a "REBUILT" designation on the front of the document. This designation will continue to appear on every subsequent certificate of ownership and registration issued for this vehicle.

(9) If I purchase a vehicle that has been reported to the department as wrecked/destroyed/salvaged or a total

loss and has not been retitled. what documentation is required to get a certificate of ownership? The documentation required to apply for a certificate of ownership after the vehicle's destruction is:

(a) All other documents required by chapters 46.01 and 46.12 RCW; and

(b) A notarized/certified release of interest or a notarized/certified bill of sale from the owner of the vehicle transferring ownership, except that a bill of sale from a licensed vehicle wrecked or insurer need not be notarized or certified;

(c) An inspection by the Washington state patrol or other person authorized by the director to perform vehicle inspection;

Note: Receipts of all parts used for reconstruction of the vehicle need to be kept and made available upon request at the time of inspection.

(d) An odometer statement, if applicable.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 308-58-010 Definitions.
- WAC 308-58-020 Method of reporting destruction.
- WAC 308-58-030 Sale of salvage.
- WAC 308-58-040 Salvage vehicles rebuilt.
- WAC 308-58-050 Destroyed vehicle retitled.

WSR 00-06-027
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed February 24, 2000, 12:24 p.m.]

Date of Adoption: February 24, 2000.

Purpose: To clarify rule language in WAC 296-23A-0200, 296-23A-0210, 296-23A-0220, and 296-23A-0240 without changing the intent of WAC 296-23A-0230.

Citation of Existing Rules Affected by this Order: Amending WAC 296-23A-0200, 296-23A-0210, 296-23A-0220, and 296-23A-0240.

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030, 51.36.080.

Adopted under notice filed as WSR 99-37 [00-01-192] on December 22, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Effective Date of Rule: March 26, 2000.

February 24, 2000

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 97-06-066, filed 2/28/97, effective 4/1/97)

WAC 296-23A-0200 How does the department pay for hospital inpatient services? The department will pay for hospital inpatient services according to the following table:

<i>Hospital Type or Location</i>	<i>Do Diagnosis Related Group (DRG) payment methods apply?</i>	<i>Do per diem payment methods apply?</i>	<i>Do percent of allowed charges (POAC) payment methods apply to hospital inpatient services?</i>
Children's Hospitals	No	No	Yes, paid 100% of allowed charges
Chronic Pain Management Program	Exempt, paid per department agreement.	Exempt, paid per department agreement.	Exempt, paid per department agreement.
Health Maintenance Organizations	No	No	Yes, paid 100% of allowed charges
Military	No	No	Yes, paid 100% of allowed charges
Veterans Administration	No	No	Yes, paid 100% of allowed charges

PERMANENT

<i>Hospital Type or Location</i>	<i>Do Diagnosis Related Group (DRG) payment methods apply?</i>	<i>Do per diem payment methods apply?</i>	<i>Do percent of allowed charges (POAC) payment methods apply to hospital inpatient services?</i>
State psychiatric facility	No	No	Yes, paid 100% of allowed charges
((Hospitals not in Oregon, Idaho or Washington	No	No	Yes, paid 97% of allowed charges
Oregon and Idaho	No	No	Yes, paid the Washington statewide average POAC factor))
Washington rural (Peer Group A)	No	Yes, statewide per diem rates apply for five DRG categories: Chemical dependency, psychiatric, rehabilitation, medical, and surgical DRGs	No
All other Washington hospitals	Yes	Yes, state-wide average per diem rates apply for designated categories: Chemical dependency, psychiatric, rehabilitation, low volume medical, and low volume surgical DRGs	Yes, applies to low cost outlier payments and high cost outlier payments above the high cost outlier threshold

AMENDATORY SECTION (Amending WSR 97-06-066, filed 2/28/97, effective 4/1/97)

WAC 296-23A-0210 How do self-insurers pay for hospital inpatient services? Self-insurers will pay for hospital inpatient services using percent of allowed charges (POAC) factors, according to the following table:

<i>Hospital Type or Location</i>	<i>Do percent of allowed charges (POAC) payment methods apply to hospital inpatient services?</i>
Military, Veteran's Administration, Health Maintenance Organizations, State Psychiatric Facilities, Children's Hospitals	Yes, paid 100% of allowed charges
((Hospitals not in Oregon, Idaho or Washington	Yes, paid 97% of allowed charges
Oregon and Idaho	Yes, paid the Washington state wide average POAC factor))
All other Washington hospitals	Yes, paid the hospital specific POAC factor

AMENDATORY SECTION (Amending WSR 97-06-066, filed 2/28/97, effective 4/1/97)

WAC 296-23A-0220 How does the department or self-insurer pay for hospital outpatient services? The department or self-insurer will pay for hospital outpatient services according to the following table:

<i>Hospital Type or Location</i>	<i>Do percent of allowed charges (POAC) payment methods apply?</i>	<i>Does the department's Medical Aid Rules and Fee Schedules apply to hospital outpatient radiology, laboratory, pathology an physical therapy services?</i>
Children's Hospitals	Yes, paid 100% of allowed charges	Yes
Chronic Pain Management Program	Exempt, paid per department agreement	Exempt, paid per department agreement
Health Maintenance Organizations	Yes, paid 100% of allowed charges	Yes
Military	Yes, paid 100% of allowed charges	No, paid 100% of allowed charges
Veterans Administration	Yes, paid 100% of allowed charges	No, paid 100% of allowed charges

<i>Hospital Type or Location</i>	<i>Do percent of allowed charges (POAC) payment methods apply?</i>	<i>Does the department's Medical Aid Rules and Fee Schedules apply to hospital outpatient radiology, laboratory, pathology and physical therapy services?</i>
State psychiatric facility	Yes, paid 100% of allowed charges	Yes
((Hospitals not in Oregon, Idaho or Washington	Yes, paid 97% of allowed charges	No, paid 100% of allowed charges
Oregon and Idaho	Yes, paid the Washington statewide average POAC	Yes))
Washington rural (Peer Group A)	Yes, applies to hospital outpatient services except radiology, laboratory, pathology and physical therapy	Yes
All other Washington hospitals	Yes, applies to hospital outpatient services except radiology, laboratory, pathology and physical therapy	Yes

Hospitals are reimbursed only for the technical component of rates listed in the fee schedules, for outpatient radiology, pathology and laboratory services.

See chapter 296-23 WAC for rules on radiology, pathology, laboratory, physical therapy and work hardening services.

See WAC 296-20-132 and 296-20-135 for information on the conversion factor used for hospital outpatient services.

AMENDATORY SECTION (Amending WSR 97-06-066, filed 2/28/97, effective 4/1/97)

WAC 296-23A-0240 How does the department define and pay a new hospital? New hospitals are those open for less than one year prior to the implementation of the department's most recent hospital payment rates. The department will pay new hospitals according to the following table:

<i>Hospital Type or Location</i>	<i>What Diagnosis Related Group (DRG) base price applies?</i>	<i>What Per Diem Payment Rates Apply?</i>	<i>What percent of allowed charges (POAC) factor applies?</i>
((Oregon and Idaho	Exempt	Exempt	Washington state-wide average POAC
Hospitals not in Oregon, Idaho, or Washington	Exempt	Exempt	Paid 97% of allowed charges))
Military, Veterans Administration, State Psychiatric, Health Maintenance Organization, Children's,	Exempt	Exempt	Paid 100% of allowed charges
Chronic Pain Management Program	Exempt, paid per department agreement	Exempt, paid per department agreement	Exempt, Paid per department agreement
Washington Rural Hospital (Peer Group A)	Exempt	Washington state-wide average per diem rates	Washington state-wide average POAC
Other Washington Hospital	Weighted median case-mix adjusted average cost per case for Washington DRG hospitals, except major teaching hospitals	Washington state-wide average per diem rates	Washington state-wide average POAC

A new hospital will be paid using its hospital-specific POAC within three years of receiving a provider account number(s) from the department.

PERMANENT

WSR 00-06-028
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
[Filed February 24, 2000, 2:05 p.m.]

Date of Adoption: February 24, 2000.

Purpose: The rules were revised to: Comply with the Governor's Executive Order 97-02 for clarifying, updating, and simplifying where possible; to consider stakeholder input where appropriate; to apply clear rule-writing techniques; to update with statutory changes since the last revision; and to reorganize the chapter to make it easier for users to find the information needed.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-97-010 License application, 388-97-015 License qualification, 388-97-020 Nursing home fees, 388-97-025 License capacity, 388-97-030 Change of ownership, 388-97-035 Change in administrator or director of nursing services, 388-97-040 Name of nursing home, 388-97-045 License relinquishment upon closure, 388-97-050 License denial, modification, nonrenewal, revocation, 388-97-070 Resident rights, 388-97-080 Quality of life, 388-97-095 Dementia care unit, 388-97-100 Discharge planning, 388-97-105 Relocation due to decertification, license revocation closure, evacuation, 388-97-145 Early identification of persons with active tuberculosis, 388-97-150 Surveillance and management of tuberculosis, 388-97-200 Criminal history disclosure and background inquiries, 388-97-210 Respite services, 388-97-215 Adult day or night care, 388-97-225 Nursing facility care, 388-97-230 Discrimination prohibited, 388-97-235 Medical eligibility for nursing facility care, 388-97-240 Nursing facility admission, 388-97-245 Pre-admission screening, 388-97-250 Identification screening for current residents, 388-97-255 Pre-admission screening and annual resident review (PASARR), 388-97-265 Utilization review, 388-97-270 Individual transfer and discharge rights, procedures, appeals, 388-97-275 Resident assessment instrument, 388-97-280 Discharge or leave of a nursing facility resident, 388-97-300 Fire standards and approval, 388-97-305 Other standards, 388-97-320 Space and equipment, 388-97-380 Maintenance and repair, 388-97-390 General, 388-97-395 Design requirements, 388-97-435 Resident care unit, 388-97-440 Resident rooms, 388-97-445 Resident room equipment, 388-97-450 Resident toilet and bathing facilities and 388-97-475 Electrical; and amending WAC 388-97-005 Definitions, 388-97-055 Resident representative and decision making, 388-97-060 Informed consent, 388-97-065 Advance directives, 388-97-075 Nursing home practices—Resident restraint and prevention of abuse, 388-97-085 Resident assessment, 388-97-090 Comprehensive care planning, 388-97-110 Quality of care, 388-97-115 Nursing services, 388-97-120 Dietary services, 388-97-125 Physician services, 388-97-130 Specialized habilitative and rehabilitative services, 388-97-135 Pharmacy services, 388-97-140 Infection control, 388-97-155 Care of residents with active tuberculosis, 388-97-160 General administration, 388-97-165 Staff and equipment, 388-97-170 Staff development, 388-97-175 Medical director, 388-97-180 Clinical records, 388-97-185

Disaster and emergency preparedness, 388-97-190 Quality assessment and assurance, 388-97-195 Policies and procedures, 388-97-205 Laundry services, 388-97-220 Dialysis services, 388-97-260 PASARR determination and appeal rights, 388-97-295 General, 388-97-310 IMR exceptions to physical plant requirements, 388-97-315 Emergency power, 388-97-325 Resident care unit, 388-97-330 Resident rooms, 388-97-335 Resident room equipment, 388-97-340 Resident toilet and bathing facilities or rooms, 388-97-345 Dining, day rooms, and resident activity areas, 388-97-350 Dementia care unit, 388-97-355 Food service areas, 388-97-360 Lighting, 388-97-365 Safety, 388-97-370 Water supply, 388-97-375 Pest control, 388-97-385 Sewage and liquid waste disposal, 388-97-400 General new construction documents, 388-97-405 Exemptions to new construction requirements, 388-97-410 State building code in new construction, 388-97-415 Electrical codes and standards in new construction, 388-97-420 Elevator codes in new construction, 388-97-425 Local codes and ordinances in new construction, 388-97-430 Entrances and exits in new construction, 388-97-455 Visiting and private spaces in new construction, 388-97-460 Pools in new construction, 388-97-465 Elevators in new construction, 388-97-470 Heating systems in new construction, and 388-97-480 Handwashing sinks in new construction.

Statutory Authority for Adoption: RCW 18.51.070 and 74.42.620.

Adopted under notice filed as WSR 99-24-045 on November 24, 1999.

Changes Other than Editing from Proposed to Adopted Version: The suggested addition was made for clarification.

WAC 388-97-005 Definitions.

- **Neglect:** It was suggested that the federal definition of "neglect" be added to the state definition to clarify for skilled nursing facilities and nursing facilities that the federal definition of neglect must also be considered.

The suggested addition was made for clarification.

WAC 388-97-027 Nursing facility admission and payment requirements.

- Concern was expressed about the lack of clarity of the timelines related to medical and financial eligibility and how this might effect the Medicaid payment to the nursing facility.

Home and Community Services Division (HCS) is in the process of changing their system for Medicaid applicants or recipients being discharged from the hospital to the nursing home. This process was not finalized in time to incorporate it into the proposed rule. As a result this section will be reopened after the chapter is final and we will work with HCS staff and providers to develop a clear rule outlining admission and payment issues. Some language clarification regarding payment for current nursing home residents converting to Medicaid in nursing homes was included.

WAC 388-97-042 Individual transfer and discharge rights for residents in Medicaid certified facilities.

- There was a comment that the terms "nursing facility" and "nursing home," related to different notice requirements, were not distinct enough and needed clarification.

Subsection (1) was clarified by identifying the specific state laws the nursing home must follow, and the federal and state laws that the skilled nursing facility and nursing facility must follow. The definition section already includes definitions for nursing home, skilled nursing facility and nursing facility.

WAC 388-97-043 Transfer and discharge appeal rights for residents in Medicare or Medicaid certified facilities.

- Title: It was suggested that "...Medicare or..." be added to the title in order to comply with federal regulations.

The suggested change was made.

- (1): It was suggested that the word "payment" be changed to "payor."

The suggested change was made.

- (3): There was a suggestion to add the term "skilled nursing facility" to this section.

The suggested change was made.

WAC 388-97-060 Informed consent.

- (4) A stakeholder commented that the phrase "The nursing home must take into account..." was too vague and asked that it be changed to make it more specific.

The information in subsection (4) was deleted and placed under subsection (1)(b). We believe that this will clarify the issue.

WAC 388-97-075 Chemical and physical restraints.

- Specific language was suggested to replace the entire section.

Much of the requested language was already in the section but some would be considered a substantive change that cannot be done at this stage of the rule-making process. However some clarifying language was added and the subsections reordered for clarity. Some of the specific areas addressed follow:

WAC 388-97-076 Prevention of abuse.

- Some concern was expressed related to a possible conflict between federal and state law regarding abuse in this section.

The issue was reviewed and some clarifying changes made.

WAC 388-97-29510 New construction compliance.

- It was suggested that "...and give approval..." be inserted between "...is contacted..." and "...for all new construction..."

This language was clarified to include the approval and applicable determination pieces that were implicit in the subsection.

WAC 388-97-315 Emergency power.

- (2): It was suggested that the subsection would be clearer if the term "generator" were moved to the beginning of the subsection and unnecessary words deleted in (a) - (c) of this subsection. In addition there was a suggestion that we add clarifying new construction language to that subsection.

The suggested clarification to subsection (2) was done.

The clarifying new construction language was added to subsection (5).

WAC 388-97-32510 Required service areas on resident care units.

- (2): It was suggested that this was a new construction requirement and should have the words "in new construction" inserted in the beginning of the sentence. The current 1994 WAC 388-97-325 (2)(b) had this requirement under existing facilities language, not under new construction. However we asked the Department of Health's construction review program for clarification and they agreed that this was an area applying to new construction only. The change has been made.

WAC 388-97-32550 Utility service rooms on resident care units.

- (1)(b): There was a suggestion to "chunk" out the items listed and to add language to clarify that the clean and soiled utility rooms must be separate.

The "chunking" changes suggested for subsection (1) were done. Even though the intent of subsection (2) was to show that in new construction the clean utility room and the soiled utility room must be separate rooms it was not clearly understood. An additional subsection was added to clarify this.

WAC 388-97-32580 Janitor's closets on resident care units.

- It was suggested that a reference to the ventilation requirements for new construction be added. This suggested clarifying reference was made.

WAC 388-97-340 Resident toilet facilities or rooms.

- (2)(e): Specific language was suggested related to the grab bars.

These clarifying changes were made.

WAC 388-97-345 Dining, dayrooms, and resident activity areas.

- (2): It was suggested that language be added to require that in new construction these rooms be on the same floor as the residents who will use the rooms.

The language in WAC 388-97-325(2) supports this clarifying addition and the language has been included.

WAC 388-97-35030 Indoor areas on a dementia care unit.

- (1): It was suggested that the language regarding the phrase "...maintained free of equipment..." be clarified.

The current language uses the phrase "...providing ambulation areas that meet the needs of residents and are maintained free of equipment..." The word "ambulation" was added to clarify.

WAC 388-97-35050 Physical plant on a dementia care unit.

- (2)(a) and (b): It was suggested that specific language be added to exclude exit doors and doorways from being disguised and to delete the word "exterior" to clarify the Uniform Building Code requirements in this area.

These clarifying changes have been made.

WAC 388-97-35060 Special egress control devices on a dementia care unit.

- It was suggested that the phrase "automatic door locks" be replaced with "special egress control devices" throughout. In addition specific language was suggested for subsection (2) regarding the circumstances

under which approval is needed and regarding approval for the devices.

The meaning of the term "special egress control devices" is synonymous with the term "automatic locking devices" and the term used in current practice. We have made this and the other suggested clarifying changes.

WAC 388-97-370 Water supply.

- It was suggested that another WAC reference be added to the section.

This clarifying change was made.

WAC 388-97-401 Final new construction documents.

- (2): It was suggested that this subsection specify that the architect or engineer be licensed by the state of Washington.

It has been the practice of the Department of Health's construction review approval process that both professions be licensed by the state thus this clarifying change was made.

WAC 388-97-46550 Carpets in new construction.

- (1)(a): It was suggested that some outdated language be deleted and that the formula for carpet density be written out for clarification.

The deletion was done and the clarifying change to the carpet density formula made.

WAC 388-97-48020 Mixing valves in new construction.

- It was suggested that the term "mixing valves" to "water supply" be changed throughout. Additional language was also suggested.

Because both mixing valves and mixing faucets can be used to ensure acceptable water temperatures the term mixing faucet was added as an alternative choice for new construction. The water supply section is found at WAC 388-97-370.

Number of Sections Adopted in Order to Comply with Federal Statute: New 32, Amended 5, Repealed 32; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 1, Repealed 3.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 141, Amended 53, Repealed 41.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 141, Amended 53, Repealed 41.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 141, Amended 53, Repealed 41.

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

February 24, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 00-08 issue of the Register.

WSR 00-06-030

PERMANENT RULES

HOUSING FINANCE COMMISSION

[Filed February 25, 2000, 9:46 a.m.]

Date of Adoption: February 24, 2000.

Purpose: Provide procedures pursuant to which the commission will distribute a portion of the state's private activity bond allocation among competing multifamily housing projects.

Statutory Authority for Adoption: RCW 43.180.040(3).

Adopted under notice filed as WSR 99-24-041 on December 15 [November 24], 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 24, 2000

Paul Edwards

Deputy Director

NEW SECTION

WAC 262-01-140 Private activity bond allocation. (1) Applicants for the commission's portion of the state's private activity bond allocation shall submit a completed application in the form prescribed by the commission and the required application fee by the deadline set by the commission each application round.

(2) As part of its application, each applicant shall demonstrate to the commission's satisfaction that it is ready to proceed with the financing of its project.

(3) In order to qualify to receive an allocation from the commission, a project shall meet the requirements of the code and shall be in compliance with local land-use, zoning and permitting processes. To comply with the code, at minimum, a project shall:

(a) Have:

(i) Twenty percent of the units set aside for individuals whose income is fifty percent or less of area median gross income; or

(ii) Forty percent of the units set aside for individuals whose income is sixty percent or less of area median gross income;

(b) Be available for use by the general public;

(c) Be used on other than a transient basis;

(d) Include separate and complete facilities for living, sleeping, eating, cooking and sanitation;

(e) Have been the subject of a public hearing.

(4) For the purposes of ranking projects and making allocations, the commission will give weight to those projects which, among other things:

(a) Promote the development of affordable housing in underserved areas;

(b) Execute a regulatory agreement with the commission having terms that exceed the minimum code requirement;

(c) Reserve units for special-needs populations;

(d) Preserve federally assisted projects as low-income units;

(e) Have sought and received financial assistance from federal, state or local governments;

(f) Opt to leverage the tax-exempt bonds with other sources of funds including taxable bonds.

(5) As a condition of receiving an allocation, an owner shall enter into a regulatory agreement with the commission, in a form acceptable to the commission, which restricts the use of the project for a period of time and which describes the applicable commitments and covenants made by the owner. The agreement shall be recorded as a restrictive covenant running with the land.

(6) Upon receiving an allocation, an applicant shall pay all required commission fees and comply with all applicable requirements and deadlines. Failure to do so may result in withdrawal of the allocation.

(7)(a) The commission may perform on-site inspections of projects, interview residents, review residents' applications and financial information and review an applicant's or an owner's books and records. The applicant or owner shall provide the commission with all requested documentation, including periodic reports and certificates; shall provide the commission access to the project; and shall retain records as required by the code and the regulatory agreement.

(b) The commission will monitor the projects receiving an allocation to verify compliance with the code and with contractual commitments to the commission. The commission will notify the Internal Revenue Service when instances of noncompliance come to its attention.

(8) Unless the commission makes an exception, a transfer of an interest in a project shall require the prior approval of the commission.

(9) Decisions regarding allocations will be made on behalf of the commission by the director of the capital projects division and will be appealable solely to the executive director of the commission.

Purpose: The purpose of this revision is to update and clarify rules for family home day care providers to ensure safe, healthy, quality care to the children of Washington state, per RCW 74.15.030.

Citation of Existing Rules Affected by this Order: Amending WAC 388-155-010, 388-155-020, 388-155-070, 388-155-098, 388-155-100, 388-155-110, 388-155-120, 388-155-130, 388-155-140, 388-155-150, 388-155-165, 388-155-170, 388-155-180, 388-155-200, 388-155-220, 388-155-230, 388-155-240, 388-155-250, 388-155-270, 388-155-280, 388-155-290, 388-155-295, 388-155-310, 388-155-320, 388-155-340, 388-155-350, 388-155-360, 388-155-390, 388-155-400, 388-155-410, 388-155-430, 388-155-440, 388-155-450, 388-155-460, 388-155-470, 388-155-490, 388-155-500 and 388-155-600; and repealing WAC 388-155-210 and 388-155-260.

Statutory Authority for Adoption: RCW 74.15.030.

Adopted under notice filed as WSR 99-24-028 on November 23, 1999.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-155-010(2), definitions corrected—HIS should be Indian Health Service. WAC 388-155-410, change to "the licensee must, in consultation with the parent, establish a plan to provide social service resources and training designed to meet the social and cultural needs of such children." WAC 388-155-270, add "placing infants on their backs each time for sleep."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 38, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 38, Repealed 2.

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

February 28, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 00-07 issue of the Register.

WSR 00-06-040
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)
[Filed February 28, 2000, 2:42 p.m.]

Date of Adoption: February 28, 2000.

WSR 00-06-052
PERMANENT RULES
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed February 28, 2000, 9:37 a.m.]

Date of Adoption: February 28, 2000.

Purpose: This rule governs the design and placement of commemorative works and other works of art on the state capitol grounds. The amendment adds language to WAC 236-18-070 to refine the requirements for inscriptions and text on these works, amends existing language of WAC 236-18-040 to clarify administrative requirements, and makes a minor correction to WAC 236-18-080.

Citation of Existing Rules Affected by this Order: Amending WAC 236-18-040, 236-18-070, and 236-18-080.

Statutory Authority for Adoption: Chapter 43.34 RCW.

Adopted under notice filed as WSR 00-01-065 on December 13, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 28, 2000

Cindy L. Runger
Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-01-112, filed 12/18/97, effective 1/18/98)

WAC 236-18-040 Administrative requirements for major and minor works on state capitol grounds. Prior to construction, proposing entities must ((address)) execute an agreement with the department of general administration that addresses the following administrative requirements in proposals for major or minor works.

(1) All development and installation costs, including required modifications and improvements to campus roads, sidewalks and utilities, shall be provided by the proposing entity.

(2) The cost of new works shall be paid for by the proposing entity. Prior to construction or installation of an approved work, the director shall determine that the proposing entity has available sufficient funds to complete the project. The proposing entity shall also make provisions for coverage of all maintenance and repair costs throughout the existence of the work. This is commonly accomplished through an endowment fund estimated at ten percent of the original project cost, or may be set at an amount determined by the director. If a major or minor work is incorporated into a state-funded repair or improvement, an agreement will be negotiated between the proposing entity and the state specifying

how the project costs including construction, maintenance and repairs will be shared.

(3) Complete conservation records that include specific information on materials and sources used in the execution, methods of fabrication, installation specifications, recommended method and frequency of maintenance, shall be provided to the state upon the completion of all new works.

Upon final placement and completion of a work that has been designed for or donated to the state for display on state capitol grounds, the state shall become sole owner of the work. The original artist or designer holds no rights to any work commissioned, donated, or purchased for display on state capitol grounds, including reproduction, access, modification, relocation, resale, etc., unless such rights are specifically allowed in formal written agreement between the director and the artist.

The state reserves the right to relocate or remove any works. Relocation planning will include consultation with the original artist and interested parties whenever practical.

Starting in 2030, following the centennial of the legislative building completion, and every fifty years thereafter, the state shall conduct a review of all monuments and memorials on state capitol grounds and recommend removal and appropriate disposition of those no longer meeting the criteria in WAC 236-18-030. The SCC shall approve all such actions.

AMENDATORY SECTION (Amending WSR 98-01-112, filed 12/18/97, effective 1/18/98)

WAC 236-18-070 Guidelines for selecting designs for major works. Proposing entities must address the following guidelines in proposing a design for a major work. Formal proposals prepared by proposing entities must include a description of how the design considers and responds to each of these guidelines. GA, CCDAC and SCC will use the following guidelines to evaluate and recommend or approve a final design selection.

(1) Legibility and meaning. The intended message of the work shall be clear and understandable, regardless of its type or style. The work shall convey meaning of enduring value that will continue its significance for future generations.

(2) Approachability and accessibility. Works shall be designed to permit people to engage with them: To have visual clues as to their location and to get close enough to be able to read them and examine details. Because major works often are gathering points, they shall be designed to meet Americans with Disability Act standards and, when necessary, provide such amenities as seating, paving, handrails, and ramps.

(3) Materials. Materials shall be chosen for their durability, sculptural qualities, visibility, and maintainability. Consideration shall also be given to rhythm and harmony with the existing setting.

(4) Vulnerability. The design of major and minor works shall be conscious of the potential for vandalism and minimize the opportunity for intentional defacement or destruction.

(5) Climatic context. The design shall consider issues of sunlight and shade, wind, rain and the variety of Washington seasons.

(6) Evening illumination. Major and minor works may be enhanced with night illumination integral to the work's design. Such illumination shall not conflict with other works, open space, buildings and their inhabitants, and the overall landscape.

(7) Completion. Works that by their nature are not complete at the time of installation, such as those to which names or dates are to be added over time, are strongly discouraged.

(8) Text and inscriptions. Lists of any kind are discouraged. Text and inscriptions shall be meaningful to the broadest possible audience. Inscriptions and text on monuments, works of art and related plaques shall be limited to interpretive information about the work itself or the subject it commemorates. Dedication plaques shall be limited to name of the artist or designer, name of the proponent group, and the date completed or dedicated. The proposed use of donor tiles not defined as plaques shall be approved as part of the overall design of a work.

AMENDATORY SECTION (Amending WSR 98-01-112, filed 12/18/97, effective 1/18/98)

WAC 236-18-080 Procedure for development and review of major works proposals. The department and the state capitol committee will follow a procedure for reviewing and evaluating major works proposed for placement on state capitol grounds, with the advice and assistance of the capitol campus design advisory committee and the Washington state arts commission. As appropriate, the department may also consult with the office of ~~((archeological))~~ archeology and historic preservation of the state department of community, trade and economic development, and with the department's state facilities accessibility advisory committee.

(1) The purpose of the procedure is to:

(a) Ensure that major works on state capitol grounds are carefully selected, designed, constructed and located to meet the criteria established in WAC 236-18-030 and address the guidelines provided in WAC 236-18-060 and 236-18-070;

(b) Preserve open space as a complete, precious and protected landscape feature of the state capitol grounds that invites public recreation and participation;

(c) Preserve options for placement of works on state capitol grounds for future generations. To further this purpose the department and the SCC shall:

(i) Encourage those proposing commemorative works to consider alternatives to monuments, such as groves, gardens, sculpture, fountains, and the naming of existing campus features;

(ii) Strongly encourage groups with related or similar interests to combine their proposals;

(iii) Encourage proposing entities to consider temporary works, or to consider temporary placement on state capitol grounds of works to be permanently located at other sites;

(iv) Cooperate with local authorities to develop opportunities for proposed works of significance to Washington state citizens which may be located outside the west campus of the state capitol grounds but within the capital community of Olympia, Tumwater and Lacey;

(d) Provide instructions to guide proposing entities in developing successful major works proposals.

(2) The procedure for development and review of major works proposals will follow the steps below.

1. Proposing entity.

a) Submits a preliminary proposal to the director for the development and placement of a major work on state capitol grounds. The preliminary proposal must describe:

- The concept and subject matter;

- How the proposal meets the criteria in WAC 236-18-030;

- Preconceived design and site considerations, if any, to include size of the work;

- A description of the kinds of activities the site and the work may need to accommodate (public gatherings or ceremonies, for example);

- Anticipated cost and planned source of funding.

b) Designates a single spokesperson for the proposing entity.

2. Department of general administration (GA).

a) Provides advice and assistance as needed in understanding and addressing the criteria in WAC 236-18-030 and makes available to proposing entities a copy of the master plan.

b) Reviews the preliminary proposal to determine if it meets the criteria in WAC 236-18-030 and should proceed to step three.

c) Informs the state capitol committee (SCC) of all proposals received and reviewed.

3. GA director and spokesperson for the proposing entity.

Provide an initial briefing to the members of the SCC on the preliminary proposal. The purpose of this briefing is to identify threshold issues or concerns with the proposing entity's concept, subject, or siting considerations. Capitol campus design advisory committee (CCDAC) members shall also receive initial briefings at this time.

4. SCC.

a) Grants approval to proceed with site selection (step 5);

or

b) Denies approval; or

c) Refers the proposal to the CCDAC for review and advice; and/or

d) Requests that the proposing entity reconsider aspects of their proposal.

5. Proposing entity.

Once preliminary proposal has been approved by the SCC, describes the conditions and characteristics of the proposed work that may affect its location, developing a set of criteria that describe a preferred setting and design. In the case of existing works, the criteria will relate only to the setting for the work.

6. GA.

a) Reviews appropriate subcampus plans to identify planned sites meeting the criteria developed by the proposing entity. GA will consult with the proposing entity, and may provide a campus tour, discuss possible locations, and point out any constraints or barriers to various locations.

b) Selects a short list of sites that best meet the criteria.

c) Establishes specific design and site development guidelines for each site. These specific guidelines describe in

PERMANENT

greater detail the opportunities or restrictions on design development that are unique to each site.

7. CCDAC and WSAC.

Review selected sites and the development guidelines established by GA. CCDAC and WSAC may meet together or separately. Either body may:

- a) Recommend revisions to GA's site development guidelines; or
- b) Recommend that the proposing entity reconsider aspects of their preliminary proposal; or
- c) Offer recommendations for consideration by the SCC.

8. GA director and spokesperson for the proposing entity.

- a) Brief the SCC on the sites and site development guidelines.
- b) If the proposal is for a work yet to be selected or designed, the proposing entity also describes:
 - The selection/design process to be used;
 - Anticipated budget and source of funding; and
 - Preconceived design considerations within the context of the proposed sites.

9. SCC.

a) Grants site approval and, if the proposal is for placement of an existing work, authorizes the department to acquire the work; or

b) Requests further consideration by GA and CCDAC.

10. Proposing entity.

a) Once the site has been approved by the SCC, begins a process to design or select the work if the proposed work is yet to be selected or designed. This step may take several forms: A design competition; selection from a list of appropriate available works; selection of an artist or team which might include an artist, architect, or landscape architect who will design and produce a custom work. GA may provide assistance in this process. One representative of the department and one representative of the CCDAC shall be included in the proposing entity's selection process and final selection committee. The proposing entity is also encouraged to include a visual artist or other design professional as appropriate.

b) Selects final design proposal or proposes a completed work.

c) Submits a formal proposal to GA and the SCC that describes:

- How the proposal meets the criteria in WAC 236-18-030;
- How the proposal considers and responds to the guidelines provided in WAC 236-18-060 and 236-18-070;
- How the proposal addresses the administrative requirements of WAC 236-18-040; and
- Scale drawings or illustrations. A scale model may also be provided.

11. CCDAC, WSAC.

Review the formal proposal, meeting together or separately, and make recommendations to the director and to the SCC.

12. GA director and spokesperson for the proposing entity.

Present the formal proposal to the SCC for approval.

13. SCC.

a) Grants final approval; or

b) Requests that the CCDAC, WSAC, and GA director continue to work with the proposing entity to redevelop the proposal.

c) May require future check points.

WSR 00-06-062
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 (WorkFirst Division)

[Filed March 1, 2000, 8:21 a.m., effective March 1, 2000]

Date of Adoption: March 1, 2000.

Purpose: Amend chapter 388-310 WAC to comply with legislative intent to reduce exemption for parents with infants that are age three months to twelve months.

Summary: Reduces the exemption period of WorkFirst participants with infants from age three months to twelve months of age. Enhances WorkFirst support services for WorkFirst participants who have infants from three months to twelve months of age.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-0200, 388-310-0300, 388-310-0400, 388-310-0700, and 388-310-1400.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050.

Adopted under notice filed as WSR 00-03-051 on January 14, 2000.

Changes Other than Editing from Proposed to Adopted Version: In response to stakeholder input, amendments were made in WAC 388-310-1450 Pregnancy to employment, that clarify (1) optional use of assessment that is dependent upon participant need, and (2) emphasis was placed on joint case planning among department staff and participants.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 6, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 6, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The earlier effective date is necessary because of imminent peril to the public health, safety, or welfare. This must be in effect on March 1, 2000, to replace expired emergency order on February 25, 2000, and comply with legislative intent.

Effective Date of Rule: March 1, 2000.

March 1, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-08-051, filed 4/1/99, effective 5/2/99)

WAC 388-310-0200 WorkFirst—Activities. (1) **Who is required to participate in WorkFirst activities?**

(a) You are required to participate in WorkFirst activities, and become what is called a "mandatory participant," if you:

- (i) Receive TANF(~~(-GA-S)~~) or SFA cash assistance; and
- (ii) Are a custodial parent or age sixteen or older; and
- (iii) Are not exempt. (You can only get this exemption if you are caring for ~~((a))~~ your child under ~~((twelve))~~ three months of age. See WAC 388-310-0300 for more details).

(b) Participation is voluntary for all other WorkFirst participants (those who no longer receive or have never received TANF(~~(-GA-S)~~) or SFA cash assistance).

(2) **What activities do I participate in when I enter the WorkFirst program?**

When you enter the WorkFirst program, you will participate in one or more of the following activities (which are described in more detail in other sections of this chapter):

- (a) Paid employment (see WAC 388-310-0400 (1)(a) and 388-310-1500);
- (b) Self employment (see WAC 388-310-1700);
- (c) Job search (see WAC 388-310-0600);
- (d) Community jobs (see WAC 388-310-1300)
- (e) Work experience (see WAC 388-310-1100);
- (f) On-the-job training (see WAC 388-310-1200);
- (g) Vocational educational training (see WAC 388-310-1000);
- (h) Basic education activities (see WAC 388-310-0900);
- (i) Job skills training (see WAC 388-310-1050);
- (j) Community service (see WAC 388-310-1400); and/or
- (k) Activities provided by tribal governments for tribal members and other American Indians (see WAC 388-310-1400(1) and 388-310-1900).

(3) **If I am a mandatory participant, how much time must I spend doing WorkFirst activities?**

If you are a mandatory participant, you will be required to spend up to forty hours a week working, looking for work or preparing for work. You will have an individual responsibility plan (described in WAC 388-310-0500) that includes the number of hours a week that you are required to participate.

(4) **What activities do I participate in after I get a job?**

You may participate in other activities, which are called "post employment services" (described in WAC 388-310-1800) once you are working twenty hours or more a week. Work can include a paid, unsubsidized job, self-employment, college work study or a subsidized job like a community jobs placement. Post employment services include:

(a) Activities that help you keep a job (called an "employment retention" service); and/or

(b) Activities that help you get a better job (called a "wage and skill progression" service).

AMENDATORY SECTION (Amending WSR 99-10-027, filed 4/28/99, effective 5/29/99)

WAC 388-310-0300 WorkFirst—~~Infant care~~ exemptions for mandatory participants. (1) **If I am a mandatory participant, when can I be exempted from participating in WorkFirst activities?**

You can claim an exemption from participating in WorkFirst activities during months that you are needed in the home to personally provide care for ~~((a))~~ your child under ~~((twelve))~~ three months of age ~~((—You can only claim this exemption for up to twelve months in your lifetime))~~.

(2) **Can I participate in WorkFirst while I am exempt?**

You ~~((can))~~ may choose to participate in WorkFirst while you are exempt ~~((—and the time you participate does not count against your twelve month limit))~~. If you decide later to stop participating, and you still qualify for an exemption, you will be put back into exempt status with no financial penalty.

(3) **Does an exemption from participation affect my sixty-month time limit for receiving TANF or SFA benefits?**

An exemption from participation does not affect your sixty-month time limit for receiving TANF or SFA benefits (described in WAC 388-484-0005). Even if exempt from participation, ((you will use up one of your sixty months of)) each month you receive a TANF/SFA ((benefits)) grant counts toward your sixty-month limit.

AMENDATORY SECTION (Amending WSR 99-10-027, filed 4/28/99, effective 5/29/99)

WAC 388-310-0400 WorkFirst—Entering the WorkFirst program as a mandatory participant. (1) **What happens when I enter the WorkFirst program as a mandatory participant?**

If you are a mandatory participant, WorkFirst requires you to look for a job as your first activity unless you are temporarily deferred from job search. You must follow instructions as written in your individual responsibility plan (see WAC 388-310-0500) while you are in job search.

(2) ~~((May))~~ **Are there any reasons why I might be temporarily deferred from looking for a job?**

If you are a mandatory participant, your case manager will ask ~~((you))~~ if you ~~((are exempt or))~~ have any reasons why you cannot go to job search. You may be temporarily deferred from looking for a job for any of the following reasons:

(a) You work twenty or more hours a week. "Work" means to engage in any legal, income generating activity which is taxable under the United States Tax Code or which would be taxable with or without a treaty between an Indian Nation and the United States; or

(b) You work sixteen or more hours a week in the federal or state work study program and you attend a Washington state community or technical college at least half-time; or

(c) You are under the age of eighteen, have not completed high school, GED or its equivalent and are in school full-time; or

(d) You are eighteen or nineteen years of age and are attending high school or an equivalent full-time; or

(e) You are pregnant or have a child under the age of twelve months, and are participating in other pregnancy to employment activities. See WAC 388-310-1450; or

(f) You are fifty-five years old or older and caring for a child you are related to (and you are not the child's parent), you may go into community service (described in WAC 388-310-1400 (2)(b)); or

(g) Your situation prevents you from looking for a job. (For example, you may be unable to look for a job while you have health problems, are homeless and/or dealing with family violence.)

(3) What are my requirements if I am temporarily deferred from job search?

(a) If and when your job search is temporarily deferred, you may be required to take part in an ~~((evaluation of your))~~ employability evaluation as part of your individual responsibility plan. Your individual responsibility plan will describe what you need to do to be able to enter job search and then find a job (see WAC 388-310-0500 and 0700).

(b) If you enter the pregnancy to employment pathway (described in WAC 388-310-1450(2)), you must take part in an assessment.

(4) What happens if I do not follow my WorkFirst requirements?

If you do not participate in job search, or in the activities listed in your individual responsibility plan, and you do not have a good reason, the department will impose a financial penalty (sanction, see WAC 388-310-1600).

AMENDATORY SECTION (Amending WSR 99-10-027, filed 4/28/99, effective 5/29/99)

WAC 388-310-0700 WorkFirst—Employability evaluation. (1) Why do I receive an employability evaluation?

You receive an employability evaluation from your case manager to determine:

(a) Why you are unable to look for work (if you are temporarily deferred from job search) or why you have been unable to find work in your local labor market; and

(b) Which WorkFirst activities you need to become employed in the shortest time possible.

(2) What is the employability evaluation and when will it be used?

(a) The employability evaluation is a series of questions and answers used to determine your ability to find and keep a job in your local labor market.

(b) You and your case manager and/or social worker ~~((with))~~ use the information from this evaluation to create or modify your individual responsibility plan, adding activities that ~~((with))~~ help you become employable.

(c) Your case manager ~~((with))~~ evaluates your ability to find employment when you are a mandatory WorkFirst participant and have:

(i) Gone through a period of job search without finding a job;

(ii) Been referred back early from job search; or

(iii) Been temporarily deferred from job search.

(d) After your employability evaluation, you may receive more assessments to find out if you need additional services.

AMENDATORY SECTION (Amending WSR 99-10-027, filed 4/28/99, effective 5/29/99)

WAC 388-310-1400 WorkFirst—Community service. (1) What is community service?

Community service includes two types of activities for mandatory participants:

(a) Unpaid work (such as the work performed by volunteer workers) that you perform for a charitable nonprofit organization, federal, state, local or tribal government or district; or

(b) An activity approved by your case manager which benefits you, your family, your community or your tribe. These activities may include traditional activities that perpetuate tribal culture and customs.

(2) What type of community service activities benefit me, my family, my community or my tribe and might be included in my individual responsibility plan?

The following types of community service activities benefit you, your family, your community or your tribe and might be included in your individual responsibility plan:

(a) Caring for a disabled family member;

(b) Caring for a child, if you are ~~((over))~~ fifty-five years old or older and receiving TANF or SFA assistance for the child as a relative (instead of as the child's parent);

(c) Providing childcare for another WorkFirst participant who is doing community service;

(d) Actively participating in a drug or alcohol assessment or treatment program which is certified or contracted by the state under chapter 70.96A RCW; ~~((and/or))~~

(e) Participating in family violence counseling or drug or alcohol treatment that will help you become employable or keep your job (this is called "specialized services" in state law); and/or

(f) Participating in the pregnancy to employment pathway.

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.

NEW SECTION

WAC 388-310-1450 Pregnancy to employment (1) How do I know if I am eligible to participate in the pregnancy to employment pathway?

If you are pregnant or have a child under the age of twelve months, you are a participant in the pregnancy to employment pathway.

PERMANENT

(2) What am I required to do while I am in the pregnancy to employment pathway?

Based on the results of the assessment you receive as a pregnancy to employment participant, you and your case manager will decide if you will be required to:

- (a) Work; or
- (b) Look for work; and/or
- (c) Participate in a combination of pregnancy to employment services.

(3) What services are provided in the pregnancy to employment pathway?

This pathway provides you with services, as available within your community, to help you learn how to work while still meeting your child's needs. You and your case manager will decide which of the variety of services you need, such as help finding:

- (a) Parenting classes;
- (b) Safe and appropriate child care;
- (c) Good health care for yourself and your child; and/or
- (d) Employment services.
- (e) If you are currently employed you will receive the assessment at your next individual responsibility plan review.

(4) What determines which services I will receive and what my participation will be?

As a participant in the pregnancy to employment pathway you may receive:

- (a) An assessment (see WAC 388-310-0700);
- (b) Services (as available within your community) based on the results of the assessment;
- (c) An individual responsibility plan will be developed jointly that reflects participation and services designed to meet your needs and the needs of your child; and
- (d) Follow up contact every three months to jointly reassess your needs and the services and activities you are participating in, until your child reaches age twelve months.

(5) How much do I have to participate?

(a) Unless a determination of non-participation has been made as described in WAC 388-310-1600, you will be required to participate up to forty hours per week during the first two trimesters of pregnancy. Your participation activity will be determined by the results of your assessment.

(b) During the third trimester of pregnancy your participation is voluntary and may include meeting your medical needs.

(c) From the birth of your child, until your child reaches three months, you are exempt from participation. You may volunteer to participate.

(d) From the third month forward, you will be required to participate part-time, twenty hours per week or more, and transition into full time participation, up to forty hours per week, in work, looking for work or preparing for work by the time your child reaches age twelve months. Your participation activity will be determined by the results of your assessment.

(6) Will I be sanctioned if I refuse to participate in pregnancy to employment pathway?

(a) If you are a pregnant woman in your third trimester of pregnancy or if you have an infant less than three months old you will not be sanctioned for not participating.

(b) If you are in the first two trimesters of your pregnancy or have a child three months of age or older, you are required to participate and are subject to the WorkFirst sanction rules (see WAC 388-310-1600).

WSR 00-06-064**PERMANENT RULES****DEPARTMENT OF AGRICULTURE**

[Filed March 1, 2000, 8:32 a.m.]

Date of Adoption: March 1, 2000.

Purpose: The rule is necessary to carry out the director's duties to protect animal health/public health in the state. The additional reporting requirements of the USDA-APHIS, VS, National Animal Health Reporting System program requires modifications of the reportable disease lists.

Citation of Existing Rules Affected by this Order: Chapter 16-70 WAC, Animal disease—Reporting; repealing WAC 16-70-001 and 16-70-030; and amending WAC 16-70-005 and 16-70-010.

Statutory Authority for Adoption: RCW 16.36.010(1), [16.36.]040 and [16.36.]080(4).

Adopted under notice filed as WSR 00-03-070 on January 19, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 24, 2000

Jim Jesernig
Director

AMENDATORY SECTION (Amending Order 5011, filed 9/21/93, effective 10/22/93)

WAC 16-70-005 Definitions. For the purpose of this chapter:

(1) "Animal" means any animal species except fish and insects including all those so classified as wild, captive wild, exotic wild, alternative livestock, semidomesticated, domestic or farm.

(2) "Domestic animal" means any farm animal raised for the production of food and fiber or companion animal or both.

(3) "Farm animal" means any species which have normally and historically been kept and raised on farms in Washington, the United States, or elsewhere and used or intended for use as food, fiber, breeding, or draft and which may be legally kept for such use in Washington and are not those animals classified as wildlife or deleterious exotic wildlife under Title 77 RCW.

(4) "Alternative livestock" means any species which can be kept or raised on farms and used or intended for use as food, fiber, breeding, or draft and which may be legally kept for use in Washington and are not those animals classified as wildlife or deleterious exotic wildlife under Title 77 RCW.

(5) "Wild animal" means those species of the class Mammalia whose members exist in Washington in a wild state.

(6) "Exotic wild animal" means those species of (~~class Mammalia~~) animals whose members do not exist in the state of Washington but exist elsewhere in the world in the wild state.

(7) "OIE" means Office International des Epizooties.

(8) "Veterinary laboratory" means a place equipped for performing diagnostic or investigative procedures on submitted specimens from animals and fish or their environment where the tests are conducted by personnel whose primary duties are to conduct such procedures.

AMENDATORY SECTION (Amending Order 5011, filed 9/21/93, effective 10/22/93)

WAC 16-70-010 Reporting diseases—Requirements.

(1) Any person licensed to practice veterinary medicine in the state of Washington, veterinary laboratories, and others designated by statute shall report to the director (~~of agriculture or his authorized representative~~) the discovery of the existence or suspected existence among any (~~wild, captive wild, exotic wild, alternative livestock, semi-domesticated or domestic~~) animals within the state any of the reportable diseases as published by the director of agriculture. Case definitions shall conform to OIE standards under the OIE International Animal Health Code where a case means an individual animal affected by one of the infectious or parasitic diseases recognized by OIE, the criterion by which "affected" is defined and made clear in each instance (for example: Clinical signs, serological evidence, etc.). The OIE International Animal Health Code can be found on the internet under OIE-International Standards. The International Animal Health Code is available in web format or a hard copy version may be ordered from OIE. Exceptions to the above standards are as noted in subsection (3) of this section.

(2) The following listed emergency diseases, suspected or confirmed, shall be reported immediately (by telephone or FAX on day discovered) to the office of the state veterinarian whenever encountered among animals within the state:

All suspected foreign or eradicated diseases including all of the following diseases:

African Horse Sickness

African Swine Fever

Bovine Spongiform Encephalopathy (BSE)

Caprine and Ovine Brucellosis (excluding Brucella ovis)

Classical Swine Fever (Hog Cholera)

Contagious Bovine Pleuropneumonia

Contagious Equine Metritis

Contagious Agalactia

Contagious Caprine Pleuropneumonia

Dourine

Enterovirus Encephalomyelitis (exotic strains)

Epizootic Lymphangitis

Equine Piroplasmiasis

Exotic (velogenic and mesogenic strains) Newcastle Disease

Foot and Mouth Disease (all types)

Glanders

Heartwater

Horse Pox

Japanese Encephalitis

Lumpy Skin Disease

Malignant Catarrhal Fever (foreign strain)

Nairobi Sheep Disease

Ovine Pulmonary Adenomatosis

Peste des Petits Ruminants

Rift Valley Fever

Rinderpest

Salmonellosis (Salmonella abortus ovis)

Screwworm

Sheep Pox and Goat Pox

Surra (Trypanosoma evansi)

Theileriosis (Theileria parva, T. annulata and other foreign species)

Trypanosomiasis (Trypanosoma congolense, T. vivax, T. brucei brucei)

Venezuelan Equine Encephalomyelitis

In addition the following foreign fish diseases are reportable to the director through the director of the Washington department of fish and wildlife:

Epizootic Hematopoietic Necrosis

Herpesvirosis of Salmonids (Onchorynchus Masou Virus Disease)

Spring Viremia of Carp

Viral Hemorrhagic Septicemia (European strain)

The following domestic diseases are also reportable immediately:

Anthrax

~~((Contagious equine metritis))~~

Fowl Plague (Highly Pathogenic Avian Influenza)

Rabies

Swine Vesicular Disease

Sylvatic plague

Vesicular stomatitis

(3) The following listed diseases suspected or confirmed shall be reported (~~by the phone~~) the next working day, by telephone or FAX to the office of the state veterinarian whenever encountered among animals within the state. Case definitions are as indicated for each disease.

((BrucellosisContagious ecthyma (sheep, goats, llamas)Equine encephalitis EEE, WEE (horses)Infectious coryza (poultry)Laryngotracheitis (poultry)Lyme disease (any species)Ornithosis (birds)Potomac Horse Fever (horses)Pseudorabies (swine)Scrapie (sheep, goats)TuberculosisTularemia (sheep, dog, cats, rabbits, wildlife)((4))Brucellosis (positive serology, abortion, or bacterial culture)Contagious Ecthyma (sheep, goats, llama, alpaca) (clinical signs or virus isolation)Chronic Wasting Disease (Cervids) (clinical signs, histopathology, or chemical histopathology)Equine Encephalitis EEE, WEE (horses) (clinical signs, histopathology, or positive serology with increasing titer)Fowl Typhoid (Salmonella gallinarum) (bacterial culture and positive serology)Infectious Coryza (poultry) (clinical signs, bacterial culture and positive serology)Laryngotracheitis (poultry) (clinical signs, viral culture or positive serology)Lyme Disease (any species) (clinical signs and positive serology)Ornithosis or Psittacosis (all birds) (bacterial culture, positive serology, or other positive laboratory diagnostic tests)Pullorum Disease (Salmonella pullorum or typhoid) (bacterial culture and positive serology)Potomac Horse Fever (horses) (clinical signs and positive serology)Pseudorabies (swine) (positive serology)Scrapie (sheep, goats) (clinical signs, histopathology, or chemical histopathology)

Tuberculosis (clinical signs, history of exposure, responder to tuberculin, granulomas submitted as possible tuberculosis lesions, acid fast organisms not identified as Johne's or benign types, bacterial culture positive for M. tuberculosis, M. bovis or M. avium in a mammal, or other laboratory tests diagnostic for M. tuberculosis, M. bovis or M. avium in a mammal)

Tularemia (sheep, dogs, cats, rabbits, wildlife) (clinical signs, serology or bacterial culture)

(4) The following listed diseases are reportable monthly by the fifth working day of the month to the office of the state veterinarian when diagnosed in the previous month by any veterinary laboratory performing testing or diagnostic procedures on any animal resident in the state of Washington. Only the first case of each individual disease diagnosed each month needs to be reported. The diseases listed below with others listed in subsections (1) and (2) of this section will be reported on a qualitative basis each month to the National Animal Health Reporting System (NAHRS) by the state veterinarian.

AnaplasmosisAtrophic RhinitisBabesiosisBovine Genital CampylobacteriosisAvian Infectious BronchitisAvian TuberculosisCaprine Arthritis/Encephalitis (CAE)CysticercosisDermatophilosis (Dermatophilus congolensis) cattle onlyDuck Viral EnteritisDuck Viral HepatitisBluetongueEchinococcosis/HydatidosisEnzootic Abortion of Ewes (Ovine Psittacosis, Chlamydia psittaci)Enzootic Bovine Leukosis (BLV)Equine Influenza (Virus Type A)Equine Rhinopneumonitis (1 and 4)Equine Viral Arteritis (EVA)Fowl Cholera (Pasteurella multocida)Fowl PoxHemorrhagic Septicemia (Pasteurella multocida)Horse mangeInfectious Bursal Disease (Gumboro Disease)Infectious Bovine Rhinotracheitis/Infectious Pustular Vulvovaginitis (IBR/IPV)Infectious Hematopoietic Necrosis (to be reported by fish laboratories)Leptospirosis

- Maedi-Visna/Ovine Progressive Pneumonia
- Marek's Disease
- Mycoplasmosis (Mycoplasma gallisepticum)
- Ovine Epididymitis (Brucella ovis)
- Paratuberculosis (Johne's Disease)
- Porcine Reproductive and Respiratory Syndrome (PRRS)
- Transmissible Gastroenteritis (TGE)
- Trichomoniasis
- Q Fever (Coxiella burnetti)

(5) The following list of diseases suspected or confirmed by veterinarians or veterinary laboratories shall be reported if notified to do so by letter from the state veterinarian's office whenever encountered in any animals during the reporting month. These diseases are to be reported by the 10th day of the next month. The case definition will be supplied with notification of required reporting.

- Anaplasmosis
- Aleutian disease (mink)
- Atrophic rhinitis
- Blackleg
- Bovine viral diarrhea
- Botulism (horses, swine, mink)
- Bluetongue
- Campylobacteriosis
- Coccidiosis (clinical cases only)
- ~~((Chronic wasting diseases of deer (captive)))~~
- Distemper (dogs, mink)
- Edema disease of swine
- Equine protozoal myeloencephalitis
- Equine viral arteritis (abortion or respiratory)
- Equine viral rhinopneumonia (abortion)
- Erysipelas (swine)
- Feline panleukopenia
- Heartworm
- Histoplasmosis
- Influenza (swine) (horses)
- Leptospirosis
- Leukosis (cattle)
- Leukemia (cats)
- Listeriosis
- Malignant edema (horses, cattle)
- Malignant catarrhal fever (sheep)
- Mycotic stomatitis
- Infectious mastitis (cattle) (goats)
- Newcastle disease (lentogenic or low pathogenic strain)
- Paratuberculosis (Johne's disease, confirmed only)
- Parvo and related viruses (dogs)

- Salmonellosis (including paratyphoid((?)) and enteritidis ((and typhoid)) in poultry typhimurium (DT 104), S. dublin and S. newport in cattle and any salmonella outbreaks in horses)
- Scabies (swine and small animals) (nonotodectic)
- Strangles (confirmed Strep. equi)
- Tetanus (clostridium tetani) (horses) (sheep)
- Transmissible mink encephalopathy
- Toxoplasmosis
- Transmissible gastroenteritis (TGE of swine)
- Tuberculosis (dogs, cats)
- Trichomoniasis
- ~~((Campylobacteriosis))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|---------------|---|
| WAC 16-70-001 | Promulgation. |
| WAC 16-70-030 | Reporting diseases—Lists may be modified. |

**WSR 00-06-065
PERMANENT RULES
DEPARTMENT OF AGRICULTURE**

[Filed March 1, 2000, 8:34 a.m.]

Date of Adoption: March 1, 2000.

Purpose: The purpose is to detail the livestock owners' responsibilities to present, confine and handle their animals and to furnish adequate facilities during disease testing.

Citation of Existing Rules Affected by this Order: Chapter 16-74 WAC, Livestock testing—Duties of owners; repealing WAC 16-74-001 and 16-74-040; amending WAC 16-74-010, 16-74-020 and 16-74-030; and new section WAC 16-74-005.

Statutory Authority for Adoption: RCW 16.36.040.

Adopted under notice filed as WSR 00-03-069 on January 19, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 3, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 3, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

PERMANENT

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 24, 2000

Jim Jesernig

Director

NEW SECTION

WAC 16-74-005 Definitions. (1) "Communicable disease" means a disease due to a specific infectious agent or its toxic products transmitted from an infected person, animal or inanimate reservoir to a susceptible host, either directly or indirectly through an intermediate plant or animal host, vector or the environment.

(2) "Contagious disease" means a communicable disease that is capable of being easily transmitted from one animal to another animal or a human.

(3) "Director" means the director of agriculture of the state of Washington or his or her authorized representative.

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

(5) "Infectious disease" means a clinical disease of humans or animals resulting from an infection with an infectious agent that may or may not be communicable or contagious.

(6) "Livestock" means horses, mules, donkeys, cattle, bison, sheep, goats, swine, rabbits, llamas, alpacas, ratites, poultry, waterfowl, game birds and other species designated by statute. "Livestock" does not mean free ranging wildlife as defined in Title 77 RCW.

AMENDATORY SECTION (Amending Order 776, Regulation 1, effective 5/26/58)

WAC 16-74-010 Presenting and confining ((eattle)) livestock for testing. Livestock owners ((shall be)) are required to present and confine their ((eattle)) livestock when ((such eattle)) they are to be tested for ((tuberculosis and/or brucellosis or)) any infectious, communicable or contagious disease((, such confinement and presentment)). The accessibility and confinement of the livestock are to be in a manner and at ((such)) reasonable times as prescribed by the director ((of agriculture)).

AMENDATORY SECTION (Amending Order 776, Regulation 2, effective 5/26/58)

WAC 16-74-020 Facilities. Owners must furnish adequate facilities to assure convenient and safe procedures in conducting ((such)) all tests((, which facilities may be required to)). The required facilities may include corrals, chutes, stanchions and/or squeeze chutes as deemed necessary by the director or his duly authorized representative ((of inspector in any given instance)).

AMENDATORY SECTION (Amending Order 776, Regulation 3, effective 5/26/58)

WAC 16-74-030 Handling. All handling of ((eattle)) livestock for the purpose of testing, sampling or drawing of blood samples ((shall be)) is the responsibility of the owner.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-74-001 Promulgation.

WAC 16-74-040 Penalty.

WSR 00-06-066 PERMANENT RULES DEPARTMENT OF AGRICULTURE

[Filed March 1, 2000, 8:36 a.m.]

Date of Adoption: March 1, 2000.

Purpose: The purpose is to detail rules for control, surveillance and eradication of an important swine disease and to protect animal and public health in Washington state.

Citation of Existing Rules Affected by this Order: Chapter 16-80 WAC, Pseudorabies in swine; repealing WAC 16-80-050; and amending WAC 16-80-005, 16-80-007, 16-80-010, 16-80-015, 16-80-020, 16-80-025, 16-80-030, 16-80-035, 16-80-040, 16-80-045, and 16-80-047.

Statutory Authority for Adoption: RCW 16.36.040.

Adopted under notice filed as WSR 00-03-068 on January 19, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 11, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 11, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 24, 2000

Jim Jesernig

Director

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

WAC 16-80-005 Definitions. ((For the purpose of this chapter:))

(1) "Director" means the director of agriculture of the state of Washington or his ~~((duty))~~ or her authorized representatives.

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

(3) "Approved pseudorabies vaccine" means only those biological products that are approved by and produced under license of the United States Department of Agriculture (USDA) for injection into swine for the purpose of enhancing their resistance to pseudorabies, are ~~((a))~~ specific gene deletion vaccines and are authorized for use in a specific herd by the state veterinarian.

(4) "Official identification" means a USDA issued back-tag or ~~((a metal))~~ an 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))~~ approved by USDA to conduct official pseudorabies tests.

(6) "Expose" means to ~~((lay open))~~ have contact with an animal ~~((or group of animals to risk of infection by))~~ infected with the pseudorabies virus.

(7) "Pseudorabies" means a contagious, infectious and communicable disease caused by a herpesvirus that affects swine and other animals.

(8) "Official pseudorabies test" means a test for the diagnosis of pseudorabies conducted in a USDA-approved laboratory. These tests include, but are not limited to, serum neutralization (SN), virus isolation, fluorescent antibody, latex agglutination, particle concentration fluorescence immunoassay (PCFIA) and enzyme-linked immunosorbent assay (ELISA).

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

WAC 16-80-007 Surveillance program. All swine blood submitted to the ~~((federal state animal health))~~ department's laboratory for brucellosis testing will be ~~((also))~~ tested for pseudorabies by the latex agglutination test. Samples ~~((which are))~~ positive on the latex agglutination test will be further tested by the enzyme linked ~~((immunosorbant))~~ immunosorbent assay (ELISA) and serum neutralization (SN) tests. The ELISA or SN tests must show positive results before classifying the sample as positive. An epidemiological investigation will be initiated for each positive sample and an attempt will be made to trace such a sample to the herd of origin. Area testing will be done on all swine herds within a five mile radius of any infected premises. Trace forward and trace backward testing will be done in all herds which may have bought animals from or sold animals to the infected herd within a twenty-four month period prior to discovery of the infection.

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

WAC 16-80-010 Quarantine. All swine herds ~~((that are))~~ infected with or exposed to pseudorabies ~~((shall))~~ will be quarantined and officially tested for pseudorabies. If the owner of any such swine herd refuses to allow the department to test ~~((for the above disease)),~~ the swine herd and the premises on which they are quarantined ~~((shall))~~ will remain quarantined until released under WAC 16-80-020, RCW 16.36.010 or ~~((RCW 16.36.030))~~ 16.36.020. No animal or products of such animals ~~((shall))~~ will be removed from the premises while they are under quarantine except as provided in RCW ~~((16.36.030))~~ 16.36.010 or 16.36.020.

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

WAC 16-80-015 Sale of quarantined animals. ~~((No person shall offer for sale any))~~ Swine from a pseudorabies quarantined herd cannot be offered for sale, except for ~~((other than))~~ immediate slaughter ~~((: Provided, however, That)),~~ Such swine ~~((shall))~~ can only be moved from the pseudorabies quarantined herd when accompanied by an official federal form ~~((number))~~ VS1-27 ~~((filled out))~~ completed and signed by a federal or state veterinarian.

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

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)),~~ or any plan listed in Pseudorabies Eradication State-Federal-Industry Program Standards, APHIS Document 91-55-041, effective January 1, 1998. Plan C will be the plan of choice if the state-wide herd infection rate is less than 0.1% of total number of state herds. The plan used will be determined by mutual agreement between the herd owner or ~~((their))~~ his or her veterinarian ~~((if so))~~ designated by the owner and the state veterinarian.

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

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))~~ sodium hydroxide, ~~((TriNaPO4))~~ trisodium phosphate, chlorhexidine.

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

WAC 16-80-030 Disinfecting vehicles. ~~((H))~~ When a vehicle is used to transport pseudorabies infected animals or pseudorabies exposed animals from a pseudorabies quarantined herd, the vehicle ~~((shall))~~ must 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))~~ must be equipped with department approved facilities to clean and disinfect vehicles.

~~((2))~~ ~~Upon completion~~ Written approval will be issued after inspection of the cleaning and disinfection of the vehicle ~~((approval of the adequacy of the cleaning and disinfection shall be obtained in writing))~~. This approval must be obtained from a state or federal ~~((animal health employee))~~ veterinarian or registered veterinary technician or from ~~((an authorized representative of))~~ the director ~~((of agriculture on a form approved by the director))~~.

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

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. The state veterinarian must approve the disposal methods of those swine destroyed. 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 fifty days pregnant or with suckling piglets, fifty dollars for boars and open sows or sows less than fifty days pregnant, and fifty dollars for breeding gilts over two hundred fifty pounds live weight. An indemnity of up to ~~((fifty))~~ seventy-five percent of appraised value of feeding stock will be paid when destroyed rather than slaughtered.

No indemnity will be paid if:

- (1) The state-wide infection rate exceeds 0.1% of total swine herds in the state; or
- (2) The swine belong to the federal government or any of its agencies, this state or any of its political subdivisions ~~((thereof))~~ or any municipal corporations; or
- (3) The swine were brought into this state within six months of being ordered slaughtered or destroyed.

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

WAC 16-80-040 Vaccination. No pseudorabies vaccine may be used in the state ~~((of Washington))~~ except when the use of 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.

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

WAC 16-80-045 Identification of swine. Boars and sows moving through livestock auction yards or collection facilities in intrastate commerce must be tagged with official identification. All swine moving in interstate commerce must be identified in compliance with federal regulation 9 CFR 71.19 a & b.

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

WAC 16-80-047 Mandatory reporting of suspected pseudorabies. Pseudorabies is a reportable disease under WAC 16-70-010 and must be reported to the department immediately by persons licensed to practice veterinary medicine in the state ~~((of Washington as required by WAC 16-70-010))~~. Additionally, laboratories and swine producers ~~((are hereby required to))~~ must report to the director ~~((of agriculture or his authorized representative the discovery of))~~ the existence or suspected existence of pseudorabies infection among ~~((domestic))~~ swine within the state. This report ~~((shall))~~ will be ~~((immediate-))~~ immediately made by telephone or FAX on the day ~~((discovered))~~ infection is diagnosed or suspected. Veterinarians, laboratories and swine producers are to make this report to the office of the state veterinarian ~~((telephone number (206) 753-5040, FAX (206) 753-3700))~~.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-80-050 Criminal penalty—Civil injunction.

WSR 00-06-069 PERMANENT RULES HORSE RACING COMMISSION

[Filed March 1, 2000, 8:47 a.m.]

Date of Adoption: January 26, 2000.

Purpose: Review and update rules to conform with nationally accepted model rules.

Citation of Existing Rules Affected by this Order: Amending WAC 260-52-010, 260-52-030, and 260-52-040.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 00-01-133 on December 20, 1999.

Changes Other than Editing from Proposed to Adopted Version: WAC 260-52-040, revised wording to make easier to read and understand.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 29, 2000

Bruce Batson

Executive Secretary

AMENDATORY SECTION (Amending Order 81-01, filed 3/24/81)

WAC 260-52-010 Paddock to post. (1) Permission must be obtained from a steward to exercise a horse between races, ~~((unless the horse is being warmed up on the way to and just prior to entering the paddock for the next race to be run.))~~

~~((2) When a horse is being so warmed up before entering the paddock, his official program number shall be displayed by the rider.))~~

~~((3))~~ (2) In a race, each horse shall carry a conspicuous saddlecloth number and a head number, corresponding to his number on the official program. In the case of an entry each horse making up the entry shall carry the same number (head and saddlecloth) with a distinguishing letter. For example, 1-1A, 1X. In the case of a field the horses comprising the field shall carry an individual number; i.e., 12, 13, 14, 15, and so on.

~~((4))~~ (3) After the horses enter the track, no jockey shall dismount and no horse shall be entitled to the care of an attendant without consent of the stewards or the starter, and the horse must be free of all hands other than those of the jockey or assistant starter before the starter releases the barrier.

~~((5))~~ (4) In case of accident to a jockey, his mount or equipment, the stewards or the starter may permit the jockey to dismount and the horse to be cared for during the delay, and may permit all jockeys to dismount and all horses to be attended during the delay.

~~((6))~~ (5) All horses shall parade and, under penalty of disqualification, shall carry their weight from the paddock to the starting post, such parade to pass the steward's stand.

~~((7))~~ (6) After entering the track not more than 12 minutes shall be consumed in the parade of the horses to the post except in cases of unavoidable delay. After passing the stand once, horses will be allowed to break formation and canter, warm up or go as they please to the post. When horses have reached the post, they shall be started without unnecessary delay.

~~((8))~~ (7) If the jockey is so injured on the way to the post as to require another jockey, the horse shall be taken to the paddock and another jockey obtained.

~~((9))~~ (8) No person shall wilfully delay the arrival of a horse at the post.

~~((10))~~ (9) No person other than the rider, starter, or assistant starter shall be permitted to strike a horse, or attempt, by shouting or otherwise to assist it in getting a start.

~~((11))~~ (10) In all races in which a jockey will not ride with a whip, an announcement of that fact shall be made over the public address system.

AMENDATORY SECTION (Amending Order 74.2, filed 10/30/74)

WAC 260-52-030 Starting the race. ~~((1) The starter shall give orders to secure a fair start. After reasonable efforts, if a horse cannot be led or backed into position, the starter shall order the horse to be taken to the outside. The start must not be delayed on account of bad-mannered horses. When the stall gate is used, it shall be placed on the track at the discretion of the starter.~~

~~(2) The starter is required to load horses into the starting gate in order of post position. Provided, That the starter may load known fractious horses out of order at his discretion.~~

~~(3) All races shall be started by a starting gate approved by the commission, except that with permission of the stewards a race may be started without a gate. When a race is started with or without a gate, there shall be no start until, and no recall after, the assistant starter has dropped his flag in answer to that of the starter.~~

~~(4) If a horse is locked in the gate, the starter shall immediately notify the stewards who in turn shall immediately notify the manager of pari-mutuel department. The starter shall be the sole judge of what horse or horses are prevented from starting in a race through failure of gates to open.))~~

(1) The starter is responsible for assuring that each participant receives a fair start.

(2) If, when the starter dispatches the field, any door at the front of the starting gate stalls should not open properly due to a mechanical failure or malfunction or should any action by any starting personnel directly cause a horse to receive an unfair start, the stewards may declare such a horse a non-starter.

(3) Should a horse, not scratched prior to the start, not be in the starting gate stall thereby causing it to be left when the field is dispatched by the starter, the horse shall be declared a non-starter by the stewards.

(4) Should an accident or malfunction of the starting gate, or other unforeseeable event compromise the fairness of the race or the safety of race participants, the stewards may declare individual horses to be non-starters, exclude individual horses from one or more parimutuel pools or declare a "no contest" and refund all wagers except as otherwise provided in the rules involving multi-race wagers.

AMENDATORY SECTION (Amending WSR 81-08-013, filed 3/24/81)

WAC 260-52-040 Post to finish. ~~((1) When clear, a horse may be taken to any part of the course, except that crossing or weaving in front of contenders may constitute~~

PERMANENT

interference or intimidation for which the offender may be disciplined:

(2) A horse crossing so as actually to impede another horse is disqualified, unless the impeded horse was partly in fault or the crossing was wholly caused by the fault of some other horse or jockey.

(3) If a horse or jockey jostle another horse, the aggressor may be disqualified, unless the jostled horse or his jockey was partly in fault or the jostle was wholly caused by the fault of some other horse or jockey.

(4) If a jockey wilfully strikes another horse or jockey, or rides wilfully or carelessly so as to injure another horse, which is in no way in fault, or so as to cause other horses to do so, his horse is disqualified.

(5) When a horse is disqualified under this rule the other horse or horses in the same race coupled as an entry under WAC 260-48-110 may be disqualified.

(6) Complaints under this rule can only be received from the owner, trainer or jockey of the horse alleged to be aggrieved, and must be made to the clerk of the scales or to the stewards before or immediately after his jockey has passed the scales. But nothing in this rule shall prevent the stewards taking cognizance of foul riding.

(7) Any jockey against whom a foul is claimed shall be given the opportunity to appear before the stewards before any decision is made by them.

(8) A jockey whose horse has been disqualified or who unnecessarily causes his horse to shorten his stride with a view to complaint, or an owner, trainer or jockey who complains frivolously that his horse was crossed or jostled, may be punished.

(9) All horses are expected to give their best efforts in races in which they run, and any instructions or advice to jockeys to ride or handle their mounts otherwise than for the purpose of winning are forbidden and will subject all persons giving or following such instructions or advice to disciplinary action by the stewards and the commission.

(10) No jockey carrying a whip during a race shall fail to use the whip in a manner consistent with using his best efforts to win. Jockeys are prohibited from whipping a horse during the post-parade, over the head, or in an excessive or brutal manner.)

(1) All horses shall be ridden out in every race. A jockey shall not ease up or coast to the finish, without reasonable cause, even if the horse has no apparent chance to win prize money. A jockey shall give a best effort during a race, and each horse shall be ridden to win. No jockey shall unnecessarily cause his/her horse to shorten its stride so as to give the appearance of having suffered a foul.

(2) If a jockey strikes or touches another jockey or another jockey's horse or equipment, his/her mount may be disqualified.

(3) When clear in a race a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it may be disqualified;

(4) A horse which interferes with another and thereby causes any other horse to lose ground or position or causes any other horse to break stride, when such other horse is not at fault and when such interference occurs in a part of the race

where the horse interfered with loses the opportunity to place where it might, in the opinion of the stewards be reasonably be expected to finish, may be disqualified;

(5) If the stewards determine the foul was intentional, or due to careless riding, the jockey may be held responsible;

(6) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse.

(7) When the stewards determine that a horse shall be disqualified, they may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last;

(8) If a horse is disqualified, any horse or horses with which it is coupled as an entry may also be disqualified;

(9) When a horse is disqualified in a time trial race, for the purposes of qualifying only, it shall receive the time of the horse it is placed behind plus one-hundredth of a second penalty or more exact measurement if photo finish equipment permits, and shall be eligible to qualify for the finals or consolations of the race on the basis of the assigned time;

(10) Possession of any electrical or mechanical stimulating or shocking device by a jockey, horse owner, trainer or other person authorized to handle or attend to a horse shall be prima facie evidence of a violation of these rules and is sufficient grounds for the stewards to scratch or disqualify the horse;

(11) The stewards may determine that a horse shall be unplaced for the purpose of purse distribution and time trial qualification.

(12) No jockey carrying a whip during a race shall fail to use the whip in a manner consistent with using his/her best efforts to win.

(13) Any jockey who uses a whip during the running of a race is prohibited from whipping a horse:

(a) in an excessive or brutal manner;

(b) on the head, flanks, or on any part of its body other than the shoulders or hind quarters;

(c) during the post parade except when necessary to control the horse;

(d) when the horse is clearly out of the race.

WSR 00-06-070

PERMANENT RULES

HORSE RACING COMMISSION

[Filed March 1, 2000, 8:48 a.m.]

Date of Adoption: January 26, 2000.

Purpose: Add language regarding superfecta type wagering.

Citation of Existing Rules Affected by this Order: Amending WAC 260-48-600 and 260-48-620.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 00-01-134 on December 20, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 29, 2000

Bruce Batson
Executive Secretary

AMENDATORY SECTION (Amending WSR 99-06-026, filed 2/23/99, effective 3/26/99)

WAC 260-48-620 Pools dependent upon betting interests. Unless the commission otherwise provides, at the time the pools are opened for wagering, the association:

(1) Shall offer win, place, and show wagering on all races with five or more betting interests.

(2) May be allowed to prohibit show wagering on any race with four or fewer betting interests.

(3) May be allowed to prohibit place wagering on any race with three or fewer betting interests.

(4) May be allowed to prohibit quinella wagering on any race with three or fewer betting interests.

(5) May be allowed to prohibit exacta wagering on any race with three or fewer betting interests.

(6) Shall prohibit trifecta wagering on any race with ~~((seven))~~ five or fewer betting interests scheduled to start ~~((one hour prior to the first scheduled post time of the day))~~ when the trifecta pool opens for wagering in Washington.

(7) Shall prohibit twin trifecta wagering on any race with seven or fewer betting interests scheduled to start ~~((one hour prior to the first scheduled post time of the day))~~ when the twin trifecta pool opens for wagering in Washington.

(8) Shall prohibit superfecta wagering on any race with seven or fewer betting interests ~~((scheduled))~~ scheduled to start ~~((one hour prior to the first scheduled post time of the day))~~ when the superfecta pool opens for wagering in Washington.

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 WSR 99-06-026, filed 2/23/99)

WAC 260-48-600 Refunds. (1) Notwithstanding other provisions of these rules, refunds of the entire pool shall be made on:

(a) Win pools, exacta pools, and first-half double pools, offered in races in which the number of betting interests has been reduced to fewer than two.

(b) Place pools and quinella pools, offered in races in which the number of betting interests has been reduced to fewer than three.

(c) Show pools, in races in which the number of betting interests has been reduced to fewer than four.

(d) Superfecta pools ~~((, trifecta pools))~~ and first half twin trifecta pools, offered in races in which the number of betting interests has been reduced to fewer than six.

(e) Trifecta pools, in races in which the number of betting interests has been reduced to fewer than five.

(2) Authorized refunds shall be paid upon presentation and surrender of the affected parimutuel ticket.

WSR 00-06-071

PERMANENT RULES

HORSE RACING COMMISSION

[Filed March 1, 2000, 8:50 a.m.]

Date of Adoption: January 26, 2000.

Purpose: Amending whip requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 260-44-070 Weighing out—Bridal, whip, maximum weights and measurements.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 00-01-135 on December 20, 1999.

Changes Other than Editing from Proposed to Adopted Version: Change maximum weight of whip from on-half pound to one pound.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 29, 2000

Bruce Batson
Executive Secretary

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-44-070 Weighing out—Bridle, whip, maximum weights and measurements. (1) No bridle shall

exceed two pounds in weight, ~~((, and no whip (or substitute for a whip) shall exceed one pound in weight, unless approved by the stewards.))~~

(2) Whips, shall have closed poppers, with its maximum length being four inches and minimum width of one and one quarter inches. Three rows of one inch feathers made of leather or other approved materials approved by the stewards with a maximum length not to exceed thirty one inches, (including popper). The maximum weight shall not exceed one pound.

WSR 00-06-072

PERMANENT RULES

HORSE RACING COMMISSION

[Filed March 1, 2000, 8:50 a.m.]

Date of Adoption: January 26, 2000.

Purpose: Amend safety equipment to include wearing of safety vest by anyone on horseback.

Citation of Existing Rules Affected by this Order: Amending WAC 260-28-230 Trainer—Duty to register personnel—Occupational licenses—Safety equipment.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 00-01-136 on December 20, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 28, 2000

Bruce Batson

Executive Secretary

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-28-230 Trainer—Duty to register personnel—Occupational licenses—Safety ((helmets)) equipment. Each trainer shall register with the racing commission every person in his/her employ and ((he shall)) be responsible for all his/her employees securing occupational licenses.

He/she shall also be responsible for every jockey and ((exercise boy)) all his/her employees wearing a safety helmet and safety vest ((when exercising horses for him)) while on horse back. The safety helmet and safety vest shall be of a

type approved by the commission and any changes in the helmet or the vest must be approved in writing by the stewards.

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.

WSR 00-06-075

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed March 1, 2000, 9:59 a.m., effective April 10, 2000]

Date of Adoption: March 1, 2000.

Purpose: Chapter 296-62 WAC, Part I-1, WAC 296-62-07515 and 296-65-003.

Topic: Asbestos clarifications and corrections in chapter 296-62 WAC, Part I-1 and WAC 296-65-003. Methylene Chloride PEL in WAC 296-62-07515. We made no changes to the CR-102XA proposal.

Citation of Existing Rules Affected by this Order: Amending WAC 296-62-07515, 296-62-07709, 296-62-07713, 296-62-07722, 296-62-07727, 296-62-07745, and 296-65-003.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050, and 49.26.130.

Adopted under notice filed as WSR 00-01-139 on December 20, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 7, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 7, Repealed 0.

Effective Date of Rule: April 10, 2000.

March 1, 2000

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 99-17-026, filed 8/10/99, effective 11/10/99)

WAC 296-65-003 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this standard.

"Approved" means approved by the department.

"Asbestos" includes chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, and actinolite

asbestos, and any of these minerals that have been chemically treated and/or altered.

"Asbestos fiber" means asbestos fiber as defined in WAC 296-62-07703 as "fiber."

"Asbestos abatement project" means an asbestos project involving three square feet or three linear feet, or more, of asbestos containing material.

"Asbestos project" includes the construction, demolition, repair, remodeling, maintenance or renovation of any public or private building or structure, mechanical piping equipment or system involving the demolition, removal, encapsulation, salvage, or disposal of material or outdoor activity releasing or likely to release asbestos fibers into the air.

"Certified asbestos contractor" means any partnership, firm, association, corporation or sole proprietorship, registered under chapter 18.27 RCW, that submits a bid, or contracts to remove or encapsulate asbestos for another and is certified by the department to remove or encapsulate asbestos.

"Certificate" means a certificate issued by the department that shall include the name of person awarded the certificate, certificate number, the discipline for which certification was conferred, training and examination dates, the course provider's name and address, and the course provider's telephone number, expiration date, and a statement that the person receiving the certificate has completed the training for asbestos accreditation under TSCA Title II.

"Certified asbestos supervisor" means an individual who is certified by the department under WAC 296-65-012.

"Certified asbestos worker" means an individual certified by the department under WAC 296-65-010.

"Department" means the department of labor and industries.

"Demolition" means the activity of razing a structure which includes the wrecking, removal, or dismantling of any load-supporting structural member of any facility including any related handling operations.

"Director" means the director of the department of labor and industries or the director's designee.

"Emergency project" means a project that was not planned but results from a sudden, unexpected event and does

not include((s)) operations ((which)) that are necessitated by nonroutine failures of equipment or systems.

"Encapsulation" means the application of an encapsulant to asbestos containing materials to control the release of asbestos fibers into the air. The encapsulation process either creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

"EPA MAP" means the environmental protection agency model accreditation plan for asbestos requirements in 40 CFR Part 763.

"HEPA filtration" means high-efficiency particulate air filtration found in respirators and vacuum systems capable of filtering 0.3 micron particles with 99.97% efficiency.

"Intact" means that the asbestos containing material has not crumbled, been pulverized, or otherwise deteriorated so that it is no longer likely to be bound with its matrix.

"NESHAP" means the National Emission Standards for Hazardous Air Pollutants.

"Owner" means the person who owns any public or private building, structure, facility, or mechanical system, or the remnants thereof, or the agent of such person, but does not include individuals who work on asbestos projects in their own single-family residences, no part of which is used for commercial purposes.

"Person" means any individual, partnership, firm, association, corporation, sole proprietorship, or the state of Washington or its political subdivisions.

"Revocation" means a permanent withdrawal of a certification issued by the department.

"Suspension" means a temporary withdrawal of a certification issued by the department. No suspension shall be less than six months or longer than one year.

AMENDATORY SECTION (Amending WSR 98-10-029, filed 4/24/98, effective 7/24/98)

WAC 296-62-07515 Control of chemical agents. Chemical agents shall be controlled in such a manner that the workers exposure shall not exceed the applicable limits in WAC 296-62-075 through 296-62-07515.

TABLE 1: LIMITS FOR AIR CONTAMINANTS

Substance	CAS ^b Number	Permissible Exposure Limits (PEL)						Skin Designation
		TWA		STEL ^c		CEILING		
		ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	
Abate, see Temephos	—	—	—	—	—	—	—	—
Acetaldehyde	75-07-0	100	180	150	270	—	—	—
Acetic acid	64-19-7	10	25	—	—	—	—	—
Acetic anhydride	108-24-7	—	—	—	—	5.0	20	—
Acetone	67-64-1	750	1800	1000	2400	—	—	—
Acetonitrile	75-05-8	40	70	60	105	—	—	—
2-Acetylaminofluorene (see WAC 296-62-073)	53-96-3	—	—	—	—	—	—	—
Acetylene	74-86-2	Simple	Asphyxiant	—	—	—	—	—

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Acetylene dichloride (see 1,2-Dichloroethylene)	—	—	—	—	—	—	—	—
Acetylene tetrabromide	79-27-6	1.0	14	—	—	—	—	—
Acetylsalicylic acid (Aspirin)	50-78-2	—	5.0	—	—	—	—	—
Acrolein	107-02-8	0.1	0.25	0.3	0.8	—	—	—
Acrylamide	79-06-1	—	0.03	—	—	—	—	X
Acrylic acid	79-10-7	10	30	—	—	—	—	X
Acrylonitrile (see WAC 296-62-07336(3))	107-13-1	—	—	—	—	—	—	—
Aldrin	309-00-2	—	0.25	—	—	—	—	X
Allyl alcohol	107-18-6	2.0	5.0	4.0	10	—	—	X
Allyl Chloride	107-05-1	1.0	3.0	2.0	6.0	—	—	—
Allyl glycidyl ether (AGE)	106-92-3	5.0	22	10	44	—	—	—
Allyl propyl disulfide	2179-59-1	2.0	12	3.0	18	—	—	—
alpha-Alumina (see Aluminum oxide)	1344-28-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Aluminum, metal and oxide (as Al)	7429-90-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
pyro powders	—	—	5.0	—	—	—	—	—
welding fumes ^f	—	—	5.0	—	—	—	—	—
soluble salts	—	—	2.0	—	—	—	—	—
alkyls (NOC)	—	—	2.0	—	—	—	—	—
Alundum (see Aluminum oxide)	—	—	—	—	—	—	—	—
4-Aminodiphenyl (see WAC 296-62-073)	92-67-1	—	—	—	—	—	—	—
2-Aminoethanol (see Ethanolamine)	—	—	—	—	—	—	—	—
2-Aminopyridine	504-29-0	0.5	2.0	—	—	—	—	—
Amitrole	61-82-5	—	0.2	—	—	—	—	—
Ammonia	7664-41-7	25	18	35	27	—	—	—
Ammonium chloride, fume	12125-02-9	—	10	—	20	—	—	—
Ammonium sulfamate (Ammate)	7773-06-0	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
n-Amyl acetate	628-63-7	100	525	—	—	—	—	—
sec-Amyl acetate	626-38-0	125	650	—	—	—	—	—
Aniline and homologues	62-53-3	2.0	8.0	—	—	—	—	X
Anisidine (o, p-isomers)	29191-52-4	0.1	0.5	—	—	—	—	X
Anitmony and compounds (as Sb)	7440-36-0	—	0.5	—	—	—	—	—
ANTU (alpha Naphthyl thiourea)	86-88-4	—	0.3	—	—	—	—	—
Argon	7440-37-1	Simple	Asphyxiant	—	—	—	—	—
Arsenic, Organic compounds (as As)	7440-38-2	—	0.2	—	—	—	—	—
Arsenic, Inorganic compounds (as As) (when use is covered by WAC 296-62-07347)	7440-38-2	—	0.01	—	—	—	—	—

PERMANENT

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	
Arsenic, Inorganic compounds (as As) (when use is not covered by WAC 296-62-07347)	7440-38-2	—	0.2	—	—	—	—	—
Arsine	7784-42-1	0.05	0.2	—	—	—	—	—
Asbestos (see WAC 296-62-077 through 296-62-07753)	—	—	—	—	—	—	—	—
Asphalt (Petroleum fumes)	8052-42-4	—	5.0	—	—	—	—	—
Atrazine	1912-24-9	—	5.0	—	—	—	—	—
Azinphos methyl	86-50-0	—	0.2	—	—	—	—	X
Barium, soluble compounds (as Ba)	7440-39-3	—	0.5	—	—	—	—	—
Barium Sulfate	7727-43-7	—	—	—	—	—	—	—
Total dust	—	—	10.0	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Benomyl	17804-35-2	—	—	—	—	—	—	—
Total dust	—	0.8	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Benzene (see WAC 296-62-07523) ^d	71-43-2	1.0	—	5.0	—	—	—	—
Benzidine (see WAC 296-62-073)	92-87-5	—	—	—	—	—	—	—
p-Benzoquinone (see Quinone)	—	—	—	—	—	—	—	—
Benzo(a) pyrene (see Coal tar pitch volatiles)	—	—	—	—	—	—	—	—
Benzoyl peroxide	94-36-0	—	5.0	—	—	—	—	—
Benzyl chloride	100-44-7	1.0	5.0	—	—	—	—	—
Beryllium and beryllium compounds (as Be)	7440-41-7	—	0.002	—	0.005 (30 min.)	—	0.025	—
Biphenyl (see Diphenyl)	—	—	—	—	—	—	—	—
Bismuth telluride, Undoped	1304-82-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Bismuth telluride, Se-doped	—	—	5.0	—	—	—	—	—
Borates, tetra, sodium salts	—	—	—	—	—	—	—	—
Anhydrous	1330-43-4	—	1.0	—	—	—	—	—
Decahydrate	1303-96-4	—	5.0	—	—	—	—	—
Pentahydrate	12179-04-3	—	1.0	—	—	—	—	—
Boron oxide	1303-86-2	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Boron tribromide	10294-33-4	—	—	—	—	1.0	10	—
Boron trifluoride	7637-07-2	—	—	—	—	1.0	3.0	—
Bromacil	314-40-9	1.0	10	—	—	—	—	—
Bromine	7726-95-6	0.1	0.7	0.3	2.0	—	—	—
Bromine pentafluoride	7789-30-2	0.1	0.7	—	—	—	—	—
Bromochloromethane (see Chlorobromomethane)	—	—	—	—	—	—	—	—
Bromoform	15-25-2	0.5	5.0	—	—	—	—	X
Butadiene (1,3-butadiene)	106-99-0	1	2.2	5	—	—	—	—

PERMANENT

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	
Butane	106-97-8	800	1,900	—	—	—	—	—
Butanethiol (see Butyl mercaptan)	—	—	—	—	—	—	—	—
2-Butanone (Methyl ethyl ketone)	78-93-3	200	590	300	885	—	—	—
2-Butoxy ethanol (Butyl Cellosolve)	111-76-2	25	120	—	—	—	—	X
n-Butyl acetate	123-86-4	150	710	200	950	—	—	—
sec-Butyl acetate	105-46-4	200	950	—	—	—	—	—
tert-Butyl acetate	540-88-5	200	950	—	—	—	—	—
Butyl acrylate	141-32-2	10	55	—	—	—	—	—
n-Butyl alcohol	71-36-3	—	—	—	—	50	150	X
sec-Butyl alcohol	78-92-2	100	305	—	—	—	—	—
tert-Butyl alcohol	75-65-0	100	300	150	450	—	—	—
Butylamine	109-73-9	—	—	—	—	5.0	15	X
tert-Butyl chromate (see CrO3)	1189-85-1	—	—	—	—	—	0.1	X
n-Butyl glycidyl ether (BGE)	2426-08-6	25	135	—	—	—	—	—
n-Butyl lactate	138-22-7	5.0	25	—	—	—	—	—
Butyl mercaptan	109-79-5	0.5	1.5	—	—	—	—	—
o-sec-Butylphenol	89-72-5	5.0	30	—	—	—	—	X
p-tert-Butyl-toluene	98-51-1	10	60	20	120	—	—	—
Cadmium oxide fume (as Cd) (see WAC 296-62-074)	1306-19-0	—	—	—	—	—	—	—
Cadmium dust and salts (as Cd) (see WAC 296-62-074)	7440-43-9	—	—	—	—	—	—	—
Calcium arsenate (see WAC 296-62-07347)	—	—	—	—	—	—	—	—
Calcium carbonate	1317-65-3	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Calcium cyanamide	156-62-7	—	0.5	—	—	—	—	—
Calcium hydroxide	1305-62-0	—	5.0	—	—	—	—	—
Calcium oxide	1305-78-8	—	2.0	—	—	—	—	—
Calcium silicate	1344-95-2	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Calcium sulfate	7778-18-9	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Camphor (synthetic)	76-22-2	—	2.0	—	—	—	—	—
Caprolactam	105-60-2	—	—	—	—	—	—	—
Dust	—	—	1.0	—	3.0	—	—	—
Vapor	—	5.0	20	10	40	—	—	—
Captafol (Difolatan)	2425-06-1	—	0.1	—	—	—	—	X
Captan	133-06-2	—	5.0	—	—	—	—	—
Carbaryl (Sevin)	63-25-2	—	5.0	—	—	—	—	—
Carbofuran (Furadon)	1563-66-2	—	0.1	—	—	—	—	—
Carbon black	1333-86-4	—	3.5	—	—	—	—	—
Carbon dioxide	124-38-9	5,000	9,000	30,000	54,000	—	—	—
Carbon disulfide	75-15-0	4.0	12	12	36	—	—	X
Carbon monoxide	630-08-0	35	40	—	—	200 ^j	229 ^j	—

PERMANENT

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	
Carbon tetrabromide	558-13-4	0.1	1.4	0.3	4.0	—	—	—
Carbon tetrachloride	56-23-5	2.0	12.6	—	—	—	—	X
Carbonyl chloride (see Phosgene)	—	—	—	—	—	—	—	—
Carbonyl fluoride	353-50-4	2.0	5.0	5.0	15	—	—	—
Catechol (Pyrocatechol)	120-80-9	5.0	20	—	—	—	—	X
Cellulose (paper fiber)	9004-34-6	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^t	—	—	—	—	—
Cesium hydroxide	21351-79-1	—	2.0	—	—	—	—	—
Chlordane	57-74-9	—	0.5	—	—	—	—	X
Chlorinated camphene	8001-35-2	—	0.5	—	1.0	—	—	X
Chlorinated diphenyl oxide	55720-99-5	—	0.5	—	—	—	—	—
Chlorine	7782-50-5	0.5	1.5	1.0	3.0	1.0	3.0	—
Chlorine dioxide	10049-04-4	0.1	0.3	0.3	0.9	—	—	—
Chlorine trifluoride	7790-91-2	—	—	—	—	0.1	0.4	—
Chloroacetaldehyde	107-20-0	—	—	—	—	1.0	3.0	—
a-Chloroacetophenone (Phenacyl chloride)	532-21-4	0.05	0.3	—	—	—	—	—
Chloroacetyl chloride	79-04-9	0.05	0.2	—	—	—	—	—
Chlorobenzene (Monochlorobenzene)	108-90-7	75	350	—	—	—	—	—
o-Chlorobenzylidene malononitrile (OCBM)	2698-41-1	—	—	—	—	0.05	0.4	X
Chlorobromomethane	74-97-5	200	1,050	—	—	—	—	—
2-Chloro-1, 3-butadiene (see beta-Chloroprene)	—	—	—	—	—	—	—	—
Chlorodifluoromethane	75-45-6	1,000	3,500	—	—	—	—	—
Chlorodiphenyl (42% Chlorine) (PCB)	53469-21-9	—	1.0	—	—	—	—	X
Chlorodiphenyl (54% Chlorine) (PCB)	11097-69-1	—	0.5	—	—	—	—	X
1-Chloro-2, 3-epoxypropane (see Epichlorhydrin)	—	—	—	—	—	—	—	—
2-Chloroethanol (see Ethylene chlorohydrin)	—	—	—	—	—	—	—	—
Chloroethylene (see vinyl chloride)	—	—	—	—	—	—	—	—
Chloroform (Trichloromethane)	67-66-3	2.0	9.78	—	—	—	—	—
1-Chloro-1-nitropropane	600-25-9	2.0	10	—	—	—	—	—
bis-Chloromethyl ether (see WAC 296-62-073)	542-88-1	—	—	—	—	—	—	—
Chloromethyl methyl ether (see Methyl carbomethyl ether)	107-30-2	—	—	—	—	—	—	—
Chloropentafluoroethane	76-15-3	1,000	6,320	—	—	—	—	—
Chloropicrin	76-06-2	0.1	0.7	—	—	—	—	—
beta-Chloroprene	126-99-8	10	35	—	—	—	—	X
o-Chlorostyrene	2039-87-4	50	285	75	428	—	—	—
o-Chlorotoluene	95-49-8	50	250	—	—	—	—	—
2-Chloro-6-trichloromethyl pyridine (see Nitrpyrin)	1929-82-4	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^t	—	—	—	—	—

PERMANENT

PERMANENT

Substance	CAS ^b Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Chlorpyrifos	2921-88-2	—	0.2	—	—	—	—	X
Chromic acid and chromates (as CrO3)	Varies with com- pounds	—	—	—	—	—	0.1	—
Chromium, sol, chromic, chromous salts (as Cr)	7440-47-3	—	0.5	—	—	—	—	—
Chromium (VI) compounds (as Cr)	—	—	0.05	—	—	—	—	—
Chromium Metal and insoluble salts	7440-47-3	—	0.5	—	—	—	—	—
Chromyl chloride	14977-61-8	0.025	0.15	—	—	—	—	—
Chrysene (see Coal tar pitch volatiles)	—	—	—	—	—	—	—	—
Clopidol	2971-90-6	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Coal dust (less than 5% SiO2) Respirable fraction	—	—	2.0 ⁸	—	—	—	—	—
Coal dust (greater than or equal to 5% SiO2) Respirable fraction	—	—	0.1 ⁸	—	—	—	—	—
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acri- dine, chrysene, pyrene)	65996-93-2	—	0.2	—	—	—	—	—
Cobalt, metal fume & dust (as Co)	7440-48-4	—	0.05	—	—	—	—	—
Cobalt carbonyl (as Co)	10210-68-1	—	0.1	—	—	—	—	—
Cobalt hydrocarbonyl (as Co)	16842-03-8	—	0.1	—	—	—	—	—
Coke oven emissions (see WAC 296-62-200)	—	—	—	—	—	—	—	—
Copper fume (as Cu)	7440-50-8	—	0.1	—	—	—	—	—
Dusts and mists (as Cu)	—	—	1.0	—	—	—	—	—
Cotton dust (raw) ^c	—	—	1.0	—	—	—	—	—
Corundum (see Aluminum oxide)	—	—	—	—	—	—	—	—
Crag herbicide (Sesone)	136-78-7	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Cresol (all isomers)	1319-77-3	5.0	22	—	—	—	—	X
Crotonaldehyde	123-73-9; 4170-30-3	2.0	6.0	—	—	—	—	—
Crufomate	299-86-5	—	5.0	—	—	—	—	—
Cumene	98-82-8	50	245	—	—	—	—	X
Cyanamide	420-04-2	—	2.0	—	—	—	—	—
Cyanide (as CN)	Varies with com- pound	—	5.0	—	—	—	—	X
Cyanogen	460-19-5	10	20	—	—	—	—	—
Cyanogen chloride	506-77-4	—	—	—	—	0.3	0.6	—
Cyclohexane	110-82-7	300	1,050	—	—	—	—	—
Cyclohexanol	108-93-0	50	200	—	—	—	—	X
Cyclohexanone	108-94-1	25	100	—	—	—	—	X
Cyclohexene	110-83-8	300	1,015	—	—	—	—	—
Cyclohexylamine	108-91-8	10	40	—	—	—	—	—
Cyclonite (see RDX)	121-82-4	—	1.5	—	—	—	—	X
Cyclopentadiene	542-92-7	75	200	—	—	—	—	—

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	
Cyclopentane	287-92-3	600	1,720	—	—	—	—	—
Cyhexatin	13121-70-5	—	5.0	—	—	—	—	—
2,4-D (Dichlorophenoxy- acetic acid)	94-75-7	—	10	—	—	—	—	—
DDT (Dichlorodiphenyltri- chloroethane)	50-29-3	—	1.0	—	—	—	—	X
DDVP, Dichlorvos	62-73-7	0.1	1.0	—	—	—	—	X
Decaborane	17702-41-9	0.05	0.3	0.15	0.9	—	—	X
Demeton	8065-48-3	0.01	0.1	—	—	—	—	X
Diacetone alcohol (4-hydroxy-4-methyl- 2-pentanone)	123-42-2	50	240	—	—	—	—	—
1, 2-Diaminoethane (see Ethylenediamine)	—	—	—	—	—	—	—	—
Diazinon	333-41-5	—	0.1	—	—	—	—	X
Diazomethane	334-88-3	0.2	0.4	—	—	—	—	—
Diborane	19287-45-7	0.1	0.1	—	—	—	—	—
Dibrom (see Naled)	—	—	—	—	—	—	—	—
1, 2-Dibromo-3-chloropropane (DBCP) (see WAC 296-62-07342)	96-12-8	—	—	—	—	—	—	—
2-N-Dibutylamino ethanol	102-81-8	2.0	14	—	—	—	—	X
Dibutyl phosphate	107-66-4	1.0	5.0	2.0	10	—	—	—
Dibutyl phthalate	84-74-2	—	5.0	—	—	—	—	—
Dichloroacetylene	7572-29-4	—	—	—	—	0.1	0.4	—
o-Dichlorobenzene	95-50-1	—	—	—	—	50	300	—
p-Dichlorobenzene	106-46-7	75	450	110	675	—	—	—
3, 3'-Dichlorobenzidine (see WAC 296-62-073)	91-94-1	—	—	—	—	—	—	—
Dichlorodifluoromethane	75-71-8	1,000	4,950	—	—	—	—	—
1, 3-Dichloro-5, 5-dimethyl hydantoin	118-52-5	—	0.2	—	0.4	—	—	—
1, 1-Dichloroethane	75-34-3	100	400	—	—	—	—	—
1, 2-Dichloroethane (see Ethylene dichloride)	—	—	—	—	—	—	—	—
1, 2-Dichloroethylene	540-59-0	200	790	—	—	—	—	—
1, 1-Dichloroethylene (see Vinylidene chloride)	—	—	—	—	—	—	—	—
Dichloroethyl ether	111-44-4	5.0	30	10	60	—	—	X
Dichlorofluoromethane	75-43-4	10	40	—	—	—	—	—
Dichloromethane (see Methylene chloride)	—	—	—	—	—	—	—	—
1, 1-Dichloro-1-nitroethane	594-72-9	2.0	10	10	—	—	—	—
1, 2-Dichloropropane (see Propylene dichloride)	—	—	—	—	—	—	—	—
Dichloropropene	542-75-6	1.0	5.0	—	—	—	—	X
2, 2-Dichloropropionic acid	75-99-0	1.0	6.0	—	—	—	—	—
Dichlorotetrafluoroethane	76-14-2	1,000	7,000	—	—	—	—	—
Dichlorvos (DDVP)	62-73-7	0.1	1.0	—	—	—	—	X
Dicrotophos	141-66-2	—	0.25	—	—	—	—	X
Dicyclopentadiene	77-73-6	5.0	30	—	—	—	—	—
Dicyclopentadienyl iron Total dust	102-54-5	—	10	—	—	—	—	—

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Dieldrin	60-57-1	—	0.25	—	—	—	—	X
Diethanolamine	111-42-2	3.0	15	—	—	—	—	—
Diethylamine	109-89-7	10	30	25	75	—	—	—
2-Diethylaminoethanol	100-37-8	10	50	—	—	—	—	X
Diethylene triamine	111-40-0	1.0	4.0	—	—	—	—	X
Diethyl ether (see Ethyl ether)	—	—	—	—	—	—	—	—
Diethyl ketone	96-22-0	200	705	—	—	—	—	—
Diethyl phthalate	84-66-2	—	5.0	—	—	—	—	—
Difluorodibromomethane	75-61-6	100	860	—	—	—	—	—
Diglycidyl ether (DGE)	2238-07-5	0.1	0.5	—	—	—	—	—
Dihydroxybenzene (see Hydroquinone)	—	—	—	—	—	—	—	—
Diisobutyl ketone	108-83-8	25	150	—	—	—	—	—
Diisopropylamine	108-18-9	5.0	20	—	—	—	—	X
Dimethoxymethane (see Methylal)	—	—	—	—	—	—	—	—
Dimethyl acetamide	127-19-5	10	35	—	—	—	—	X
Dimethylamine	124-40-3	10	18	—	—	—	—	—
4-Dimethylaminoazobenzene (see WAC 296-62-073)	60-11-7	—	—	—	—	—	—	—
Dimethylaminobenzene (see Xylidene)	—	—	—	—	—	—	—	—
Dimethylaniline (N, N-Dimethylaniline)	121-69-7	5.0	25	10	50	—	—	X
Dimethylbenzene (see Xylene)	—	—	—	—	—	—	—	—
Dimethyl-1, 2-dibromo-2, 2-dichloroethyl phosphate (see Naled)	300-76-5	—	3.0	— ^o	—	—	—	X
Dimethylformamide	68-12-2	10	30	—	—	—	—	X
2, 6-Dimethylheptanone (see Diisobutyl ketone)	—	—	—	—	—	—	—	—
1, 1-Dimethylhydrazine	57-14-7	0.5	1.0	—	—	—	—	X
Dimethyl phthalate	131-11-3	—	5.0	—	—	—	—	—
Dimethyl sulfate	77-78-1	0.1	0.5	—	—	—	—	X
Dinitolmide (3, 5-Dinitro-o-toluamide)	148-01-6	—	5.0	—	—	—	—	—
Dinitrobenzene (all isomers)	(alpha) 528-29-0; 0.15 (meta) 99-65-0; (para) 100-25-4	—	1.0	—	—	—	—	X
Dinitro-o-cresol	534-52-1	—	0.2	—	—	—	—	X
Dinitrotoluene	25321-14-6	—	1.5	—	—	—	—	X
Dioxane (Diethylene dioxide)	123-91-1	25	90	—	—	—	—	X
Dioxathion	78-34-2	—	0.2	—	—	—	—	X
Diphenyl (Biphenyl)	92-52-4	0.2	1.0	—	—	—	—	—
Diphenylamine	122-39-4	—	10	—	—	—	—	—
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))	—	—	—	—	—	—	—	—
Dipropylene glycol methyl ether	34590-94-8	100	600	150	900	—	—	X
Dipropyl ketone	123-19-3	50	235	—	—	—	—	—
Diquat	85-00-7	—	0.5	—	—	—	—	—
Di-sec, Octyl phthalate (Di-2-ethylhexylphthalate)	117-81-7	—	5.0	—	10	—	—	—
Disulfam	97-77-8	—	2.0	—	—	—	—	—

PERMANENT

Substance	CAS ^b Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	
Disulfoton	298-04-4	—	0.1	—	—	—	—	X
2, 6-Di-tert-butyl-p-cresol	128-37-0	—	10	—	—	—	—	—
Diuron	330-54-1	—	10	—	—	—	—	—
Divinyl benzene	1321-74-0	10	50	—	—	—	—	—
Emery	12415-34-8	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Endosulfan (Thiodan)	115-29-7	—	0.1	—	—	—	—	X
Endrin	72-20-8	—	0.1	—	—	—	—	X
Epichlorhydrin	106-89-8	2.0	8.0	—	—	—	—	X
EPN	2104-64-5	—	0.5	—	—	—	—	X
1, 2-Epoxypropane (see Propylene oxide)	—	—	—	—	—	—	—	—
2, 3-Epoxy-1-propanol (see Glycidol)	—	—	—	—	—	—	—	—
Ethane	—	Simple	Asphyxiant	—	—	—	—	—
Ethanthiol (see Ethyl mercaptan)	—	—	—	—	—	—	—	—
Ethanolamine	141-43-5	3.0	8.0	6.0	15	—	—	—
Ethion	563-12-2	—	0.4	—	—	—	—	X
2-Ethoxyethanol	110-80-5	5.0	19	—	—	—	—	X
2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	5.0	27	—	—	—	—	X
Ethyl acetate	141-78-6	400	1,400	—	—	—	—	—
Ethyl acrylate	140-88-5	5.0	20	25	100	—	—	X
Ethyl alcohol (ethanol)	64-17-5	1,000	1,900	—	—	—	—	—
Ethylamine	75-04-07	10	18	—	—	—	—	—
Ethyl amyl ketone (5-Methyl-3-hepatone)	541-85-5	25	130	—	—	—	—	—
Ethyl benzene	100-41-4	100	435	125	545	—	—	—
Ethyl bromide	74-96-4	200	890	250	1,110	—	—	—
Ethyl butyl ketone (3-Heptanone)	106-35-4	50	230	—	—	—	—	—
Ethyl chloride	75-00-3	1,000	2,600	—	—	—	—	—
Ethylene	74-85-1	Simple	Asphyxiant	—	—	—	—	—
Ethylene chlorohydrin	107-07-3	—	—	—	—	1.0	3.0	X
Ethylenediamine	107-15-3	10	25	—	—	—	—	X
Ethylene dibromide	106-93-4	0.1	—	0.5	—	—	—	—
Ethylene dichloride	107-06-2	1.0	4.0	2.0	8.0	—	—	—
Ethylene glycol	107-21-1	—	—	—	—	50	125	—
Ethylene glycol dinitrate	628-96-6	—	—	—	0.1	—	—	X
Ethylene glycol monomethyl ether acetate (Methyl cellosolve ace- tate)	—	5.0	24	—	—	—	—	X
Ethyleneimine (see WAC 296-62-073)	151-56-4	—	—	—	—	—	—	X
Ethylene oxide (see WAC 296-62-07359)	75-21-8	1.0	2.0	—	—	—	—	—
Ethyl ether	60-29-7	400	1,200	500	1,500	—	—	—
Ethyl formate	109-94-4	100	300	—	—	—	—	—
Ethylidene chloride (see 1, 1-Dichloroethane)	—	—	—	—	—	—	—	—
Ethylidene norbornene	16219-75-3	—	—	—	—	5.0	25	—

PERMANENT

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Ethyl mercaptan	75-08-1	0.5	1.0	—	—	—	—	—
n-Ethylmorpholine	100-74-3	5.0	23	—	—	—	—	X
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	—	25	130	—	—	—	—	—
Ethyl silicate	78-10-4	10	85	—	—	—	—	—
Fenamiphos	22224-92-6	—	0.1	—	—	—	—	X
Fensulfothion (Dasanit)	115-90-2	—	0.1	—	—	—	—	—
Fenthion	55-38-9	—	0.2	—	—	—	—	X
Ferbam	14484-64-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Ferrovandium dust	12604-58-9	—	1.0	—	3.0	—	—	—
Fluorides (as F)	Varies with com- pound	—	2.5	—	—	—	—	—
Fluorine	7782-41-4	0.1	0.2	—	—	—	—	—
Fluorotrichloromethane (see Trichlorofluoro methane)	75-69-4	—	—	—	—	1,000	5,600	—
Fonofos	944-22-9	—	0.1	—	—	—	—	X
Formaldehyde (see WAC 296-62-07540)	50-00-0	0.75	—	2.0	—	—	—	—
Formamide	75-12-7	20	30	30	45	—	—	—
Formic acid	64-18-6	5.0	9.0	—	—	—	—	—
Furfural	98-01-1	2.0	8.0	—	—	—	—	X
Furfuryl alcohol	98-00-0	10	40	15	60	—	—	X
Gasoline	8006-61-9	300	900	500	1,500	—	—	—
Germanium tetrahydride	7782-65-2	0.2	0.6	—	—	—	—	—
Glass, fibrous or dust	—	—	10	—	—	—	—	—
Gluteraldehyde	111-30-8	—	—	—	—	0.2	0.8	—
Glycerin mist	56-81-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Glycidol (2, 3-Epoxy-1-propanol)	556-52-5	25	75	—	—	—	—	—
Glycol monoethyl ether (see 2-Ethoxyethanol)	—	—	—	—	—	—	—	—
Grain dust (oat, wheat, barley)	—	—	10	—	—	—	—	—
Graphite, natural	7782-42-5	—	—	—	—	—	—	—
Respirable dust	—	—	2.5 ^k	—	—	—	—	—
Graphite, Synthetic	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Guthion (see Azinphosmethyl)	—	—	—	—	—	—	—	—
Gypsum	13397-24-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Hafnium	7440-58-6	—	0.5	—	—	—	—	—
Helium	—	Simple	Asphyxiant	—	—	—	—	—
Heptachlor	76-44-8	—	0.5	—	—	—	—	X
Heptane (n-heptane)	142-82-5	400	1,600	500	2,000	—	—	—
2-Heptanone (see Methyl n-amyl ketone)	—	—	—	—	—	—	—	—
3-Heptanone (see Ethyl butyl ketone)	—	—	—	—	—	—	—	—
Hexachlorobutadiene	87-68-3	0.02	0.24	—	—	—	—	X

PERMANENT

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Hexachlorocyclopentadiene	77-47-4	0.01	0.1	—	—	—	—	—
Hexachloroethane	67-72-1	1.0	10	—	—	—	—	X
Hexachloronaphthalene	1335-87-1	—	0.2	—	—	—	—	X
Hexafluoroacetone	684-16-2	0.1	0.7	—	—	—	—	X
Hexane								
n-hexane	110-54-3	50	180	—	—	—	—	—
other Isomers	Varies with com- pound	500	1,800	1,000	3,600	—	—	—
2-Hexanone (Methyl-n-butyl ketone)	591-78-6	5.0	20	—	—	—	—	—
Hexone (Methyl isobutyl ketone)	108-10-1	50	205	75	300	—	—	—
sec-Hexyl acetate	108-84-9	50	300	—	—	—	—	—
Hexylene Glycol	107-41-5	—	—	—	—	25	125	—
Hydrazine	302-01-2	0.1	0.1	—	—	—	—	X
Hydrogen	—	Simple	Asphyxiant	—	—	—	—	—
Hydrogenated terphenyls	61788-32-7	0.5	5.0	—	—	—	—	—
Hydrogen bromide	10035-10-6	—	—	—	—	3.0	10	—
Hydrogen chloride	7647-01-0	—	—	—	—	5.0	7.0	—
Hydrogen cyanide	74-90-8	—	—	4.7	5.0	—	—	X
Hydrogen fluoride	7664-39-3	—	—	—	—	3.0	2.5	—
Hydrogen peroxide	7722-84-1	1.0	1.4	—	—	—	—	—
Hydrogen selenide (as Se)	7783-07-5	0.05	0.2	—	—	—	—	—
Hydrogen Sulfide	7783-06-4	10	14	15	21	—	—	—
Hydroquinone	123-31-9	—	2.0	—	—	—	—	—
4-Hydroxy-4-methyl-2-pentanone (see Diacetone alcohol)	—	—	—	—	—	—	—	—
2-Hydroxypropyl acrylate	999-61-1	0.5	3.0	—	—	—	—	X
Indene	95-13-6	10	45	—	—	—	—	—
Indium and compounds (as In)	7440-74-6	—	0.1	—	—	—	—	—
Iodine	7553-56-2	—	—	—	—	0.1	1.0	—
Iodoform	75-47-8	0.6	10	—	—	—	—	—
Iron oxide dust and fume (as Fe)	1309-37-1							
Total particulate	—	—	5.0	—	—	—	—	—
Iron pentacarbonyl (as Fe)	13463-40-6	0.1	0.8	0.2	1.6	—	—	—
Iron salts, soluble (as Fe)	Varies with com- pound	—	1.0	—	—	—	—	—
Isoamyl acetate	123-92-2	100	525	—	—	—	—	—
Isoamyl alcohol (primary and secondary)	123-51-3	100	360	125	450	—	—	—
Isobutyl acetate	110-19-0	150	700	—	—	—	—	—
Isobutyl alcohol	78-83-1	50	150	—	—	—	—	—
Isooctyl alcohol	26952-21-6	50	270	—	—	—	—	X
Isophorone	78-59-1	4.0	23	—	—	5.0	25	—
Isophorone diisocyanate	4098-71-9	0.005	0.045	0.02	—	—	—	X
Isopropoxyethanol	109-59-1	25	105	—	—	—	—	—
Isopropyl acetate	108-21-4	250	950	310	1,185	—	—	—
Isopropyl alcohol	67-63-0	400	980	500	1,225	—	—	—
Isopropylamine	75-31-0	5.0	12	10	24	—	—	—
N-Isopropylaniline	768-52-5	2.0	10	—	—	—	—	X
Isopropyl ether	108-20-3	250	1,050	—	—	—	—	—
Isopropyl glycidyl ether (IGE)	4016-14-2	50	240	75	360	—	—	—

PERMANENT

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Kaolin								
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Ketene	463-51-4	0.5	0.9	1.5	3.0	—	—	—
Lead inorganic (as Pb) (see WAC 296-62-07521)	7439-92-1	—	0.05	—	—	—	—	—
Lead arsenate (see WAC 296-62-07347)	3687-31-8	—	0.05	—	—	—	—	—
Lead chromate	7758-97-6	—	0.05	—	—	—	—	—
Limestone	1317-65-3							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Lindane	58-89-9	—	0.5	—	—	—	—	X
Lithium hydride	7580-67-8	—	0.025	—	—	—	—	—
L.P.G. (liquified petroleum gas)	68476-85-7	1,000	1,800	—	—	—	—	—
Magnesite	546-93-0							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Magnesium oxide fume	1309-48-4							
Total particulate	—	—	10	—	—	—	—	—
Malathion	121-75-5							
Total dust	—	—	10	—	—	—	—	X
Maleic anhydride	108-31-6	0.25	1.0	—	—	—	—	—
Manganese and compound (as Mn)	7439-96-5	—	—	—	—	—	5.0	—
Manganese tetroxide and fume (as Mn)	7439-96-5	—	1.0	—	3.0	—	—	—
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	—	0.1	—	—	—	—	X
Manganese tetroxide (as Mn)	1317-35-7	—	1.0	—	—	—	—	—
Marble	1317-65-3							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Mercury (aryl and inorganic) (as Hg)	7439-97-6	—	—	—	—	—	0.1	X
Mercury (organo-alkyl compounds) (as Hg)	7439-97-6	—	0.01	—	0.03	—	—	X
Mercury (vapor) (as Hg)	7439-97-6	—	0.05	—	—	—	—	X
Mesityl oxide	141-79-7	15	60	25	100	—	—	—
Methacrylic acid	79-41-4	20	70	—	—	—	—	X
Methane	—	Simple	Asphyxiant	—	—	—	—	—
Methanethiol (see Methyl mercaptan)	—	—	—	—	—	—	—	—
Methomyl (Iannate)	16752-77-5	—	2.5	—	—	—	—	—
Methoxychlor	72-43-5							
Total dust	—	—	10	—	—	—	—	—
2-Methoxyethanol (Methyl cellosolve)	109-86-4	5.0	16	—	—	—	—	X
4-Methoxyphenol	150-76-5	—	5.0	—	—	—	—	—
Methyl acetate	79-20-9	200	610	250	760	—	—	—
Methyl acetylene (propyne)	74-99-7	1,000	1,650	—	—	—	—	—
Methyl acetylene-propadiene mixture (MAPP)	—	1,000	1,800	1,250	2,250	—	—	—
Methyl acrylate	96-33-3	10	35	—	—	—	—	X

PERMANENT

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Methylacrylonitrile	126-98-7	1.0	3.0	—	—	—	—	X
Methylal (Dimethoxy-methane)	109-87-5	1,000	3,100	—	—	—	—	—
Methyl alcohol (methanol)	67-56-1	200	260	250	325	—	—	X
Methylamine	74-89-5	10	12	—	—	—	—	—
Methyl amyl alcohol (see Methyl isobutyl carbinol)	—	—	—	—	—	—	—	—
Methyl n-amyl ketone (2-Heptanone)	110-43-0	50	235	—	—	—	—	—
N-Methyl aniline (see Monomethyl aniline)	—	—	—	—	—	—	—	—
Methyl bromide	74-83-9	5.0	20	—	—	—	—	X
Methyl butyl ketone (see 2-Hexanone)	—	—	—	—	—	—	—	—
Methyl cellosolve (see 2-Methoxyethanol)	109-86-4	5.0	16	—	—	—	—	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5.0	24	—	—	—	—	X
Methyl chloride	74-87-3	50	105	100	210	—	—	—
Methyl chloroform (1, 1, 1-trichlorethane)	71-55-6	350	1,900	450	2,450	—	—	—
Methyl chloromethyl ether (see WAC 296-62-073)	107-30-2	—	—	—	—	—	—	—
Methyl 2-cyanoacrylate	137-05-3	2.0	8.0	4.0	16	—	—	—
Methylcyclohexane	108-87-2	400	1,600	—	—	—	—	—
Methylcyclohexanol	25639-42-3	50	235	—	—	—	—	—
Methylcyclohexanone	583-60-8	50	230	75	345	—	—	X
Methylcyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	—	0.2	—	—	—	—	X
Methyl demeton	8022-00-2	—	0.5	—	—	—	—	X
Methylene bisphenyl isocyanate (MDI)	101-68-8	—	—	—	—	0.02	0.2	—
4, 4'-Methylene bis (2-chloroaniline (MBOCA)) (see WAC 296-62-073)	101-14-4	0.02	0.22	—	—	—	—	X
Methylene bis (4-cyclohexylisocyanate)	5124-30-1	—	—	—	—	0.01	0.11	—
Methylene chloride (see WAC 296-62- 07470)	75-09-2	((400)) 25	—	((500)) 125	—	—	—	—
4, 4-Methylene dianiline	101-77-9	0.1	0.8	—	—	—	—	X
Methyl ethyl ketone (MEK) (see 2-Butanone)	78-93-3	—	—	—	—	—	—	—
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	—	—	—	—	0.2	1.5	—
Methyl formate	107-31-3	100	250	150	375	—	—	—
5-Methyl-3-heptanone (see Ethyl amyl ketone)	—	—	—	—	—	—	—	—
Methyl hydrazine (see Monomethyl hydrazine)	60-34-4	—	—	—	—	0.2	0.35	X
Methyl iodide	74-88-4	2.0	10	—	—	—	—	X
Methyl isoamyl ketone	110-12-3	50	240	—	—	—	—	—
Methyl isobutyl carbinol	108-11-2	25	100	40	165	—	—	X
Methyl isobutyl ketone (see Hexone)	—	—	—	—	—	—	—	—
Methyl isocyanate	624-83-9	0.02	0.05	—	—	—	—	X
Methyl isopropyl ketone	563-80-4	200	705	—	—	—	—	—

PERMANENT

Substance	CAS ^b Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Methyl mercaptan	74-93-1	0.5	1.0	—	—	—	—	—
Methyl methacrylate	80-62-6	100	410	—	—	—	—	—
Methyl parathion	298-00-0	—	0.2	—	—	—	—	X
Methyl propyl ketone (see 2-Pentanone)	—	—	—	—	—	—	—	—
Methyl silicate	684-84-5	1.0	6.0	—	—	—	—	—
alpha-Methyl styrene	98-83-9	50	240	100	485	—	—	—
Mevinphos (see Phosdrin)	—	—	—	—	—	—	—	—
Metribuzin	21087-64-9	—	5.0	—	—	—	—	—
Mica (see Silicates)	—	—	—	—	—	—	—	—
Molybdenum (as Mo)	7439-98-7	—	—	—	—	—	—	—
Soluble compounds	—	—	5.0	—	—	—	—	—
Insoluble compounds	—	—	—	—	—	—	—	—
Total dust	—	—	—	10	—	—	—	—
Monocrotophos (Azodrin)	6923-22-4	—	0.25	—	—	—	—	—
Monomethyl aniline	100-61-8	0.5	2.0	—	—	—	—	X
Monomethyl hydrazine	—	—	—	—	—	0.2	0.35	—
Morpholine	110-91-8	20	70	30	105	—	—	X
Naled	300-76-5	—	3.0	—	—	—	—	X
Naphtha (Coal tar)	8030-30-6	100	400	—	—	—	—	X
Naphthalene	91-20-3	10	50	15	75	—	—	—
alpha-Naphthylamine (see WAC 296-62-073)	134-32-7	—	—	—	—	—	—	—
beta-Naphthylamine (see WAC 296-62-073)	91-59-8	—	—	—	—	—	—	—
Neon	7440-01-9	Simple	Asphyxiant	—	—	—	—	—
Nickel carbonyl (as Ni)	13463-39-3	0.001	0.007	—	—	—	—	—
Nickel (as Ni)	7440-02-0	—	—	—	—	—	—	—
Metal and insoluble compounds	—	—	1.0	—	—	—	—	—
Soluble compounds	—	—	0.1	—	—	—	—	—
Nicotine	54-11-5	—	0.5	—	—	—	—	X
Nitrapyrin (see 2-Chloro-6 trichloromethyl pyridine)	1929-82-4	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Nitric acid	7697-37-2	2.0	5.0	4.0	10	—	—	—
Nitric oxide	10102-43-9	25	30	—	—	—	—	—
p-Nitroaniline	100-01-6	—	3.0	—	—	—	—	X
Nitrobenzene	98-95-3	1.0	5.0	—	—	—	—	X
4-Nitrobiphenyl (see WAC 296-62-073)	92-93-3	—	—	—	—	—	—	—
p-Nitrochlorobenzene	100-00-5	—	0.5	—	—	—	—	X
4-Nitrodiphenyl (see WAC 296-62-073)	—	—	—	—	—	—	—	—
Nitroethane	79-24-3	100	310	—	—	—	—	—
Nitrogen	7727-37-9	Simple	Asphyxiant	—	—	—	—	—
Nitrogen dioxide	10102-44-0	—	—	1.0	1.8	—	—	—
Nitrogen trifluoride	7783-54-2	10	29	—	—	—	—	—
Nitroglycerin	55-63-0	—	—	—	0.1	—	—	X
Nitromethane	75-52-5	100	250	—	—	—	—	—
1-Nitropropane	108-03-2	25	90	—	—	—	—	—
2-Nitropropane	79-46-9	10	35	—	—	—	—	—

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
N-Nitrosodimethylamine (see WAC 296-62-073)	62-75-9	—	—	—	—	—	—	—
Nitrotoluene								
o-isomer	88-72-2	2.0	11	—	—	—	—	X
m-isomer	98-08-2	2.0	11	—	—	—	—	X
p-isomer	99-99-0	2.0	11	—	—	—	—	X
Nitrotirchloromethane (see Chloropicrin)	—	—	—	—	—	—	—	—
Nitrous Oxide (Nitrogen oxide)	10024-97-2	50	90	—	—	—	—	—
Nonane	111-84-2	200	1,050	—	—	—	—	—
Octachloronaphthalene	2234-13-1	—	0.1	—	0.3	—	—	X
Octane	111-65-9	300	1,450	375	1,800	—	—	—
Oil mist, mineral (particulate)	8012-95-1	—	5.0	—	—	—	—	—
Osmium tetroxide (as Os)	20816-12-0	0.0002	0.002	0.0006	0.006	—	—	—
Oxalic acid	144-62-7	—	1.0	—	2.0	—	—	—
Oxygen difluoride	7783-41-7	—	—	—	—	0.05	0.1	—
Ozone	10028-15-6	0.1	0.2	0.3	0.6	—	—	—
Paraffin wax fume	8002-74-2	—	2.0	—	—	—	—	—
Paraquat (Respirable dust)	4685-14-7	—	0.1 ^k	—	—	—	—	X
	1910-42-5	—	—	—	—	—	—	—
	2074-50-2	—	—	—	—	—	—	—
Parathion	56-38-2	—	0.1	—	—	—	—	X
Particulate polycyclic aromatic hydrocarbons (see coal tar pitch volatiles)	—	—	—	—	—	—	—	—
Particulates not otherwise regulated (see WAC 296-62-07510)								
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Pentaborane	19624-22-7	0.005	0.01	0.015	0.03	—	—	—
Pentachloronaphthalene	1321-64-8	—	0.5	—	—	—	—	X
Pentachlorophenol	87-86-5	—	0.5	—	—	—	—	X
Pentaerythritol	115-77-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Pentane	109-66-0	600	1,800	750	2,250	—	—	—
2-Pentanone (methyl propyl ketone)	107-87-9	200	700	250	875	—	—	—
Perchloroethylene (tetrachloroethylene)	127-18-4	25	170	—	—	—	—	—
Perchloromethyl mercaptan	594-42-3	0.1	0.8	—	—	—	—	—
Perchloryl fluoride	7616-94-6	3.0	14	6.0	28	—	—	—
Perlite								
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Petroleum distillates (Naptha) (Rubber Solvent)	—	100	400	—	—	—	—	—
Phenol	108-95-2	5.0	19	—	—	—	—	X
Phenothiazine	92-84-2	—	5.0	—	—	—	—	X
p-Phenylene diamine	106-50-3	—	0.1	—	—	—	—	X
Phenyl ether (vapor)	101-84-8	1.0	7.0	—	—	—	—	—

PERMANENT

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Phenyl ether-diphenyl mixture (vapor)	—	1.0	7.0	—	—	—	—	—
Phenylethylene (see Styrene)	—	—	—	—	—	—	—	—
Phenyl glycidyl ether (PGE)	122-60-1	1.0	6.0	—	—	—	—	—
Phenylhydrazine	100-63-0	5.0	20	10	45	—	—	X
Phenyl mercaptan	108-98-5	0.5	2.0	—	—	—	—	—
Phenylphosphine	638-21-1	—	—	—	—	0.05	0.25	—
Phorate	298-02-2	—	0.05	—	0.2	—	—	X
Phosdrin (Mevinphos)	7786-34-7	0.01	0.1	0.03	0.3	—	—	X
Phosgene (carbonyl chloride)	75-44-5	0.1	0.4	—	—	—	—	—
Phosphine	7803-51-2	0.3	0.4	1.0	1.0	—	—	—
Phosphoric acid	7664-38-2	—	1.0	—	3.0	—	—	—
Phosphorus (yellow)	7723-14-0	—	0.1	—	—	—	—	—
Phosphorous oxychloride	10025-87-3	0.1	0.6	—	—	—	—	—
Phosphorus pentachloride	10026-13-8	0.1	1.0	—	—	—	—	—
Phosphorus pentasulfide	1314-80-3	—	1.0	—	3.0	—	—	—
Phosphorus trichloride	7719-12-2	0.2	1.5	0.5	3.0	—	—	—
Phthalic anhydride	85-44-9	1.0	6.0	—	—	—	—	—
m-Phthalodinitrile	626-17-5	—	5.0	—	—	—	—	—
Picloram	1918-02-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Picric acid	88-89-1	—	0.1	—	—	—	—	X
Pindone (2-Pivalyl-1, 3-indandione)	83-26-1	—	0.1	—	—	—	—	—
Piperazine dihydrochloride	142-64-3	—	5.0	—	—	—	—	—
Pival (see Pindone)	—	—	—	—	—	—	—	—
Plaster of Paris	26499-65-0	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Platinum (as Pt)	7440-06-4	—	—	—	—	—	—	—
Metal	—	—	1.0	—	—	—	—	—
Soluble salts	—	—	0.002	—	—	—	—	—
Polychlorobiphenyls (see Chlorodiphenyls)	—	—	—	—	—	—	—	—
Portland cement	65997-15-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Potassium hydroxide	1310-58-3	—	—	—	—	—	2.0	—
Propane	74-98-6	1,000	1,800	—	—	—	—	—
Propargyl alcohol	107-19-7	1.0	2.0	—	—	—	—	X
beta-Propiolactone (see WAC 296-62-073)	57-57-8	—	—	—	—	—	—	—
Propionic acid	79-09-4	10	30	—	—	—	—	—
Propoxur (Baygon)	114-26-1	—	0.5	—	—	—	—	—
n-Propyl acetate	109-60-4	200	840	250	1,050	—	—	—
n-Propyl alcohol	71-23-8	200	500	250	625	—	—	X
n-Propyl nitrate	627-13-4	25	105	40	170	—	—	—
Propylene	—	Simple	Asphyxiant	—	—	—	—	—
Propylene dichloride (1, 2-Dichloropropane)	78-87-5	75	350	110	510	—	—	—
Propylene glycol dinitrate	6423-43-4	0.05	0.3	—	—	—	—	X

PERMANENT

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Propylene glycol monomethyl ether	107-98-2	100	360	150	540	—	—	—
Propylene imine	75-55-8	2.0	5.0	—	—	—	—	X
Propylene oxide	75-56-9	20	50	—	—	—	—	—
Propyne (see Methyl acetylene)	—	—	—	—	—	—	—	—
Pyrethrum	8003-34-7	—	5.0	—	—	—	—	—
Pyridine	110-86-1	5.0	15	—	—	—	—	—
Quinone	106-51-4	0.1	0.4	—	—	—	—	—
RDX (see Cyclonite)	—	—	1.5	—	—	—	—	X
Resorcinol	108-46-3	10	45	20	90	—	—	—
Rhodium (as Rh)	7440-16-6	—	—	—	—	—	—	—
Insoluble compounds, Metal fumes and dusts	—	—	—	0.1	—	—	—	—
Soluble compounds, salts	—	—	0.001	—	—	—	—	—
Ronnel	299-84-3	—	10	—	—	—	—	—
Rosin core solder, pyrolysis products (as formaldehyde)	—	—	0.1	—	—	—	—	—
Rotenone	83-79-4	—	5.0	—	—	—	—	—
Rouge	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Rubber solvent (naphtha)	8002-05-9	100	400	—	—	—	—	—
Selenium compounds (as Se)	7782-49-2	—	0.2	—	—	—	—	—
Selenium hexafluoride (as Se)	7783-79-1	0.05	0.2	—	—	—	—	—
Sesone (see Crag herbicide)	—	—	—	—	—	—	—	—
Silane (see Silicon tetrahydride)	—	—	—	—	—	—	—	—
Silica, amorphous, precipitated and gel	112926-00-8	—	6.0	—	—	—	—	—
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	—	—	—	—	—	—	—
Total dust	—	—	6.0	—	—	—	—	—
Respirable fraction	—	—	3.0 ^k	—	—	—	—	—
Silica, crystalline cristobalite, respirable dust	14464-46-1	—	0.05 ^k	—	—	—	—	—
Silica, crystalline quartz, respirable dust	14808-60-7	—	0.1 ^k	—	—	—	—	—
Silica, crystalline tripoli (as quartz), respirable dust	1317-95-9	—	0.1 ^k	—	—	—	—	—
Silica, crystalline tridymite, respirable dust	15468-32-3	—	0.05 ^k	—	—	—	—	—
Silica, fused, respirable dust	60676-86-0	—	0.1 ^k	—	—	—	—	—
Silicates (less than 1% crystalline silica)	—	—	—	—	—	—	—	—
Mica (Respirable dust)	12001-26-2	—	3.0 ^k	—	—	—	—	—
Soapstone, Total dust	—	—	6.0	—	—	—	—	—
Soapstone, Respirable dust	—	—	3.0 ^k	—	—	—	—	—
Talc (containing asbestos): use asbestos limit (see WAC 296-62-07705)	—	—	—	—	—	—	—	—
Talc (containing no asbestos), Respirable dust	14807-96-6	—	2.0 ^k	—	—	—	—	—

PERMANENT

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Tremolite (see WAC 296-62-07705)	—	—	—	—	—	—	—	—
Silicon	7440-21-3	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Silicon Carbide	409-21-2	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Silicon tetrahydride	7803-62-5	5.0	7.0	—	—	—	—	—
Silver, metal dust and soluble compounds (as Ag)	7440-22-4	—	0.01	—	—	—	—	—
Soapstone (see Silicates)	—	—	—	—	—	—	—	—
Sodium azide	26628-22-8	—	—	—	—	0.1	0.3	X
(as HN3)	—	—	—	—	—	0.1	0.3	X
(as NaN3)	—	—	—	—	—	—	—	—
Sodium bisulfite	7631-90-5	—	5.0	—	—	—	—	—
Sodium-2, 4-dichlorophenoxyethyl sulfate (see Crag herbicide)	—	—	—	—	—	—	—	—
Sodium fluoroacetate	62-74-8	—	0.05	—	0.15	—	—	X
Sodium hydroxide	1310-73-2	—	—	—	—	—	2.0	—
Sodium metabisulfite	7681-57-4	—	5.0	—	—	—	—	—
Starch	9005-25-8	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Stibine	7803-52-3	0.1	0.5	—	—	—	—	—
Stoddard solvent	8052-41-3	100	525	—	—	—	—	—
Strychnine	57-24-9	—	0.15	—	—	—	—	—
Styrene	100-42-5	50	215	100	425	—	—	—
Subtilisins	9014-01-1	—	—	—	0.00006 (60min.) ^l	—	—	—
Sucrose	57-50-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Sulfotep (see TEDP)	—	—	—	—	—	—	—	X
Sulfur dioxide	7446-09-5	2.0	5.0	5.0	13	—	—	—
Sulfur hexafluoride	2551-62-4	1,000	6,000	—	—	—	—	—
Sulfuric acid	7664-93-9	—	1.0	—	—	—	—	—
Sulfur monochloride	10025-67-9	—	—	—	—	1.0	6.0	—
Sulfur pentafluoride	5714-22-1	—	—	—	—	0.01	0.1	—
Sulfur tetrafluoride	7783-60-0	—	—	—	—	0.1	0.4	—
Sulfuryl fluoride	2699-79-8	5.0	20	10	40	—	—	—
Sulprofos	35400-43-2	—	1.0	—	—	—	—	—
Systox (see Demeton)	—	—	—	—	—	—	—	—
2, 4, 5-T	93-76-5	—	10	—	—	—	—	—
Talc (see Silicates)	—	—	—	—	—	—	—	—
Tantalum	7440-25-7	—	5.0	—	—	—	—	—
Metal and oxide dusts	—	—	—	—	—	—	—	—
TEDP (Sulfotep)	3689-24-5	—	0.2	—	—	—	—	X
Tellurium and compounds (as Te)	13494-80-9	—	0.1	—	—	—	—	—
Tellurium hexafluoride (as Te)	7783-80-4	0.02	0.2	—	—	—	—	—

PERMANENT

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Temephos	3383-96-8							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
TEPP	107-49-3	0.004	0.05	—	—	—	—	X
Terphenyls	26140-60-3	—	—	—	—	0.5	5.0	—
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500	4,170	—	—	—	—	—
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500	4,170	—	—	—	—	—
1, 1, 2, 2-Tetrachloroethane	79-34-5	1.0	7.0	—	—	—	—	X
Tetrachloroethylene (see Perchloroethylene)	—	—	—	—	—	—	—	—
Tetrachloromethane (see Carbon tetrachloride)	—	—	—	—	—	—	—	—
Tetrachloronaphthalene	1335-88-2	—	2.0	—	—	—	—	X
Tetraethyl lead (as Pb)	78-00-2	—	0.075	—	—	—	—	X
Tetrahydrofuan	109-99-9	200	590	250	735	—	—	—
Tetramethyl lead (as Pb)	75-74-1	—	0.075	—	—	—	—	X
Tetramethyl succinonitrile	3333-52-6	0.5	3.0	—	—	—	—	X
Tetranitromethane	509-14-8	1.0	8.0	—	—	—	—	—
Tetrasodium pyrophosphate	7722-88-5	—	5.0	—	—	—	—	—
Tetryl (2, 4, 6-trinitrophenyl-methylnitramine)	479-45-8	—	1.5	—	—	—	—	X
Thallium (soluble compounds) (as Tl)	7440-28-0	—	0.1	—	—	—	—	X
4, 4-Thiobis (6-tert-butyl-m-cresol)	96-69-5							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Thioglycolic acid	68-11-1	1.0	4.0	—	—	—	—	X
Thionyl chloride	7719-09-7	—	—	—	—	1.0	5.0	—
Thiram (see WAC 296-62-07519)	137-26-8	—	5.0	—	—	—	—	—
Tin (as Sn) Inorganic compounds (except oxides)	7440-31-5	—	2.0	—	—	—	—	—
Tin, Organic compounds (as Sn)	7440-31-5	—	0.1	—	—	—	—	X
Tin Oxide (as Sn)	21651-19-4	—	2.0	—	—	—	—	—
Titanium dioxide Total dust	13463-67-7	—	10	—	—	—	—	—
Toulene	108-88-3	100	375	150	560	—	—	—
Toluene-2, 4-diisocyanate (TDI)	584-84-9	0.005	0.04	0.02	0.15	—	—	—
m-Toluidine	108-44-1	2.0	9.0	—	—	—	—	X
o-Toluidine	95-53-4	2.0	9.0	—	—	—	—	X
p-Toluidine	106-49-0	2.0	9.0	—	—	—	—	X
Toxaphene (see Chlorinated camphene)	—	—	—	—	—	—	—	—
Tremolite (see Silicates)	—	—	—	—	—	—	—	—
Tributyl phosphate	126-73-8	0.2	2.5	—	—	—	—	—
Trichloroacetic acid	76-03-9	1.0	7.0	—	—	—	—	—
1, 2, 4-Trichlorobenzene	120-82-1	—	—	—	—	5.0	40	—
1, 1, 1-Trichloroethane (see Methyl chloroform)	—	—	—	—	—	—	—	—
1, 1, 2-Trichloroethane	79-00-5	10	45	—	—	—	—	—

PERMANENT

Substance	CAS ^b Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Trichloroethylene	79-01-6	50	270	200	1,080	—	—	—
Trichlorofluoromethane	75-69-4	—	—	—	—	1,000	5,600	—
Trichloromethane (see Chloroform)	—	—	—	—	—	—	—	—
Trichloronaphthalene	1321-65-9	—	5.0	—	—	—	—	X
1, 2, 3-Trichloropropane	96-18-4	10	60	—	—	—	—	X
1, 1, 2-Trichloro-1, 2, 2-trifluoroethane	76-13-1	1,000	7,600	1,250	9,500	—	—	—
Tricyclohexyltin hydroxide (see Cyhexatin)	—	—	—	—	—	—	—	—
Triethylamine	121-44-8	10	40	15	60	—	—	—
Trifluorobromomethane	75-63-8	1,000	6,100	—	—	—	—	—
Trimellitic anhydride	552-30-7	0.005	0.04	—	—	—	—	—
Trimethylamine	75-50-3	10	24	15	36	—	—	—
Trimethyl benzene	25551-13-7	25	125	—	—	—	—	—
Trimethyl phosphite	121-45-9	2.0	10	—	—	—	—	—
2, 4, 6-Trinitrophenol (see Picric acid)	—	—	—	—	—	—	—	—
2, 4, 6-Trinitrophenyl- methylnitramine (see Tetryl)	—	—	—	—	—	—	—	—
2, 4, 6-Trinitrotoluene (TNT)	118-96-7	—	0.5	—	—	—	—	X
Triorthocresyl phosphate	78-30-8	—	0.1	—	—	—	—	X
Triphenyl amine	603-34-9	—	5.0	—	—	—	—	—
Triphenyl phosphate	115-86-6	—	3.0	—	—	—	—	—
Tungsten (as W)	7440-33-7	—	—	—	—	—	—	—
Soluble compounds	—	—	1.0	—	3.0	—	—	—
Insoluble compounds	—	—	5.0	—	10	—	—	—
Turpentine	8006-64-2	100	560	—	—	—	—	—
Uranium (as U)	7440-61-1	—	—	—	—	—	—	—
Soluble compounds	—	—	0.05	—	—	—	—	—
Insoluble compounds	—	—	0.2	—	0.6	—	—	—
n-Valeraldehyde	110-62-3	50	175	—	—	—	—	—
Vanadium (as V2O5)	1314-62-1	—	0.05	—	—	—	—	—
Respirable dust and fume	—	—	—	—	—	—	—	—
Vegetable oil mist	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^a	—	—	—	—	—
Vinyl acetate	108-05-1	10	30	20	60	—	—	—
Vinyl benzene (see Styrene)	—	—	—	—	—	—	—	—
Vinyl bromide	593-60-2	5.0	20	—	—	—	—	—
Vinyl chloride (see WAC 296-62-07329)	75-01-4	—	—	—	—	—	—	—
Vinyl cyanide (see Acrylonitrile)	—	—	—	—	—	—	—	—
Vinyl cyclohexene dioxide	106-87-6	10	60	—	—	—	—	X
Vinyl toluene	25013-15-4	50	240	—	—	—	—	—
Vinylidene chloride (1, 1-Dichloroethylene)	75-35-4	1.0	4.0	—	—	—	—	—
VM & P Naphtha	8032-32-4	300	1,350	400	1,800	—	—	—
Warfarin	81-81-2	—	0.1	—	—	—	—	—
Welding fumes ^f (total particulate)	—	—	5.0	—	—	—	—	—

Substance	CAS ^b Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	
Wood dust								
Nonallergenic; All soft woods and hard woods except allergenics	—	—	5.0	—	10	—	—	—
Allergenics; (e.g. cedar, mahogany and teak)	—	—	2.5	—	—	—	—	—
Xylenes (Xylol) (o-, m-, p-isomers)	1330-20-7	100	435	150	655	—	—	—
m-Xylene alpha, alpha-diamine	1477-55-0	—	—	—	—	—	0.1	X
Xylidine	1300-73-8	2.0	10	—	—	—	—	X
Yttrium	7440-65-5	—	1.0	—	—	—	—	—
Zinc chloride fume	7646-85-7	—	1.0	—	2.0	—	—	—
Zinc chromate (as CrO3)	Varies with com- pound	—	0.05	—	—	—	0.1	—
Zinc oxide	1314-13-2							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Zinc oxide fume	1314-13-2	—	5.0	—	10	—	—	—
Zinc stearate	557-05-1							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Zirconium compounds (as Zr)	7440-67-2	—	5.0	—	10	—	—	—

- Notes:
- a Parts of vapor or gas per million parts of contaminated air by volume at 25 degrees C and 760 mm Hg pressure (torr).
 - b Milligrams of substance per cubic meter of air. When a numerical entry for a substance is in the mg/m³ column and not in the ppm column, then the number in the mg/m³ column is exact. When numerical entries for a substance are in both the ppm and mg/m³ columns, then the number in the ppm column is exact and the number in the mg/m³ column may be rounded off.
 - c Duration is for 15 minutes, unless otherwise noted.
 - d The final benzene standard in WAC 296-62-07523 applies to all occupational exposures to benzene except some sub-segments of industry where exposures are consistently under the action level (i.e., distribution and sale of fuels, sealed containers and pipelines, coke production, oil and gas drilling and production, natural gas processing, and the percentage exclusion for liquid mixtures).
 - e This 8-hour TWA applies to respirable dust as measured by a vertical elutriator cotton dust sampler or equivalent instrument. The time-weighted average applies to the cotton waste processing operations of waste recycling (sorting, blending, cleaning, and willowing) and garretting. See also WAC 296-62-14533 for cotton dust limits applicable to other sectors.
 - f As determined from breathing-zone air samples.
 - g Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit_density_sphere)	Percent_passing_selector
1	97
2	91
3	74
4	50

5	30
6	17
7	9
8	5
10	1

- h The CAS number is for information only. Enforcement is based on the substance name. For an entry covering more than one metal compound measured as the metal, the CAS number for the metal is given — not CAS numbers for the individual compound s.
- i Compliance with the subtilisins PEL is assessed by sampling with a high volume sampler (600-800 liters per minute) for at least 60 minutes.
- j Sampling for the carbon monoxide ceiling shall be averaged over 5 minutes but an instantaneous reading over 1500 ppm shall not be exceeded.
- k The concentration of respirable particulate for the application of this limit is determined from the fraction passing a size-selector with the following characteristics.

Aerodynamic diameter (unit density sphere)	Percent passing selector
1	97
2	91
3	74
4	50
5	30
6	17
7	9
8	5
10	1

PERMANENT

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.

AMENDATORY SECTION (Amending WSR 99-17-026, filed 8/10/99, effective 11/10/99)

WAC 296-62-07709 Exposure assessment and monitoring. (1) General monitoring criteria.

(a) Each employer who has a workplace or work operation where exposure monitoring is required under this part must perform monitoring to determine accurately the airborne concentrations of asbestos to which employees may be exposed.

(b) Determinations of employee exposure must be made from breathing zone air samples that are representative of the eight-hour TWA and thirty minute short-term exposures of each employee.

(c) Representative eight-hour TWA employee exposures must be determined on the basis of one or more samples representing full-shift exposure for each shift for each employee in each job classification in each work area.

(d) Representative thirty minute short-term employee exposures must be determined on the basis of one or more samples representing thirty minute exposures associated with operations that are most likely to produce exposures above the excursion limit for each shift for each job classification in each work area.

(2) Exposure monitoring requirements for all occupational exposures to asbestos in all industries covered by the Washington Industrial Safety and Health Act except construction work, as defined in WAC 296-155-012, and except ship repairing, shipbuilding and shipbreaking employments and related employments as defined in WAC 296-304-01001.

(a) Initial monitoring.

(i) Each employer who has a workplace or work operation covered by this standard, except as provided for in (a)(ii) and (iii) of this subsection, must perform initial monitoring of employees who are, or may reasonably be expected to be exposed to airborne concentrations at or above the TWA permissible exposure limit and/or excursion limit. The initial monitoring must be at the initiation of each asbestos job to accurately determine the airborne concentration of asbestos to which employees may be exposed.

(ii) Where the employer or his/her representative has monitored after March 31, 1992, for the TWA permissible exposure limit and/or excursion limit, and the monitoring satisfies all other requirements of this section, and the monitoring data was obtained during work operations conducted under workplace conditions closely resembling the processes, type of material including percentage of asbestos, control methods, work practices, and environmental conditions used and prevailing in the employer's current operations, the employer may rely on such earlier monitoring results to satisfy the requirements of (a)(i) of this subsection.

(iii) Where the employer has relied upon objective data that demonstrates that asbestos is not capable of being released in airborne concentrations at or above the TWA permissible exposure limit and/or excursion limit under those work conditions of processing, use, or handling expected to

have the greatest potential for releasing asbestos, then no initial monitoring is required.

(b) Monitoring frequency (periodic monitoring) and patterns. After the initial determinations required by subsection (2)(a)(i) of this section, samples must be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the employees. Sampling must not be at intervals greater than six months for employees whose exposures may reasonably be foreseen to exceed the TWA permissible exposure limit and/or excursion limit.

(c) Daily monitoring within regulated areas: The employer must conduct daily monitoring that is representative of the exposure of each employee who is assigned to work within a regulated area. Exception: When all employees within a regulated area are equipped with full facepiece supplied-air respirators operated in the pressure-demand mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a HEPA filter, the employer may dispense with the daily monitoring required by this subsection.

(d) Changes in monitoring frequency. If either the initial or the periodic monitoring required by subsection (2)(a) and (b) of this section statistically indicates that employee exposures are below the TWA permissible exposure limit and/or excursion limit, the employer may discontinue the monitoring for those employees whose exposures are represented by such monitoring.

(e) Additional monitoring. Notwithstanding the provisions of subsection (2)(a)(ii) and (c) of this section, the employer must institute the exposure monitoring required under subsection (2)(a)(i) and (ii) of this section whenever there has been a change in the production, process, control equipment, personnel, or work practices that may result in new or additional exposures above the TWA permissible exposure limit and/or excursion limit, or when the employer has any reason to suspect that a change may result in new or additional exposures above the TWA permissible exposure limit and/or excursion limit.

(3) Exposure assessment monitoring requirements for all construction work as defined in WAC 296-155-012 and for all ship repairing, shipbuilding and shipbreaking employments and related employments as defined in WAC 296-304-01001.

(a) Initial exposure assessment.

(i) Each employer who has a workplace or work operation covered by this standard must ensure that a "competent person" conducts an exposure assessment immediately before or at the initiation of the operation to ascertain expected exposures during that operation or workplace. The assessment must be completed in time to comply with the requirements which are triggered by exposure data or lack of a "negative exposure assessment," and to provide information necessary to assure that all control systems planned are appropriate for that operation and will work properly.

(ii) Basis of initial exposure assessment: Unless a negative exposure assessment has been made according to (b) of this subsection, the initial exposure assessment must, if feasible, be based on monitoring conducted according to (b) of this subsection. The assessment must take into consideration both the monitoring results and all observations, information

or calculations which indicate employee exposure to asbestos, including any previous monitoring conducted in the workplace, or of the operations of the employer which indicate the levels of airborne asbestos likely to be encountered on the job. For Class I asbestos work, until the employer conducts exposure monitoring and documents that employees on that job will not be exposed in excess of the PELs, or otherwise makes a negative exposure assessment according to (b) of this subsection, the employer must presume that employees are exposed in excess of the TWA and excursion limit.

(b) Negative exposure assessment: For any one specific asbestos job which will be performed by employees who have been trained in compliance with the standard, the employer may demonstrate that employee exposures will be below the PELs by data which conform to the following criteria:

(i) Objective data demonstrating that the products or material containing asbestos minerals or the activity involving such product or material cannot release airborne fibers in concentrations exceeding the TWA and excursion limit under those work conditions having the greatest potential for releasing asbestos; or

(ii) Where the employer has monitored prior asbestos jobs for the PEL and the excursion limit within 12 months of the current or projected job, the monitoring and analysis were performed in compliance with the asbestos standard in effect; and the data was obtained during work operations conducted under workplace conditions "closely resembling" the processes, type of material including percentage of asbestos, control methods, work practices, and environmental conditions used and prevailing in the employer's current operations, the operations were conducted by employees whose training and experience are no more extensive than that of employees performing the current job, and these data show that under the conditions prevailing and which will prevail in the current workplace there is a high degree of certainty that employee exposures will not exceed the TWA or excursion limit; or

(iii) The results of initial exposure monitoring of the current job made from breathing zone samples that are representative of the 8-hour TWA and 30-minute short-term exposures of each employee covering operations which are most likely during the performance of the entire asbestos job to result in exposures over the PELs.

(c) Periodic monitoring.

(i) Class I and Class II operations. The employer must conduct daily monitoring that is representative of the exposure of each employee who is assigned to work within a regulated area who is performing Class I or II work, unless the employer according to (b) of this subsection, has made a negative exposure assessment for the entire operation.

(ii) All operations under the standard other than Class I and II operations. The employer must conduct periodic monitoring of all work where exposures are expected to exceed a PEL, at intervals sufficient to document the validity of the exposure prediction.

(iii) Exception. When all employees required to be monitored daily are equipped with supplied-air respirators operated in the pressure demand mode, the employer may dispense with the daily monitoring required by subsection (2)(c)

of this section. However, employees performing Class I work using a control method which is not listed in WAC 296-62-07712 or using a modification of a listed control method, must continue to be monitored daily even if they are equipped with supplied-air respirators.

(d) Termination of monitoring. If the periodic monitoring required by (c) of this subsection reveals that employee exposures, as indicated by statistically reliable measurements, are below the permissible exposure limit and excursion limit the employer may discontinue monitoring for those employees whose exposures are represented by such monitoring.

(e) Monitoring outside negative-pressure enclosures: The employer must conduct representative area monitoring of the airborne fiber levels at least every other day at the HEPA machine exhaust and entrance to the decontamination area.

(f) Additional monitoring. Notwithstanding the provisions of (b), (c), and (d) of this subsection, the employer must institute the exposure monitoring required under (c) of this subsection whenever there has been a change in process, control equipment, personnel or work practices that may result in new or additional exposures above the permissible exposure limit and/or excursion limit or when the employer has any reason to suspect that a change may result in new or additional exposures above the permissible exposure limit and/or excursion limit. Such additional monitoring is required regardless of whether a "negative exposure assessment" was previously produced for a specific job.

(g) Preabatement monitoring. Prior to the start of asbestos work, representative area air monitoring must be conducted for comparison to clearance monitoring as required by ~~((WAC 296-62-07709 (3)(g)))~~ subsection (3)(h) of this section. Preabatement air monitoring is not required for outdoor work ~~((see WAC 296-62-07712 (5)(e)))~~.

(h) Clearance monitoring. Representative area air monitoring must be taken at the completion of the asbestos work. Air sample results must be obtained before removal or reoccupancy of the regulated area. Clearance air monitoring is not required for outdoor asbestos work. The employer must demonstrate by monitoring that the airborne concentration is below:

• The permissible exposure limit; or

• At or below the airborne fiber level existing prior to the start of the asbestos work, whichever level is lower.

(4) Method of monitoring.

(a) All samples taken to satisfy the employee exposure monitoring requirements of this section must be personal samples collected following the procedures specified in WAC 296-62-07735, Appendix A.

(b) Monitoring must be performed by persons having a thorough understanding of monitoring principles and procedures and who can demonstrate proficiency in sampling techniques.

(c) All samples taken to satisfy the monitoring requirements of this section must be evaluated using the WISHA reference method specified in WAC 296-62-07735, Appendix A, or an equivalent counting method recognized by the department.

(d) If an equivalent method to the WISHA reference method is used, the employer must ensure that the method meets the following criteria:

(i) Replicate exposure data used to establish equivalency are collected in side-by-side field and laboratory comparisons; and

(ii) The comparison indicates that ninety percent of the samples collected in the range 0.5 to 2.0 times the permissible limit have an accuracy range of plus or minus twenty-five percent of the WISHA reference method results at a ninety-five percent confidence level as demonstrated by a statistically valid protocol; and

(iii) The equivalent method is documented and the results of the comparison testing are maintained.

(e) To satisfy the monitoring requirements of this section, employers must use the results of monitoring analysis performed by laboratories which have instituted quality assurance programs that include the elements as prescribed in WAC 296-62-07735, Appendix A.

(5) Employee notification of monitoring results.

(a) The employer must, as soon as possible but no later than within fifteen working days after the receipt of the results of any monitoring performed under the standard, notify the affected employees of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(b) The written notification required by (a) of this subsection must contain the corrective action being taken by the employer to reduce employee exposure to or below the TWA and/or excursion exposure limits, wherever monitoring results indicated that the TWA and/or excursion exposure limits had been exceeded.

(6) Observation of monitoring.

(a) The employer must provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to asbestos conducted in accordance with this section.

(b) When observation of the monitoring of employee exposure to asbestos requires entry into an area where the use of protective clothing or equipment is required, the observer must be provided with and be required to use such clothing and equipment and shall comply with all other applicable safety and health procedures.

AMENDATORY SECTION (Amending WSR 99-17-026, filed 8/10/99, effective 11/10/99)

WAC 296-62-07713 Methods of compliance for asbestos activities in general industry. (1) Engineering controls and work practices.

(a) The employer must 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 must use them to reduce employee exposure to the lowest levels achievable by these controls and must 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 must use them to reduce employee exposure to or below 0.5 fiber per cubic centimeter of air (as an eight-hour time-weighted average) or 2.5 fibers per cubic centimeter of air for 30 minutes (short-term exposure), and must 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 HEPA ventilation and dust collection systems must 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, must 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 must not be used for work related to asbestos.

(f) Wet methods. Asbestos must 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) Particular products and operations. When asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos is removed from bags, cartons, or other containers in which they are shipped, it must be either wetted,

enclosed, or ventilated so as to prevent effectively the release of airborne fibers of asbestos.

(h) Compressed air. Compressed air must 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 effectively capture the dust cloud created by the compressed air.

(2) ~~((Clean-up.~~

~~(a) After completion of asbestos work, all surfaces in and around the work area must be cleared of asbestos debris.~~

~~(b) Encapsulant must be applied to all areas where asbestos has been removed to ensure binding of any remaining fibers.~~

~~(c) The employer must demonstrate by monitoring that the airborne fiber concentration is below:~~

~~• The permissible exposure limits; or~~

~~• At or below the airborne fiber level existing prior to the start of the asbestos work; whichever level is lower.~~

~~(3)) Compliance program.~~

(a) Where either the time weighted average and/or excursion limit is exceeded, the employer must 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 must be reviewed and updated as necessary to reflect significant changes in the status of the employer's compliance program.

(c) Written programs must be submitted upon request for examination and copying to the director, affected employees and designated employee representatives.

(d) The employer must not use employee rotation as a means of compliance with the permissible exposure limits specified in WAC 296-62-07705.

~~((4))~~ (3) Specific compliance methods for brake and clutch repair:

(a) Engineering controls and work practices for brake and clutch repair and service. During automotive brake and clutch inspection, disassembly, repair and assembly operations, the employer must institute engineering controls and work practices to reduce employee exposure to materials containing asbestos using a negative pressure enclosure/HEPA vacuum system method or low pressure/wet cleaning method which meets the detailed requirements ~~((set-out))~~ in WAC 296-62-07745, Appendix F ((to this section)). The employer may also comply using an equivalent method which follows written procedures which the employer demonstrates can achieve results equivalent to Method ~~((A-in))~~ (1) Negative pressure enclosure/HEPA vacuum system method in WAC 296-62-07745, Appendix F ((to this section)). For facilities in which no more than 5 pair of brakes or 5 clutches are inspected, disassembled, repaired, or assembled per week, ~~((the method set forth in))~~ (4) Wet method in WAC 296-62-07745, Appendix F ((to this section)) may be used instead of Method (1).

(b) The employer may also comply by using an equivalent method which follows written procedures, which the employer demonstrates can achieve equivalent exposure reductions as do the two "preferred methods." Such demon-

stration must include monitoring data conducted under workplace conditions closely resembling the process, type of asbestos containing materials, control method, work practices and environmental conditions which the equivalent method will be used, or objective data, which document that under all reasonably foreseeable conditions of brake and clutch repair applications, the method results in exposure which are equivalent to the methods ~~((set-out))~~ in WAC 296-62-07745, Appendix F ((to this section)).

AMENDATORY SECTION (Amending WSR 99-17-026, filed 8/10/99, effective 11/10/99)

WAC 296-62-07722 Employee information and training. (1) Certification.

(a) Only certified asbestos workers may work on an asbestos project as required in WAC 296-65-010 and 296-65-030.

(b) Only certified asbestos supervisors may supervise asbestos abatement projects as required in WAC 296-65-012 and 296-65-030.

(c) In cases where certification requirements of chapter 296-65 WAC do not apply, all employees must be trained according to the provisions of this section regardless of their exposure levels.

(d) Certification is not required for asbestos work on materials containing less than one percent asbestos.

(2) Training must be provided prior to or at the time of initial assignment, unless the employee has received equivalent training within the previous twelve months, and at least annually thereafter.

(3) Asbestos projects.

(a) Class I ~~((and Class II))~~ work must be considered an asbestos project. Only certified asbestos workers may do this work.

(b) Only certified workers may conduct Class II asbestos work that is considered an asbestos project.

(i) The following Class II asbestos work must be considered asbestos projects:

(A) All Class II asbestos work where critical barriers, equivalent isolation methods, or negative pressure enclosures are required; or

(B) All Class II asbestos work where asbestos containing materials do not stay intact (including removal of vinyl asbestos floor (VAT) or roofing materials by mechanical methods such as chipping, grinding, or sanding).

(ii) The following Class II asbestos work is not considered an asbestos project and is excluded from asbestos worker certification:

(A) All Class II asbestos work involving intact asbestos containing materials (for example, intact roofing materials, bituminous or asphalt pipeline coatings, and intact flooring/decking materials);

(B) All Class II asbestos work of less than one square foot of asbestos containing materials; or

(C) All Class II asbestos work involving asbestos-cement water pipe when the work is done in accordance with training approved by the department through the asbestos certification program (see WAC 296-65-015(4)).

(iii) Asbestos work involving the removal of one square foot or more of intact roofing materials by mechanical sawing or heavy equipment must meet the following requirements:

(A) Only certified asbestos workers may conduct mechanical sawing of intact roofing material;

(B) Noncertified asbestos workers may handle roofing dust, material and debris;

(C) Operators of heavy equipment (such as track hoes with clam shells and excavators) do not need to be certified asbestos workers in the removal or demolition of intact roofing materials.

(c) Only certified asbestos workers may conduct all Class III and Class IV asbestos work that is considered an asbestos project.

(i) The following asbestos work is considered an asbestos project:

(A) All Class III asbestos work where one square foot or more of asbestos containing materials that do not stay intact;

(B) All Class IV asbestos work where one square foot or more of asbestos containing materials that do not stay intact; or

(C) All Class III and Class IV asbestos work with pipe insulation.

(ii) Except for a project involving pipe insulation work, any project involving only Class III or Class IV asbestos work with less than one square foot of asbestos containing materials is not considered an asbestos project.

(4) Training requirements for asbestos work that is not considered an asbestos project or is excluded from asbestos worker certification.

(a) Class II asbestos work.

(i) Employers must provide eight-hours of training to employees who perform asbestos work on one generic category of asbestos containing materials (ACM). When performing asbestos work in more than one category of asbestos containing materials, additional training must be used to supplement the first eight hour training course.

(ii) The training course must include:

- Hands-on training that applies to the category of asbestos containing materials,
- Specific work practices and engineering controls related to the category of asbestos containing materials present as specified in WAC 296-62-07712, and
- All the minimum elements of subsection (5) of this section.

(b) Class III asbestos work (maintenance and custodial work in buildings containing asbestos containing materials).

(i) Employers must provide training with curriculum and training methods equivalent to the 16-hour operations and maintenance course developed by the EPA. (See 40 CFR 763.92(a)(2).) For those employees whose only affected work is Class II work as described in subsection (4)(a)(i) of this section, employers must meet this 16-hour training requirement or provide training that meets the eight hours Class II requirements in subsection (4)(a) of this section.

(ii) Sixteen hours of training must include:

- Hands-on training in the use of respiratory protection and work practices, and

- All the minimum elements of subsection (5) of this section.

(c) Class IV asbestos work (maintenance and custodial work in buildings containing asbestos-containing materials).

(i) Employers must provide at least two hours of training with curriculum and training methods equivalent to the awareness training course developed by the EPA.

(ii) Training must include:

- Available information concerning the location of PACM, ACM, asbestos-containing flooring materials or flooring materials where the absence of asbestos has not been certified,
- Instruction on how to recognize damaged, deteriorated, and delimitation of asbestos containing building materials, and
- All of the minimum elements of subsection (5) of this section.

(5) The training program must be conducted in a manner which the employee is able to understand. The employer must ensure that each employee is informed of the following:

(a) The health effects associated with asbestos exposure;

(b) The relationship between smoking and exposure to asbestos producing lung cancer;

(c) Methods of recognizing asbestos and quantity, location, manner of use, release (including the requirements of WAC 296-62-07721 (1)(c) and (2)(b) to presume certain building materials contain asbestos), and storage of asbestos and the specific nature of operations which could result in exposure to asbestos;

(d) The engineering controls and work practices associated with the employee's job assignment;

(e) The specific procedures implemented to protect employees from exposure to asbestos, such as appropriate work practices, housekeeping procedures, hygiene facilities, decontamination procedures, emergency and clean-up procedures (including where Class III and IV work is performed, the contents "Managing Asbestos In Place" (EPA 20T-2003, July 1990) or its equivalent in content), personal protective equipment to be used, waste disposal procedures, and any necessary instructions in the use of these controls and procedures;

(f) The purpose, proper use, and limitations of protective clothing;

(g) The purpose and a description of the medical surveillance program required by WAC 296-62-07725;

(h) The content of this standard, including appendices;

(i) The names, addresses and phone numbers of public health organizations which provide information, materials, and/or conduct programs concerning smoking cessation. The employer may distribute the list of such organizations contained in Appendix I, to comply with this requirement;

(j) The requirements for posting signs and affixing labels and the meaning of the required legends for such signs and labels; and

(k) The purpose, proper use, limitations, and other training requirements for respiratory protection as required by chapter 296-62 WAC, Part E (see WAC 296-62-07117, 296-62-07172, and 296-62-07186 through 296-62-07190).

(6) The employer must also provide, at no cost to employees who perform housekeeping operations in a facility

which contains ACM or PACM, an asbestos awareness training course to all employees who are or will work in areas where ACM and/or PACM is present who work in buildings containing asbestos-containing materials, which must, at a minimum, contain the following elements:

- Health effects of asbestos,
- Locations of ACM and PACM in the building/facility,
- Recognition of ACM and PACM damage and deterioration,
- Requirements in this standard relating to house-keeping, and
- Proper response to fiber release episodes.

Each such employee must be so trained at least once a year.

(7) Access to information and training materials.

(a) The employer must make a copy of this standard and its appendices readily available without cost to all affected employees.

(b) The employer must provide, upon request, all materials relating to the employee information and training program to the director.

(c) The employer must inform all employees concerning the availability of self-help smoking cessation program material. Upon employee request, the employer must distribute such material, consisting of NIH Publication No. 89-1647, or equivalent self-help material, which is approved or published by a public health organization listed in Appendix I, WAC 296-62-07751.

AMENDATORY SECTION (Amending WSR 97-01-079, filed 12/17/96, effective 3/1/97)

WAC 296-62-07727 Recordkeeping. (1) Exposure measurements.

(a) The employer shall keep an accurate record of all measurements taken to monitor employee exposure to asbestos as prescribed in WAC 296-62-07709.

(b) This record shall include at least the following information:

- (i) Name of employer;
- (ii) Name of person conducting monitoring;
- (iii) The date of measurement;
- (iv) Address of operation or activity;
- (v) Description of the operation or activity involving exposure to asbestos that is being monitored;
- (vi) Personal or area sample;
- (vii) Name, Social Security number, and exposure level of the employees whose exposures are represented;
- (viii) Type of protective devices worn, if any;
- (ix) Pump calibration date and flow rate;
- (x) Total volume of air sampled;
- (xi) Name and address of analytical laboratory;
- (xii) Number, duration, and results (f/cc) of samples taken;
- (xiii) Date of analysis; and
- (xiv) Sampling and analytical methods used and evidence of their accuracy.

(c) The employer shall maintain this record for the duration of employment plus thirty years, in accordance with WAC 296-62-052.

(2) Objective data for exempted operations.

(a) Where the processing, use, or handling of products made from or containing asbestos is exempted from other requirements of this section under WAC 296-62-07709 ~~((2)(e))~~ (2)(a)(iii) and (3)(b)(i), the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

(b) The record shall include at least the following:

- (i) The product qualifying for exemption;
 - (ii) The source of the objective data;
 - (iii) The testing protocol, results of testing, and/or analysis of the material for the release of asbestos;
 - (iv) A description of the operation exempted and how the data support the exemption; and
 - (v) Other data relevant to the operations, materials, processing, or employee exposures covered by the exemption.
- (c) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

Note: The employer may utilize the services of competent organizations such as industry trade associations and employee associations to maintain the records required by this section.

(3) Medical surveillance.

(a) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance by WAC 296-62-07725 (1)(a), in accordance with WAC 296-62-052.

(b) The record shall include at least the following information:

- (i) The name and Social Security number of the employee;
- (ii) Physician's written opinions;
- (iii) Any employee medical complaints related to exposure to asbestos;
- (iv) A copy of the information provided to the physician as required by WAC 296-62-07725(6); and
- (v) A copy of the employee's medical examination results, including the medical history, questionnaire responses, results of any tests, and physicians recommendations.

(c) The employer shall ensure that this record is maintained for the duration of employment plus thirty years, in accordance with WAC 296-62-052.

(4) Training. The employer shall maintain all employee training records for one year beyond the last date of employment of that employee.

(5) Availability.

(a) The employer, upon written request, shall make all records required to be maintained by this section available to the director for examination and copying.

(b) The employer, upon request, shall make any exposure records required by subsection (1) of this section available for examination and copying to affected employees, former employees, designated representatives, and the director, in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(c) The employer, upon request, shall make employee medical records required by subsection (2) of this section available for examination and copying to the subject employee, to anyone having the specific written consent of the subject employee, and the director, in accordance with WAC 296-62-052.

(6) Transfer of records.

(a) The employer shall comply with the requirements concerning transfer of records set forth in WAC 296-62-05215.

(b) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director at least ninety days prior to disposal of records and, upon request, transmit them to the director.

(7) Data to rebut PACM. Where the building owner and employer have relied on data to demonstrate that PACM is not asbestos-containing, such data shall be maintained for as long as they are relied upon to rebut the presumption.

(8) Records of required notifications. Where the building owner has communicated and received information concerning the identification, location and quantity of ACM and PACM, written records of such notifications and their content shall be maintained by the building owner for the duration of ownership and shall be transferred to successive owners of such buildings/facilities.

AMENDATORY SECTION (Amending WSR 97-01-079, filed 12/17/96, effective 3/1/97)

WAC 296-62-07745 Appendix F—Work practices and engineering controls for automotive brake and clutch inspection, disassembly, repair and assembly—Mandatory. This mandatory appendix specifies engineering controls and work practices that must be implemented by the employer during automotive brake and clutch inspection, disassembly, repair, and assembly operations. Proper use of these engineering controls and work practices will reduce employees' asbestos exposure below the permissible exposure level during clutch and brake inspection, disassembly, repair, and assembly operations. The employer shall institute engineering controls and work practices using either the method set forth in (1) or (2) of this appendix, or any other method which the employer can demonstrate to be equivalent in terms of reducing employee exposure to asbestos as defined and which meets the requirements described in (3) of this appendix, for those facilities in which no more than 5 pairs of brakes or 5 clutches are inspected, disassembled, reassembled and/or repaired per week, the method set forth in (4) of this appendix may be used:

(1) Negative pressure enclosure/HEPA vacuum system method.

(a) The brake and clutch inspection, disassembly, repair, and assembly operations shall be enclosed to cover and contain the clutch or brake assembly and to prevent the release of asbestos fibers into the worker's breathing zone.

(b) The enclosure shall be sealed tightly and thoroughly inspected for leaks before work begins on brake and clutch inspection, disassembly, repair and assembly.

(c) The enclosure shall be such that the worker can clearly see the operation and shall provide impermeable sleeves through which the worker can handle the brake and clutch inspection, disassembly, repair and assembly. The integrity of the sleeves and ports shall be examined before work begins.

(d) A HEPA-filtered vacuum shall be employed to maintain the enclosure under negative pressure throughout the operation. Compressed-air may be used to remove asbestos fibers or particles from the enclosure.

(e) The HEPA vacuum shall be used first to loosen the asbestos containing residue from the brake and clutch parts and then to evacuate the loosened asbestos containing material from the enclosure and capture the material in the vacuum filter.

(f) The vacuum's filter, when full, shall be first wetted with a fine mist of water, then removed and placed immediately in an impermeable container, labeled according to WAC 296-62-07721 (6)((b)) and disposed of according to WAC ((296-62-07713 (1)(a) and (2)(f))) 296-62-07723.

(g) Any spills or releases of asbestos containing waste material from inside of the enclosure or vacuum hose or vacuum filter shall be immediately cleaned up and disposed of according to WAC ((296-62-07713 (1)(a) and (2)(f))) 296-62-07723.

(2) Low pressure/wet cleaning method.

(a) A catch basin shall be placed under the brake assembly, positioned to avoid splashes and spills.

(b) The reservoir shall contain water containing an organic solvent or wetting agent. The flow of liquid shall be controlled such that the brake assembly is gently flooded to prevent the asbestos-containing brake dust from becoming airborne.

(c) The aqueous solution shall be allowed to flow between the brake drum and brake support before the drum is removed.

(d) After removing the brake drum, the wheel hub and back of the brake assembly shall be thoroughly wetted to suppress dust.

(e) The brake support plate, brake shoes and brake components used to attach the brake shoes shall be thoroughly washed before removing the old shoes.

(f) In systems using filters, the filters, when full, shall be first wetted with a fine mist of water, then removed and placed immediately in an impermeable container, labeled according to WAC 296-62-07721 (6)((b)) and disposed of according to WAC ((296-62-07713 (1)(a) and (2)(f))) 296-62-07723.

(g) Any spills of asbestos-containing aqueous solution or any asbestos-containing waste material shall be cleaned up immediately and disposed of according to WAC ((296-62-07713 (1)(a) and (2)(f))) 296-62-07723.

(h) The use of dry brushing during low pressure/wet cleaning operations is prohibited.

(3) Equivalent methods. An equivalent method is one which has sufficient written detail so that it can be reproduced and has been demonstrated that the exposures resulting from the equivalent method are equal to or less than the exposure which would result from the use of the method described in subsection (1) of this appendix. For purposes of making

this comparison, the employer shall assume that exposures resulting from the use of the method described in subsection (1) of this appendix shall not exceed 0.016 f/cc, as measured by the WISHA reference method and as averaged over at least 18 personal samples.

(4) Wet method.

(a) A spray bottle, hose nozzle, or other implement capable of delivering a fine mist of water or amended water or other delivery system capable of delivering water at low pressure, shall be used to first thoroughly wet the brake and clutch parts. Brake and clutch components shall then be wiped clean with a cloth.

(b) The cloth shall be placed in an impermeable container, labeled according to WAC 296-62-07721 (6)((b)) and then disposed of according to WAC ((~~296-62-07713 (1)(a) and (2)(f))~~) 296-62-07723, or the cloth shall be laundered in a way to prevent the release of asbestos fibers in excess of 0.1 fiber per cubic centimeter of air.

(c) Any spills of solvent or any asbestos containing waste material shall be cleaned up immediately according to WAC ((~~296-62-07713 (1)(a) and (2)(f))~~) 296-62-07723.

(d) The use of dry brushing during the wet method operations is prohibited.

WSR 00-06-078

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed March 1, 2000, 10:06 a.m.]

Date of Adoption: October 22, 1999.

Purpose: Designates the "Red Book" as the official resource to identify which drugs must be distributed by prescription only in Washington state.

Citation of Existing Rules Affected by this Order: Amending WAC 246-883-020.

Statutory Authority for Adoption: RCW 69.41.075, 18.64.005.

Adopted under notice filed as WSR 99-18-083 on August 31, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

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

February 7, 2000

Michael Kleinberg

Board Chair

AMENDATORY SECTION (Amending WSR 96-21-041, filed 10/11/96, effective 11/11/96)

WAC 246-883-020 Identification of legend drugs for purposes of chapter 69.41 RCW. (1) In accordance with chapter 69.41 RCW, the board of pharmacy hereby finds that those drugs which have been determined by the Food and Drug Administration, pursuant to the Federal Food, Drug and Cosmetic Act, to require a prescription under federal law should also be classified as legend drugs under state law for the reasons that their toxicity or other potentiality for harmful effect, the methods of their use and the collateral safeguards necessary to their use, indicate that they are not safe for use except under the supervision of a practitioner.

(2) The board of pharmacy hereby specifically identifies as legend drugs, for purposes of chapter 69.41 RCW, those drugs which have been designated as legend drugs under federal law and are listed as such in the 1995-96 edition of the *American Druggist Blue Book*. For the period May 31, 1995, through June 1, 1996, the board adopts the 1995 edition of the *Blue Book*. For the period June 1, 1996, through May 31, 1997, the board adopts the 1996 edition of the *Blue Book*. For the period June 1, 1997, through May 31, 1998, the board adopts the 1997 edition of the *Blue Book*. Effective March 22, 2000, the board adopts the 1999 *Drug Topics Red Book*. Copies of the list of legend drugs as contained in the ((~~American Druggist Blue Book~~)) *Drug Topics Red Book* shall be available for public inspection at the headquarters office of the State Board of Pharmacy, 1300 Quince Street S.E., P.O. BOX 47863, Olympia, Washington 98504-7863. Copies of this list shall be available from the board of pharmacy at the above address upon request made and upon payment of a fee in the amount of seventy-six dollars per copy.

(3) There may be changes in the marketing status of drugs after the publication of the above reference. Upon application of a manufacturer or distributor, the board may grant authority for the over the counter distribution of certain drugs which had been designated as legend drugs in this reference. Such determinations will be made after public hearing and will be published as an amendment to this chapter.

WSR 00-06-079

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed March 1, 2000, 10:10 a.m.]

Date of Adoption: February 25, 2000.

Purpose: Improve the organization, clarify the wording and update references in chapter 246-338 WAC, Medical test sites, in response to the Governor's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-338-030; and amending WAC 246-

338-001, 246-338-010, 246-338-020, 246-338-040, 246-338-050, 246-338-060, 246-338-070, 246-338-080, 246-338-090, 246-338-100, and 246-338-110.

Statutory Authority for Adoption: RCW 70.42.005, 70.42.060.

Other Authority: Chapter 70.42 RCW.

Adopted under notice filed as WSR 00-03-073 on January 19, 2000.

Changes Other than Editing from Proposed to Adopted Version: Three changes were made to the rule as proposed. WAC 246-338-024(5), replaced the word "body" with "organization"; WAC 246-338-090, Table 090-9, amended reference to "Seventh edition; Approved Standard (2000)" from "Sixth edition; Approved Standard (1997)"; and WAC 246-338-090 (9)(h)(iii)(E)(III), second bullet statement: Replaced: "One hundred percent of all slides from patients with a known history of cervical cancer or its precursors" with "Includes cases selected at random from the total case-load and from patients or groups of patients that are identified as having a high probability of developing cervical cancer, based on available patient information."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 4, Amended 11, Repealed 1; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 11, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 11, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 29, 2000

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-338-001 Purpose. The purpose of this chapter is to implement chapter 70.42 RCW, by establishing ((**minimum**)) licensing standards for medical test sites, consistent with federal law and regulation, related to quality control, quality assurance, ((**recordkeeping**)) records, personnel requirements, proficiency testing, and licensure waivers.

AMENDATORY SECTION (Amending WSR 94-17-099, filed 8/17/94, effective 9/17/94)

WAC 246-338-010 Definitions. For the purposes of ((**chapter 70.42 RCW and**)) this chapter, the following words and phrases have these meanings unless the context clearly indicates otherwise.

(1) "Accreditation (~~(body)~~) organization" means a public or private organization or agency (~~(which accredits, certifies, or licenses medical test sites, by establishing and monitoring standards judged by the department to be)~~) approved by HCFA as having standards which are consistent with federal law and regulation, and judged by the department to be equivalent to this chapter.

(2) "Authorized person" means any individual allowed by Washington state law or rule to order tests or receive test results.

(3) "Biannual verification" means a system for verifying the accuracy of test results, at least twice a calendar year, for those tests for which proficiency testing is not required by the department.

(4) "Calibration" means a process of testing and adjusting an instrument, kit, or test system to provide a known relationship between the measurement response and the value of the substance that is being measured by the test procedure.

(5) "Calibration verification" means the assaying of calibration materials in the same manner as patient samples to confirm that the calibration of the instrument, kit, or test system has remained stable throughout the laboratory's reportable range for patient test results.

(6) "Calibrator" means a material, solution, or lyophilized preparation designed to be used in calibration. The values or concentrations of the analytes of interest in the calibration material are known within limits ascertained during its preparation or before use.

(7) "Case" means any slide or group of slides, from one patient specimen source, submitted to a medical test site, at one time, for the purpose of cytological or histological examination.

((4)) "~~Certificate of waiver~~" means a medical test site performing one or more of the tests listed under WAC 246-338-030(11), and no other tests.

(5)) (8) "CDC" means the federal Centers for Disease Control and Prevention.

(9) "CLIA" means Section 353 of the Public Health Service Act, Clinical Laboratory Improvement Amendments of 1988, and regulations implementing the federal amendments, 42 CFR Part 493-Laboratory Requirements.

(10) "Control" means a material, solution, lyophilized preparation, or pool of collected serum designed to be used in the process of quality control. The concentrations of the analytes of interest in the control material are known within limits ascertained during its preparation or before routine use.

(11) "Control slide" means a preparation of a material known to produce a specific reaction which is fixed on a glass slide and is used in the process of quality control.

(12) "Days" means calendar days.

((6)) (13) "Deemed status" means recognition that the requirements of an accreditation organization have been judged to be equal to, or more stringent than, the requirements of this chapter and the CLIA requirements, and the accreditation organization has agreed to comply with all requirements of this chapter and CLIA.

(14) "Deficiency" means a finding from an inspection or complaint investigation that is not in compliance with this chapter and requires corrective action.

(15) "Department" means the department of health.

~~((7))~~ "Designated test site supervisor" (16) "Direct staff time" means all state employees' work time; travel time; telephone contacts and staff or management conferences; and expenses involved with a complaint investigation or an on-site follow-up visit.

(17) "Director," defined as the designated test site supervisor in RCW 70.42.010, means the ~~((available))~~ individual responsible for the technical functions of the medical test site ~~((and meeting))~~. This person must meet the qualifications for Laboratory Director, listed in 42 CFR Part 493 Subpart M - Personnel for Moderate and High Complexity Testing.

~~((8))~~ (18) "Disciplinary action" means license or certificate of waiver denial, suspension, condition, revocation, civil fine, or any combination of the preceding actions, taken by the department against a medical test site.

~~((9))~~ (19) "Facility" means one or more locations within one campus or complex where tests are performed ~~((; within one campus or complex,))~~ under one owner.

~~((10))~~ "Federal law and regulation" means ~~Section 353 of the Public Health Service Act, Clinical Laboratory Improvement Amendments of 1988, and regulations implementing the federal amendments, 42 CFR Part 493 Laboratory Requirements.~~

~~((11))~~ (20) "Forensic" means investigative testing in which the results are never used for ~~((health care or treatment))~~ clinical diagnosis, or referral to a health care ~~((or))~~ provider for treatment ~~((;))~~ of ~~((the))~~ an individual.

~~((12))~~ "Licensed test" means all tests categorized as provider-performed microscopic procedures or moderate or high complexity tests consistent with federal law and regulation and not specifically listed as waived under WAC 246-338-030(11), or defined as forensic under subsection (11) of this section.

~~((13))~~ "Limited public health testing" means a combination of fifteen or less waived tests, as listed under WAC 246-338-030(11), or tests of moderate complexity, as defined under subsection (12) of this section;

~~((14))~~ (21) "HCFA" means the federal Health Care Financing Administration.

(22) "High complexity" means a test system, assay, or examination that is categorized under CLIA as a high complexity test.

(23) "May" means permissive or discretionary ~~((on the part of the department))~~.

~~((15))~~ (24) "Medical test site" or "test site" means any facility or site, public or private, which analyzes materials derived from the human body for the purposes of health care, treatment, or screening. A medical test site does not mean:

(a) A facility or site, including a residence, where a test approved for home use by the Federal Food and Drug Administration is used by an individual to test himself or herself without direct supervision or guidance by another and where this test is not part of a commercial transaction; or

(b) A facility or site performing tests solely for forensic purposes.

~~((16))~~ (25) "Moderate complexity" means a test system, assay, or examination that is categorized under CLIA as a moderate complexity test.

(26) "Must" means compliance is mandatory.

(27) "Nonwaived" means all tests categorized under CLIA as:

(a) Moderate complexity tests, including provider-performed microscopic procedures; or

(b) High complexity tests.

(28) "Owner" means the person, corporation, or entity legally responsible for the business requiring licensure or a certificate of waiver as a medical test site under chapter 70.42 RCW.

~~((17))~~ (29) "Performance specification" means a value or range of values for a test that describe its accuracy, precision, analytical sensitivity, analytical specificity, reportable range and reference range.

~~((18))~~ (30) "Person" means any individual, public organization, private organization, agent, agency, corporation, firm, association, partnership, or business.

~~((19))~~ (31) "Physician" means an individual with a doctor of medicine, doctor of osteopathy, doctor of podiatric medicine, or equivalent degree who is a licensed professional under chapter 18.71 RCW Physicians; chapter 18.57 RCW Osteopathy—Osteopathic medicine and surgery; or chapter 18.22 RCW Podiatric medicine and surgery.

~~((20))~~ (32) "Provider-performed microscopic procedures" means only those moderate complexity tests listed under WAC 246-338-020 (2)(b)(i) through ~~((xix))~~ (x), when the tests are performed in conjunction with a patient's visit by a licensed professional meeting ~~((one or more of the following))~~ qualifications ~~((;))~~:

(a) ~~Physician licensed under chapter 18.71 RCW, Physicians; chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery; or chapter 18.22 RCW, Podiatric medicine and surgery;~~

(b) ~~Advanced registered nurse practitioner, licensed under chapter 18.88 RCW, Registered nurses;~~

(c) ~~Midwife licensed under chapter 18.50 RCW, Midwifery;~~

(d) ~~Physician assistant licensed under chapter 18.71A RCW, Physician assistants; or~~

(e) ~~Naturopath licensed under chapter 18.36A RCW, Naturopathy))~~ specified in WAC 246-338-020 (2)(a)(i) through (vi).

~~((21))~~ (33) "Provisional license" means an interim approval issued by the department to the owner of a medical test site.

~~((22))~~ "Recordkeeping" (34) "Records" means books, files, reports, or ~~((records))~~ other documentation necessary to show compliance with the quality control and quality assurance requirements under this chapter.

~~((23))~~ "Shall" means compliance is mandatory.

~~((24))~~ (35) "Reference material" means a material or substance, calibrator, control, or standard where one or more properties are sufficiently well established for use in calibrating a process or for use in quality control.

(36) "Specialty" means a group of similar subspecialties or tests. The specialties for a medical test site are as follows:

(a) Chemistry;

(b) Cytogenetics;

(c) Diagnostic immunology;

(d) Immunohematology;

(e) Hematology;

- (f) Histocompatibility;
- (g) Microbiology;
- (h) Pathology; and
- (i) Radiobioassay.

~~((25))~~ (37) "Standard" means a reference material of fixed and known chemical composition capable of being prepared in essentially pure form, or any certified reference material generally accepted or officially recognized as the unique standard for the assay regardless of level or purity of the analyte content.

(38) "Subspecialty" means a group of similar tests. The subspecialties of a specialty for a medical test site are as follows, for:

- (a) Chemistry, the subspecialties are routine chemistry, urinalysis, endocrinology, toxicology, and other chemistry;
- (b) Diagnostic immunology, the subspecialties are syphilis serology and general immunology;
- (c) Immunohematology, the subspecialties are blood group and Rh typing, antibody detection, antibody identification, crossmatching, and other immunohematology;
- (d) Hematology, the subspecialties are routine hematology, coagulation, and other hematology;
- (e) Microbiology, the subspecialties are bacteriology, mycology, parasitology, virology, and mycobacteriology; and

(f) Pathology, the subspecialties are histopathology (including dermatopathology), diagnostic cytology, and oral pathology.

~~((26))~~ (39) "Supervision" means authoritative procedural guidance by ~~((a qualified))~~ an individual qualified under 42 CFR Part 493 Subpart M - Personnel for Moderate and High Complexity Testing, assuming the responsibility for the accomplishment of a function or activity by technical personnel.

~~((27))~~ (40) "Technical personnel" means individuals employed to perform any test or part of a test.

~~((28))~~ (41) "Test" means any examination or procedure conducted on a sample taken from the human body ~~((, including screening))~~.

(42) "Validation inspection" means an on-site inspection by the department of an accredited medical test site to determine that the accreditation organization's regulations are equivalent to this chapter and are enforced.

(43) "Waived test" means a test system that is:

- (a) Cleared by the Food and Drug Administration for home use; or
- (b) A simple laboratory examination or procedure that has an insignificant risk of an erroneous result.

In order for a test system to be waived, it must be approved for waiver under CLIA.

(44) "Will" means compliance is mandatory.

AMENDATORY SECTION (Amending WSR 97-14-113, filed 7/2/97, effective 8/2/97)

WAC 246-338-020 Licensure—Types of ((the)) medical test site((s)) licenses. ~~((1))~~ After July 1, 1990, no person shall advertise, operate, manage, own, conduct, open, or maintain a medical test site without first obtaining from the

department, a license or a certificate of waiver as described under chapter 70.42 RCW and this chapter.

(2) Applicants requesting a medical test site license or renewal shall:

(a) Submit a completed application and fee for the appropriate category of license to the department on forms furnished by the department, including signature of the owner;

(b) Submit a completed application and fee for provider-performed microscopic procedures if the medical test site:

(i) Restricts its testing performance to waived tests as listed under WAC 246-338-030(11) and one or more of the tests listed in this section, unless specifically allowed or disallowed under federal law and regulation:

- (A) Wet mounts, including, but not limited to, preparations of vaginal, cervical or skin specimens;
- (B) Potassium hydroxide (KOH) preparations;
- (C) Pinworm examinations;
- (D) Fern tests;
- (E) Post-coital direct, qualitative examinations of vaginal or cervical mucous;
- (F) Urine sediment examinations;
- (G) Nasal smears for eosinophils;
- (H) Post-vasectomy qualitative semen analysis; and
- (I) Any other tests specifically categorized under federal law and regulation as provider-performed microscopic procedures; and

(ii) Meets the requirements of this chapter for personnel, recordkeeping, quality control, quality assurance and, if applicable, proficiency testing;

(c) File a separate application for each facility except under the following conditions:

(i) If the medical test site is not at a fixed location and moves from testing site to testing site, or uses a temporary testing location such as a health fair, the medical test site may apply for a single license for the home base location;

(ii) If the medical test site is a not-for-profit or state or local government laboratory that engages in limited public health testing at different locations, the owner may file an application for a single license;

(d) Furnish full and complete information to the department in writing, as required for proper administration of rules implementing chapter 70.42 RCW including:

- (i) Name, address, and phone number of the medical test site;
- (ii) Name, address, and phone number of the owner of the medical test site;
- (iii) Number and types of tests performed, planned, or projected;
- (iv) Names and qualifications including educational background, training, and experience of the designated test site supervisor;
- (v) Names and qualifications including educational background, training, and experience of technical personnel, if requested by the department, in order to determine consistency with federal law and regulation;

(vi) Name of proficiency testing program or programs used by the medical test site and a copy of the enrollment form for initial application;

(vii) Other information as required to implement chapter 70.42 RCW; and

(viii) Methodologies for tests performed, when the department determines the information is necessary, consistent with federal law and regulation.

(e) Submit to inspections by the Health Care Financing Administration (HCFA) or HCFA agents as a condition of licensure or approval, for the purpose of validation or in response to a complaint against the medical test site; and

(f) Authorize the department to release to HCFA or HCFA agents all records and information requested by HCFA;

(3) The owner or applicant shall submit an application and fee to the department thirty days prior to the expiration date of the current license.

(4) The department shall:

(a) Issue or renew a license for the medical test site, valid for two years, when the applicant or owner meets the requirements of chapter 70.42 RCW and this chapter, subject to subsection (7) of this section;

(b) Terminate a provisional license, at the time a two-year license for the medical test site is issued;

(c) Establish fees to be paid under WAC 246-338-990;

(d) Prohibit transfer or reassignment of a license without thirty days prior written notice to the department and the department's approval;

(e) Examine records of the medical test site, if the department believes a person is conducting tests without an appropriate license;

(f) Give written notice of any violations to the medical test site, including a statement of deficiencies observed and requirements to:

(i) Present a written plan of correction to the department within fourteen days following the date of postmark; and

(ii) Comply within a specified time, not to exceed sixty days, after department approval of a written plan of correction;

(g) Allow the owner a reasonable period of time, not to exceed sixty days, to correct a deficiency unless the deficiency is an immediate threat to life, health, or safety.

(5) The department shall also issue a license for a medical test site if the medical test site:

(a) Is accredited, certified, or licensed by an accreditation body under WAC 246-338-040; and

(b) Submits to the department:

(i) Information defined under subsection (2)(a) and (d) of this section;

(ii) Proof of accreditation, certification or licensure by an accreditation body within eleven months of issuance of the medical test site license; and

(e) Authorizes the accrediting body to submit, upon request from the department:

(i) On-site inspection results;

(ii) Statement of deficiencies;

(iii) Plan of correction for the deficiencies cited;

(iv) Any disciplinary action and results of any disciplinary action taken by the accreditation body against the medical test site; and

(v) Any records or other information about the medical test site required for the department to determine whether or not standards are consistent with chapter 70.42 RCW and this chapter.

(6) The department shall require the owner of a medical test site to reapply for a medical test site license if:

(a) Proof of accreditation is not supplied to the department within eleven months of issuance of the medical test site license; or

(b) The medical test site has its accreditation denied or terminated by the accreditation body.

(7) The department may:

(a) Issue, to a medical test site applying for licensure for the first time a provisional license valid for a period of time not to exceed two years from date of issue;

(b) Conduct on-site review of a medical test site at any time to determine compliance with chapter 70.42 RCW and this chapter; and

(c) Initiate disciplinary action, as described under chapter 70.42 RCW and this chapter, if the owner or applicant fails to comply with chapter 70.42 RCW and this chapter, consistent with chapter 34.05 RCW, Administrative Procedure Act.

(8) The department may extend a license for a period not to exceed six months beyond the expiration date of the license.

(9) The owner shall notify the department, in writing, at least thirty days prior to the date of a proposed change of ownership and provide the following information:

(a) Full name, address, and location of the current owner and prospective new owner, if known;

(b) Name and address of the medical test site and the new name of the medical test site, if known;

(c) Changes in technical personnel and supervisors, if known; and

(d) The date of the proposed change of ownership.

(10) The prospective new owner shall submit the information required under subsection (2)(a) and (d) of this section, at least thirty days prior to the change of ownership.

(11) The owner shall inform the department within thirty days, in writing, of:

(a) The date of opening or closing the medical test site; and

(b) Any changes in:

(i) Name;

(ii) Location; or

(iii) Designated test site supervisor.

(12) The owner shall inform the department within six months, in writing, of any changes in:

(a) Tests, specialties and subspecialties; and

(b) Test methodology.)

After July 1, 1990, any person advertising, operating, managing, owning, conducting, opening, or maintaining a medical test site must first obtain a license from the department. License types are described in Table 020-1.

(1) Certificate of waiver.

Applicable if the medical test site performs only the tests classified as waived.

(2) Provider performed microscopic procedures (PPMP).

Applicable if the medical test site restricts its testing performance to one or more of the following moderate complexity tests performed by one of the licensed professionals listed,

in conjunction with a patient's visit. In addition, the medical test site can perform tests classified as waived with this type of license.

(a) PPMP may be performed only by one of the following licensed professionals:

(i) Physician licensed under chapter 18.71 RCW, Physicians; chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery; or chapter 18.22 RCW, Podiatric medicine and surgery;

(ii) Advanced registered nurse practitioner, licensed under chapter 18.79 RCW, Nursing care;

(iii) Midwife licensed under chapter 18.50 RCW, Midwifery;

(iv) Physician assistant licensed under chapter 18.71A RCW, Physician assistants;

(v) Naturopath licensed under chapter 18.36A RCW, Naturopathy; or

(vi) Dentist licensed under chapter 18.32 RCW, Dentists.

(b) Microscopic procedures authorized under a PPMP license are:

(i) All direct wet mount preparations for the presence or absence of bacteria, fungi, parasites, and human cellular elements;

(ii) All potassium hydroxide (KOH) preparations;

(iii) Pinworm examinations;

(iv) Fern tests;

(v) Postcoital direct, qualitative examinations of vaginal or cervical mucus;

(vi) Urine sediment examinations;

(vii) Nasal smears for granulocytes;

(viii) Fecal leukocyte examinations;

(ix) Qualitative semen analysis (limited to the presence or absence of sperm and detection of motility); and

(x) Any other tests subsequently categorized under CLIA as provider-performed microscopy procedures.

(3) Moderate/high complexity.

(a) Limited testing, low volume, Category A-I, as described in Table 990-1.

Applicable if the medical test site performs any tests that are not classified as waived or qualified as PPMP under subsection (2) of this section. Under this type of license, the medical test site may also perform tests classified as waived.

(b) Accredited.

Applicable if the medical test site performs any tests that are not classified as waived, and is accredited and inspected by an accreditation organization approved by the department under WAC 246-338-040. Under this type of license, the medical test site may also perform tests classified as waived.

020-1 Table of Requirements for Each License Type

LICENSE TYPE	REQUIREMENTS	INSPECTIONS	
		TYPE	FREQUENCY
(1) Certificate of Waiver	<ul style="list-style-type: none"> : <u>Restrict testing to tests classified as waived.</u> : <u>Meet the requirements of WAC 246-338-020 Licensure—Types of Medical Test Site Licenses: WAC 246-338-022 Initial Application for Medical Test Site License; WAC 246-338-024 License Renewal/Reapplication Process; WAC 246-338-026 Notification Requirements; WAC 246-338-028 On-site Inspections.</u> : <u>Follow manufacturers' instructions for performing the test.</u> 	<ul style="list-style-type: none"> •• <u>Complaint</u> <u>Technical assistance</u> 	<ul style="list-style-type: none"> : <u>When indicated</u>
(2) PPMP	<ul style="list-style-type: none"> : <u>Restrict testing to tests classified as PPMP or waived.</u> : <u>Meet the requirements of WAC 246-338-020 Licensure—Types of Medical Test Site Licenses: WAC 246-338-022 Initial Application for Medical Test Site License; WAC 246-338-024 License Renewal/Reapplication Process; WAC 246-338-026 Notification Requirements; WAC 246-338-028 On-site Inspections; WAC 246-338-050 Proficiency Testing (if applicable); WAC 246-338-060 Personnel; WAC 246-338-070 Records; WAC 246-338-080 Quality Assurance; WAC 246-338-090 Quality Control.</u> : <u>Follow manufacturers' instructions for performing the test.</u> 	<ul style="list-style-type: none"> •• <u>Complaint</u> <u>Technical assistance</u> 	<ul style="list-style-type: none"> : <u>When indicated</u>

PERMANENT

LICENSE TYPE	REQUIREMENTS	INSPECTIONS								
<p>(3) Moderate/High Complexity (a) Limited Testing, Low Volume, Category A-I</p>	<ul style="list-style-type: none"> • Perform tests classified as moderate or high complexity. • Meet the requirements of WAC 246-338-020 <u>Licensure—Types of Medical Test Site Licenses; WAC 246-338-022 Initial Application for Medical Test Site License; WAC 246-338-024 License Renewal/Reapplication Process; WAC 246-338-026 Notification Requirements; WAC 246-338-028 On-site Inspections; WAC 246-338-050 Proficiency Testing (if applicable); WAC 246-338-060 Personnel; WAC 246-338-070 Records; WAC 246-338-080 Quality Assurance; WAC 246-338-090 Quality Control.</u> • Follow manufacturers' instructions for performing test. 	<table border="0"> <thead> <tr> <th data-bbox="1075 194 1124 215">TYPE</th> <th data-bbox="1276 194 1381 215">FREQUENCY</th> </tr> </thead> <tbody> <tr> <td>• Initial</td> <td>• First 6 months of license</td> </tr> <tr> <td>••• Routine Complaint</td> <td>••• Every 2 years When indicated</td> </tr> <tr> <td>• On-site follow-up Technical assistance</td> <td>• When indicated When indicated</td> </tr> </tbody> </table>	TYPE	FREQUENCY	• Initial	• First 6 months of license	••• Routine Complaint	••• Every 2 years When indicated	• On-site follow-up Technical assistance	• When indicated When indicated
TYPE	FREQUENCY									
• Initial	• First 6 months of license									
••• Routine Complaint	••• Every 2 years When indicated									
• On-site follow-up Technical assistance	• When indicated When indicated									
<p>(b) Accredited</p>	<ul style="list-style-type: none"> • Perform tests classified as moderate or high complexity. • Meet the requirements of WAC 246-338-020 <u>Licensure—Types of Medical Test Site Licenses; WAC 246-338-022 Initial Application for Medical Test Site License; WAC 246-338-024 License Renewal/Reapplication Process; WAC 246-338-026 Notification Requirements; WAC 246-338-028 On-site Inspections; WAC 246-338-050 Proficiency Testing (if applicable); WAC 246-338-060 Personnel; WAC 246-338-070 Records; WAC 246-338-080 Quality Assurance; WAC 246-338-090 Quality Control.</u> <u>Follow manufacturers' instructions for performing the test.</u> • Submit to the department upon request, or authorize the accreditation organization to submit: <ul style="list-style-type: none"> • Proof of accreditation; • On-site inspection results; • Statement of deficiencies; • Plan of correction for the deficiencies cited; • Any disciplinary action and results of any disciplinary action taken by the accreditation organization against the medical test site. 	<table border="0"> <tbody> <tr> <td>• Validation</td> <td>• 2.5 % of accredited sites annually</td> </tr> <tr> <td>•• Complaint On-site follow-up Technical assistance</td> <td>•• When indicated When indicated When indicated</td> </tr> </tbody> </table>	• Validation	• 2.5 % of accredited sites annually	•• Complaint On-site follow-up Technical assistance	•• When indicated When indicated When indicated				
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•• Complaint On-site follow-up Technical assistance	•• When indicated When indicated When indicated									

PERMANENT

NEW SECTION

WAC 246-338-022 Initial application for medical test site license. (1) Application procedure.

Applicants requesting a medical test site license must:

- (a) Submit a completed application on forms furnished by the department, signed by the owner or authorized representative;
- (b) File a separate application for each test site **except** under the following conditions:
 - (i) If the test site is not at a fixed location and moves from testing site to testing site, or uses a temporary testing location such as a health fair, the medical test site may apply for a single license for the home base location;
 - (ii) If the medical test site is a not-for-profit or state or local government and performs a combination of fifteen or less of either waived or moderate complexity test procedures at different locations, the owner may file an application for a single license;

- (c) Furnish full and complete information to the department in writing:
 - (i) Name, address, phone number, and federal tax ID number of the medical test site;
 - (ii) Name of owner;
 - (iii) Number and types of tests performed, planned, or projected;
 - (iv) Name and qualifications including educational background, training, and experience of the director;
 - (v) Names and qualifications including educational background, training, and experience of technical personnel, if requested by the department;
 - (vi) Name of proficiency testing program or programs used by the medical test site and a copy of the enrollment confirmation form, if applicable;
 - (vii) Methodologies for tests performed, if requested by the department; and
 - (viii) Other information as requested by the department;

(d) Submit the designated fee in the time period indicated, upon receipt of a fee statement from the department;

(e) If applying for an accredited license, submit proof of accreditation by an approved accreditation organization. If application has been made to an accreditation organization, submit a copy of the application, followed by proof of accreditation within eleven months of issuance of the medical test site license.

(2) Issuing an initial license.

(a) An initial license will be issued for a medical test site when the applicant:

(i) Submits a completed application and any information requested by the department;

(ii) Pays the designated license fee; and

(iii) Meets the requirements of chapter 70.42 RCW and this chapter.

(b) License expiration dates will be based on a two-year licensure cycle, expiring on October 31st of even-numbered years. The license period for an initial license begins the day of the month that payment is received and expires on October 31st of the current or next even-numbered year.

(c) The department may issue a provisional license valid for a period of up to two years when a medical test site applies for licensure for the first time.

(d) The department will terminate a provisional license at the time a two-year license for the medical test site is issued.

(e) License fees are listed under WAC 246-338-990.

NEW SECTION

WAC 246-338-024 License renewal/reapplication process. (1) The department will issue a renewal license for a medical test site when the owner:

(a) At least thirty days prior to the expiration date of the current license, submits a completed renewal application form, available from the department, in compliance with WAC 246-338-022(1) and submits the designated fee; and

(b) Meets the requirements of chapter 70.42 RCW and this chapter.

(2) A license is issued for a period of two years. License expiration dates are based on a two-year cycle, expiring on October 31st of even-numbered years.

(3) The department may extend a license for a period not to exceed six months beyond the expiration date of the license.

(4) The department will require the owner of the medical test site to reapply for a license if proof of accreditation is not supplied to the department within eleven months of issuance of an accredited license.

(5) The owner or applicant of a medical test site must reapply for licensure within thirty days, if the acceptance of approval of the accreditation organization for the medical test site is denied or terminated.

(6) If at any time any of the changes listed in WAC 246-338-026 occur, the medical test site may require a different type of license than what the medical test site currently holds. If so, the owner must submit a reapplication form, within thirty days of the change, and pay applicable fees.

NEW SECTION

WAC 246-338-026 Notification requirements. (1) The owner must notify the department in writing at least thirty days prior to the date of opening or closing the medical test site.

(2) The owner must notify the department in writing within thirty days of any changes in:

(a) Name of site;

(b) Director;

(c) Location of site;

(d) Tests, specialties, and subspecialties; and

(e) Test methodologies.

(3) Proposed change of ownership. Transfer or reassignment of a license is prohibited without the department's approval, and must be initiated by the current owner sending a written notice to the department thirty days prior to transfer.

(a) The current owner of a medical test site must notify the department, in writing at least thirty days prior to the change and provide the following information:

(i) Name, address, and federal tax ID number of the medical test site;

(ii) Full name, address, and location of the current owner and prospective new owner; and

(iii) The date of the proposed change of ownership.

(b) The prospective new owner must submit the following information at least thirty days prior to the change of ownership:

(i) New name and federal tax ID number of the medical test site;

(ii) Changes in technical personnel and supervisors;

(iii) Any changes in tests, specialties, and subspecialties; and

(iv) Other information as requested by the department.

(4) The medical test site must authorize an approved accreditation organization to notify the department of the test site's compliance with the standards of the accreditation organization.

(5) The owner of an accredited license must notify the department in writing within thirty days of the medical test site having its accreditation denied or terminated by the accreditation organization or voluntarily dropping its accreditation status.

(6) The owner must notify the department in writing within thirty days of any convictions of fraud and abuse, false billing, or kickbacks under state or federal law.

NEW SECTION

WAC 246-338-028 On-site inspections. (1) The department may conduct an on-site review of a licensee or applicant at any time to determine compliance with chapter 70.42 RCW and this chapter as described in Table 020-1.

(2) The department may at any time examine records of the medical test site to determine compliance with chapter 70.42 RCW and this chapter.

(3) The department will:

(a) Provide written notice of deficiencies to the medical test site; and

(b) Allow the owner a reasonable period of time, not to exceed sixty days after department approval of the written plan of correction, to correct a deficiency unless the deficiency is an immediate threat to public health, safety, or welfare.

(4) The medical test site must:

(a) Present a written plan of correction to the department within fourteen days following the date of postmark of the notice of deficiencies;

(b) Comply with the written plan of correction within a specified time, not to exceed sixty days, after department approval of the written plan of correction which must detail how and when the medical test site will correct the deficiencies;

(c) Submit to inspections by HCFA or HCFA agents as a condition of licensure for the purpose of validation or in response to a complaint against the medical test site;

(d) Authorize the department to release all records and information requested by HCFA to HCFA or HCFA agents;

(e) Cooperate with any on-site review conducted by the department; and

(f) Authorize the accreditation organization to submit, upon request of the department:

(i) On-site inspection results;

(ii) Reports of deficiencies;

(iii) Plans of corrections for deficiencies cited;

(iv) Any disciplinary or enforcement action taken by the accreditation organization against the medical test site and results of any disciplinary or enforcement action taken by the accreditation organization against the medical test site; and

(v) Any records or other information about the medical test required for the department to determine whether or not standards are consistent with chapter 70.42 RCW and this chapter.

AMENDATORY SECTION (Amending Order 390, filed 9/1/93, effective 10/2/93)

WAC 246-338-040 Approval of accreditation (~~bodies~~) organizations. (1) The department (~~shall, under RCW 70.42.040,)~~ will recognize the accreditation (~~bodies~~) organizations granted deemed status by HCFA.

(2) (~~The department, upon request, shall furnish a list of the deemed accreditation bodies.~~)

(3) ~~The department shall:~~

(a) ~~Revoke deemed status from any organization which has deeming authority removed by HCFA;~~

(b) ~~Require the accreditation bodies to agree in writing to:~~

(i) ~~Allow the department to have jurisdiction to investigate complaints, do random on-site inspections and take disciplinary action against a medical test site if indicated; and~~

(ii) ~~Notify the department within thirty days of any medical test that has had its accreditation withdrawn, revoked or limited.~~

(4) ~~The department may deny or terminate the license for a medical test site, if the owner or applicant fails to authorize the accreditation body to notify the department of the test site's compliance with the standards of the accreditation body.~~

~~(5) The department shall notify the medical test site if an accreditation body loses department acceptance of approval as an accreditation body for the medical test site.~~

~~(6) The owner or applicant of a medical test site shall reapply for licensure within thirty days, if the acceptance of approval of the accreditation body for the medical test site is denied or terminated.)~~ The HCFA-approved accreditation organizations are:

(a) American Association of Blood Banks (AABB);

(b) American Osteopathic Association (AOA);

(c) American Society of Histocompatibility and Immunogenetics (ASHI);

(d) College of American Pathologists (CAP);

(e) COLA; and

(f) Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

(3) The accreditation organizations must:

(a) Allow the department to have jurisdiction to investigate complaints, do random on-site validation inspections, and take disciplinary action against a medical test site if indicated;

(b) Notify the department within fifteen days of any medical test site that:

(i) Has had its accreditation withdrawn, revoked, or limited;

(ii) Is sanctioned as a result of a routine inspection or complaint investigation; or

(iii) When adverse action has been taken for unsuccessful proficiency testing performance;

(c) Notify the department within five days of any deficiency that jeopardizes the public health, safety, or welfare; and

(d) Provide the department with a list of inspection schedules, as requested, for the purpose of conducting on-site validation inspections.

(4) The department will:

(a) Revoke deemed status from any organization which has deeming authority removed by HCFA; and

(b) Notify the medical test site if approval of an accreditation organization is withdrawn by the department.

AMENDATORY SECTION (Amending WSR 94-17-099, filed 8/17/94, effective 9/17/94)

WAC 246-338-050 Proficiency testing. (1) All licensed medical test sites, excluding those granted a certificate of waiver, (~~shall~~) must:

(a) Comply with federal proficiency testing requirements listed in 42 CFR Part 493-Laboratory Requirements, Subparts H and I; (~~and~~)

(b) Submit to the department (~~, by December 31 of each year,)~~ a copy of proficiency testing enrollment confirmation form(s) for the tests the medical test site will perform during the following calendar year, by December 31st of each year; and

(c) Authorize the proficiency testing program to release to the department all data required to determine the medical test site's compliance with this section.

(2) The department (~~shall~~) will:

PERMANENT

(a) Recognize only those proficiency testing programs approved by ~~((the))~~ HCFA; and

(b) Furnish, upon request:

(i) A copy of 42 CFR Part 493 Subparts H and I; ~~((and))~~

(ii) A list of the proficiency testing programs approved by HCFA; and

(iii) A list of tests that must be covered by proficiency testing.

(3) The department ~~((shall))~~ will evaluate proficiency testing results by using the following ~~((grading))~~ criteria:

(a) An evaluation of scores for the last three testing events of proficiency testing samples including:

(i) Tests;

(ii) Subspecialties; and

(iii) Specialties;

(b) Maintenance of a minimum acceptable score of eighty percent for all tests, subspecialties, and specialties except one hundred percent for:

(i) ABO group and D(Rh_(c)) typing; ~~((and))~~

(ii) Compatibility testing; and

(iii) Antihuman immunodeficiency virus;

(c) Unsatisfactory performance occurs when:

(i) Unsatisfactory scores are obtained in any specialty or Subspecialty in a testing event; or

(ii) An unsatisfactory score is obtained on a single test in a testing event~~(;~~

~~(d) Unsuccessful participation occurs when a grade of unsatisfactory performance is obtained on a single test or in a specialty or subspecialty on two of any three successive testing events).~~

~~(4) ((For unsuccessful participation in proficiency testing, the following actions shall occur))~~ Unsatisfactory performance on two of any three successive testing events is considered unsuccessful participation, and will result in the following actions:

(a) The department ~~((shall))~~ will mail a letter to the ~~((designated test site supervisor))~~ director stating that the medical test site may choose to:

(i) Discontinue patient testing for the identified test, specialty or subspecialty; or

(ii) Follow a directed plan of correction; and

(b) The medical test site ~~((shall))~~ must notify the department, within fifteen days of receipt of the notice of the decision to:

(i) Discontinue testing patient specimens for the identified test, subspecialty or specialty; or

(ii) Agree to a directed plan of correction.

~~(5) ((After completing a directed plan of correction, if a medical test site has))~~ Continued unsatisfactory performance for a test, specialty or subspecialty in either of the next two consecutive sets of proficiency testing samples, after completing a directed plan of correction, will result in the following action ((will occur)):

(a) The department ~~((shall))~~ will send, by certified mail, a notice to the owner and ~~((designated test site supervisor by certified mail a notice to))~~ director of the medical test site to cease performing the identified test, subspecialty, or specialty; and

(b) The owner ~~((shall))~~ must notify the department in writing within fifteen days of the receipt of the notice of the decision to voluntarily stop performing tests on patient specimens for the identified test, subspecialty, or specialty.

(6) The owner may petition the department for reinstatement of approval to perform tests on patient specimens after demonstrating satisfactory performance on two successive testing events of proficiency testing samples for the identified test, subspecialty, or specialty.

(7) The department ~~((shall))~~ will notify the owner in writing, within fifteen days of receipt of petition, of the decision related to the request for reinstatement.

AMENDATORY SECTION (Amending WSR 97-14-113, filed 7/2/97, effective 8/2/97)

WAC 246-338-060 Personnel. (1) ~~((Owners shall ensure))~~ Medical test site(s) owners must:

(a) Have a ~~((designated test site supervisor))~~ director responsible for~~(;~~

(i) ~~((the overall technical supervision and management of the test site personnel((; and~~

(ii) Performing)) including oversight of the performance of test procedures and reporting of ~~((testing procedures))~~ test results;

(b) Have technical personnel, competent to perform tests and report test results; and

(c) Meet the standards for personnel qualifications and responsibilities in compliance with federal regulation, as listed in 42 CFR Part 493 Subpart M-Personnel for Moderate and High Complexity Testing, with the following exception:

A person that achieved a satisfactory grade through an examination conducted by or under the sponsorship of the United States Public Health Service for director, on or before July 1, 1970, would qualify as a director, technical supervisor, technical consultant, general supervisor and testing personnel for the specialties in which a satisfactory grade was achieved for moderate and high complexity testing.

(2) The department~~((upon request, shall))~~ will furnish a copy of 42 CFR Part 493 Subpart M upon request.

~~(3) ((Owners of medical test sites shall establish, post and observe safety precautions to ensure protection from physical, chemical, biochemical and electrical hazards and biohazardous materials.~~

~~(4) Designated))~~ Medical test site ((supervisors shall) directors must:

(a) Establish and approve policies for:

(i) Performing, recording, and reporting of tests;

(ii) Maintaining an ongoing quality assurance program;

(iii) Supervision of testing; and

(iv) Compliance with chapter 70.42 RCW and this chapter;

(b) Evaluate, verify, and document the following related to technical personnel:

(i) Education, experience, and training in test performance and reporting tests results;

(ii) Sufficient numbers to cover the scope and complexity of the services provided;

(iii) Access to training appropriate for the type and complexity of the test site services offered; and

(iv) Maintenance of competency to perform test procedures and report test results;

(c) Be present, on call, or delegate the duties of the ((designated test site supervisor)) director to an on-site technical person during testing.

AMENDATORY SECTION (Amending WSR 97-14-113, filed 7/2/97, effective 8/2/97)

WAC 246-338-070 ((~~Recordkeeping~~)) Records.
((The medical test site shall:

(1) ~~Unless specified otherwise in subsection (2)(a), (b), and (c) of this section, maintain for two years:~~

- ~~(a) Test requisitions or equivalent;~~
- ~~(b) Test records;~~
- ~~(c) Test reports;~~
- ~~(d) Quality control records;~~
- ~~(e) Quality assurance records; and~~
- ~~(f) Discontinued procedures.~~

~~(2) Maintain:~~

~~(a) The items listed in subsection (1)(a), (b), (c), (d), and (e) of this section for transfusion services for five years;~~

~~(b) Abnormal cytology and all histology reports for ten years; and~~

~~(c) Normal cytology reports for ten years.~~

~~(3) Request the following written information to accompany a test requisition:~~

~~(a) Patient's name or other method of specimen identification;~~

~~(b) Name or other suitable identifier of the authorized person ordering the test;~~

~~(c) Date of specimen collection, and time if appropriate;~~

~~(d) Source of specimen, if appropriate;~~

~~(e) Type of test ordered;~~

~~(f) Sex and age of the patient, if appropriate; and~~

~~(g) For cytology and histology specimens:~~

~~(i) Pertinent clinical information; and~~

~~(ii) For pap smears:~~

~~(A) The last menstrual period; and~~

~~(B) Indication whether the patient has history of cervical cancer or its precursors.~~

~~(4) Assure specimen records include:~~

~~(a) A medical test site identification;~~

~~(b) The patient's name or other method of specimen identification;~~

~~(c) The date the specimen was received at the medical test site, and time if appropriate;~~

~~(d) The reason for specimen rejection or limitation;~~

~~(e) The date of specimen testing; and~~

~~(f) The identification of the personnel who performed the test.~~

~~(5) Assure that test reports:~~

~~(a) Are maintained in a manner permitting identification and reasonable accessibility;~~

~~(b) Are released only to authorized persons or designees;~~

~~(c) Include the name of the medical test site, or where applicable, the name and address of each medical test site performing each test;~~

~~(d) Include the date reported;~~

~~(e) Include the time reported, if appropriate;~~

~~(f) Include any information regarding specimen rejection or limitation;~~

~~(g) Include the test performed, test result, and units of measurement, if applicable; and~~

~~(h) Include the exact language of the report from the testing facility, if the specimen was referred to another medical test site for testing.~~

~~(6) Assure cytology reports:~~

~~(a) Distinguish between unsatisfactory specimen and negative results; and~~

~~(b) Contain narrative descriptions for any abnormal results, such as the Bethesda system of terminology as published in the Journal of the American Medical Association, 1989, Volume 262, pages 931-934, for any abnormal results.~~

~~(7) Establish and make available for use by authorized persons ordering or utilizing the test results:~~

~~(a) Reference ranges; and~~

~~(b) A list of test methods, including performance specifications.~~

~~(8) Issue corrected reports when indicated.~~

~~(9) Establish criteria for and maintain appropriate documentation of:~~

~~(a) Temperature controlled spaces and equipment;~~

~~(b) Preventive maintenance activities;~~

~~(c) Equipment function checks;~~

~~(d) Procedure calibrations;~~

~~(e) Validation, precision, and accuracy checks;~~

~~(f) Expiration date, lot numbers, and other pertinent information for:~~

~~(i) Reagents;~~

~~(ii) Solutions;~~

~~(iii) Culture media;~~

~~(iv) Controls, as defined in WAC 246-338-090;~~

~~(v) Calibrators, as defined in WAC 246-338-090;~~

~~(vi) Standards, as defined in WAC 246-338-090;~~

~~(vii) Reference materials, as defined in WAC 246-338-090; and~~

~~(viii) Other testing materials;~~

~~(g) Testing of quality control samples; and~~

~~(h) Any remedial action taken in response to quality control, quality assurance, personnel, and proficiency testing.~~

~~(10) Refer specimens for testing only to a medical test site with a valid license, or to an interstate laboratory with a valid CLIA certificate.~~

~~(11) Maintain, or be able to reproduce, a copy of the report for all specimens that are referred for testing.)~~ Medical test sites must maintain records as described in this section.

(1) REQUISITIONS must include the following information, in written or electronic form:

(a) Patient name, identification number, or other method of specimen identification;

(b) Name or other suitable identifier of the authorized person ordering the test;

(c) Date of specimen collection, and time, if appropriate;

(d) Source of specimen, if appropriate;

(e) Type of test ordered;

(f) Sex and age of the patient, if appropriate; and

(g) For cytology and histopathology specimens:

(i) Pertinent clinical information; and

- (ii) For Pap smears:
 - (A) Date of last menstrual period; and
 - (B) Indication whether the patient has history of cervical cancer or its precursors.
- (2) TEST RECORD SYSTEMS must:
 - (a) Consist of instrument printouts, worksheets, accession logs, corrective action logs, and other records that ensure reliable identification of patient specimens as they are processed and tested to assure that accurate test results are reported; and
 - (b) Include:
 - (i) The patient's name or other method of specimen identification;
 - (ii) The date the specimen was received, and time, if appropriate;
 - (iii) The reason for specimen rejection or limitation;
 - (iv) The date of specimen testing; and
 - (v) The identification of the personnel who performed the test.
- (3) TEST REPORTS must:
 - (a) Be maintained in a manner permitting identification and reasonable accessibility;
 - (b) Be released only to authorized persons or designees;
 - (c) Include the name and address of the medical test site, or where applicable, the name and address of each medical test site performing each test;
 - (d) Include:
 - (i) Date reported;
 - (ii) Time reported, if appropriate;
 - (iii) Any information regarding specimen rejection or limitation; and
 - (iv) Name of the test performed, test result, and units of measurement, if applicable.

- (4) CYTOLOGY REPORTS must:
 - (a) Distinguish between unsatisfactory specimens and negative results;
 - (b) Provide narrative descriptions for any abnormal results, such as the Bethesda system of terminology as published in the Journal of the American Medical Association, 1989, Volume 262, pages 931-934; and
 - (c) Include the signature or initials of the technical supervisor, or an electronic signature authorized by the technical supervisor, for nongynecological preparations and gynecological preparations interpreted to be showing reactive or reparative changes, atypical squamous or glandular cells of undetermined significance, or to be in the premalignant (dysplasia, cervical intraepithelial neoplasia or all squamous intraepithelial neoplasia lesions including human papilloma-virus-associated changes) or malignant category.
- (5) HISTOPATHOLOGY REPORTS must include the signature or initial of the technical supervisor or an electronic signature authorized by the technical supervisor on all reports.
- (6) CYTOGENETICS REPORTS must:
 - (a) Use appropriate nomenclature on final reports;
 - (b) Include the number of cells counted and karyotyped; and
 - (c) Include an interpretation of the karyotypes findings.
- (7) If a specimen is referred to another laboratory for testing, the medical test site must:
 - (a) Report the essential elements of the referred test results without alterations that could affect the clinical interpretation of the results; and
 - (b) Retain or be able to produce an exact duplicate of each testing report from the referral laboratory.
- (8) The medical test site must retain records, slides, and tissues as described in Table 070-1.

Table 070-1 Record/Slide/Tissue Retention Schedule

	Two Years	Five Years	Ten Years
(a) <u>General Requirements for all Laboratory Specialties</u>	<ul style="list-style-type: none"> : Test requisitions or equivalent; : Test records; : Test reports; : Quality control records; : Quality assurance records; : Proficiency testing records; : <u>Hard copy of report, or ability to reproduce a copy, for all specimens referred for testing;</u> and : <u>Discontinued procedures for all specialty areas</u> 		
(b) <u>Transfusion Services*</u>		<ul style="list-style-type: none"> : Test requisitions or equivalent; : Test records; : Test reports; : Quality control records; and : Quality assurance records 	
(c) <u>Cytology</u>		<ul style="list-style-type: none"> : <u>All cytology slides, from date of examination of the slide</u> 	<ul style="list-style-type: none"> : <u>All cytology reports</u>

PERMANENT

	Two Years	Five Years	Ten Years
(d) <u>Histopathology</u>	<ul style="list-style-type: none"> • <u>Specimen blocks, from date of examination</u> 		<ul style="list-style-type: none"> • <u>All histopathology reports; and</u> • <u>Stained slides, from date of examination of the slide</u>
(e) <u>Histopathology-Tissues</u>	<u>Retain remnants of tissue specimens in an appropriate preserved state until the portions submitted for microscopic examination have been examined and diagnosed</u>		
(f) <u>Instrument/method Validation Studies</u>	<u>For life of instrument/method plus two years</u>		

* Must be retained for no less than five years in accordance with 21 CFR Part 606, Subpart I.

AMENDATORY SECTION (Amending Order 390, filed 9/1/93, effective 10/2/93)

WAC 246-338-080 Quality assurance. Each medical test site performing moderate complexity (including PPMP) or high complexity testing, or any combination of these tests, must establish and follow written policies and procedures for a comprehensive quality assurance program. The quality assurance program must be designed to monitor and evaluate the ongoing and overall quality of the total testing process (preanalytic, analytic, postanalytic). The medical test site's quality assurance program must evaluate the effectiveness of its policies and procedures; identify and correct problems; assure the accurate, reliable, and prompt reporting of test results; and assure the adequacy and competency of the staff. As necessary, the medical test site must revise policies and procedures based upon the results of those evaluations. The medical test site must meet the standards as they apply to the services offered, complexity of testing performed and test results reported, and the unique practices of each testing entity. All quality assurance activities must be documented.

(1) The medical test site ~~((shall))~~ must establish and implement a written quality assurance plan, including policies and procedures, designed to:

(a) Monitor, evaluate, and review quality control data, proficiency testing ~~((data))~~ results, and test results, including biannual ~~((evaluation))~~ verification of:

(i) Accuracy of test results for tests that are not covered by proficiency testing; and

(ii) Relationship between test results when the medical test site performs the same test on different instruments or at different locations within the medical test site;

(b) Identify and correct problems;

(c) Establish and maintain accurate, reliable, and prompt reporting of test results;

(d) Verify all tests performed and reported by the medical test site conform to specified performance criteria in quality control under WAC 246-338-090; and

(e) Establish and maintain the adequacy and competency of the technical personnel.

(2) The quality assurance plan ~~((shall))~~ must include mechanisms or systems to:

(a) Establish and apply criteria for specimen acceptance and rejection;

(b) Notify the appropriate individuals as soon as possible when test results indicate potential life-threatening conditions;

(c) Assess problems identified during quality assurance reviews and discuss them with the appropriate staff;

(d) Evaluate all test reporting systems to verify accurate and reliable reporting, transmittal, storage, and retrieval of data;

(e) Document all action taken to identify and correct problems or potential problems;

(f) ~~((Make available))~~ Issue corrected reports when indicated;

(g) Provide appropriate instructions for specimen collection, handling, preservation, and transportation; and

~~((g) Make available to))~~ (h) Provide clients updates of testing changes that would affect test results or the interpretation of test results.

(3) The medical test site must establish criteria for and maintain appropriate documentation of any remedial action taken in response to quality control, quality assurance, personnel, proficiency testing, and transfusion reaction investigations.

(4) The medical test site must have a system in place to assure:

(a) All complaints and problems reported to the medical test site are documented and investigated when appropriate; and

(b) Corrective actions are instituted as necessary.

(5) The owner ~~((shall))~~ must:

(a) Maintain adequate space, facilities, and essential utilities for the performance and reporting of tests((-);

~~((4) The medical test site shall))~~ (b) Establish, post, and observe safety precautions to ensure protection from physical, chemical, biochemical, and electrical hazards and bio-hazards; and

(c) Establish and implement policies and procedures for infectious and hazardous medical wastes consistent with local, state, and federal authorities.

(6) Information that must be available to authorized persons ordering or utilizing the test results includes:

(a) A list of test methods, including performance specifications;

(b) Reference ranges; and

(c) Test method limitations.

(7) If the medical test site refers specimens to another site for testing, the site to which specimens are referred must have a valid medical test site license or meet equivalent requirements as determined by HCFA.

PERMANENT

AMENDATORY SECTION (Amending WSR 97-14-113, filed 7/2/97, effective 8/2/97)

WAC 246-338-090 Quality control. ((1) For the purpose of this section, the following words and phrases have the following meanings, unless the context clearly indicates another meaning:

(a) "ABO, A, A₁, B, O, anti-A, anti-B, anti-D, anti-Rh₀, Rh₀(D), HLA, HLA-A, B, and DR" means taxonomy classifications for blood groups, types, cells, sera, or antisera;

(b) "Calibrator" means a material, solution, or lyophilized preparation designed to be used in calibration. The values or concentrations of the analytes of interest in the calibration material are known within limits ascertained during its preparation or before use;

(c) "Control" means a material, solution, lyophilized preparation, or pool of collected serum designed to be used in the process of quality control. The concentrations of the analytes of interest in the control material are known within limits ascertained during its preparation or before routine use;

(d) "Control slide" means a preparation fixed on a glass slide used in the process of quality control;

(e) "Reference material" means a material or substance, calibrator, control or standard where one or more properties are sufficiently well established for use in calibrating a process or for use in quality control;

(f) "Standard" means a reference material of fixed and known chemical composition capable of being prepared in essentially pure form, or any certified reference material generally accepted or officially recognized as the unique standard for the assay regardless of level or purity of the analyte content.

(2) The medical test site shall use quality control procedures providing and assuring accurate and reliable test results and reports, meeting the requirements of this chapter.

(3) The medical test site shall have written procedures and policies available in the work area including:

- (a) Analytical methods used by the technical personnel;
- (b) Specimen collection and processing procedures;
- (c) Preparation of solutions, reagents, and stains;
- (d) Calibration procedures;
- (e) Proper maintenance of equipment;
- (f) Quality assurance policies;
- (g) Quality control procedures;
- (h) Corrective actions when quality control results deviate from expected values or patterns;

- (i) Procedures for reporting test results;
- (j) Limitations of methodologies; and
- (k) Alternative or backup methods for performing tests including the use of a reference facility if applicable.

(4) The medical test site shall perform quality control complying with the requirements of this section for each specialty and subspecialty as follows:

- (a) At least as frequently as specified in this section;
 - (b) More frequently if recommended by the manufacturer of the instrument or test procedure; or
 - (c) More frequently if specified by the medical test site
- (5) The medical test site shall:
- (a) Perform procedural calibration or recalibration, in accordance with manufacturer's instructions:

- (i) When recommended by the manufacturer or specified by the medical test site's established schedule, with at least the frequency recommended by the manufacturer; and

- (ii) When calibration fails to meet the medical test site's acceptable limits;

- (b) Perform calibration verification using materials appropriate for verifying the minimal, mid point and maximum points of the reportable range, unless the medical test site can demonstrate an alternative method of assuring the accuracy of the procedure throughout the reportable range for patient test results:

- (i) When a complete change of reagents for a procedure is introduced;

- (ii) When there is major preventive maintenance or replacement of critical parts of equipment or instrumentation;

- (iii) When controls begin to reflect an unusual trend or are outside acceptable range limits; or

- (iv) At least every six months;

- (e) If patient values are above the maximum or below the minimum calibration point or the linear range:

- (i) Report the patient results as greater than the upper limit or less than the lower limit or an equivalent designation; or

- (ii) Use an appropriate procedure to rerun the sample allowing results to fall within the established linear range;

- (d) Perform quality control:

- (i) For quantitative tests:

- (A) To include two reference materials of different concentrations each day of testing unknown samples, if these reference materials are available; or

- (B) Have an equivalent mechanism to assure the quality, accuracy, and precision of the test, if reference materials are not available; and

- (ii) For qualitative tests, to include positive and negative reference material each day of testing unknown samples;

- (e) Check each batch or shipment of reagents, discs, stains, antisera and identification systems for positive and negative reactivity:

- (i) When prepared or opened;

- (ii) For stains, each day of use, unless otherwise specified; and

- (iii) For fluorescent stains, each time of use, unless otherwise specified;

- (f) Determine the statistical limits for each lot number of unassayed reference materials through repeated testing;

- (g) Use the manufacturer's reference material limits for assayed material, provided they are:

- (i) Verified by the medical test site; and

- (ii) Appropriate for the methods and instrument used by the medical test site;

- (h) Make reference material limits readily available;

- (i) Report patient results only when reference materials are within acceptable limits;

- (j) Use materials within their documented expiration date and not interchange components of kits with different lot numbers, unless specified by manufacturer;

- (k) For microbiology:

- (i) Check each batch or shipment of reagents, discs, stains, antisera, and identification system for reactivity with positive and negative reference organisms including:

(A) Each time of use for fluorescent stains;
 (B) Each day of use for:
 (I) Stains, unless specifically stated otherwise in this section; DNA probes; reagents used in mycobacteriology; catalase, coagulase, beta lactamase, and oxidase reagents; and
 (II) Direct antigen detection systems, using positive and negative controls that evaluate both the extraction and reaction phase;
 (C) Each week of use for Gram and acid-fast stains, bacitracin, optochin, ONPG, X, and V discs or strips; and
 (D) Each month of use for antisera;
 (ii) When testing antimicrobial susceptibility, check each new batch of media and each new lot of antimicrobial discs or other testing systems using approved reference organisms:
 (A) Before initial use; and
 (B) Each day of testing, or weekly, if the medical test site can meet the quality control requirements for antimicrobial disc susceptibility testing as outlined by the National Committee for Clinical Laboratory Standards (NCCLS), available upon request from the department;
 (iii) Document zone sizes or minimum inhibitory concentration for reference organisms are within established limits;
 (iv) Have available and use appropriate stock organisms for quality control purposes;
 (v) Have available a collection of slides, photographs, gross specimens, or text books for reference sources to aid in identification of microorganisms;
 (vi) Document appropriate steps in the identification of microorganisms on patient specimens;
 (vii) Check each batch or shipment of noncommercial media for sterility, ability to support growth, and if appropriate, selectivity, inhibition, or biochemical response;
 (viii) If commercially manufactured media quality control results are used:
 (A) Verify that the product insert specifies that the quality control checks meet the requirements, as outlined by NCCLS, for media quality control;
 (B) Keep records of the manufacturer's quality control results;
 (C) Document visual inspection of the media before use; and
 (D) Follow the manufacturer's specifications for using the media;
 (ix) When performing mycology:
 (A) For susceptibility testing:
 (I) Test each drug each day of use with at least one control strain that is susceptible to the drug; and
 (II) Document that controls are within established limits before reporting patient results;
 (B) Test reagents, used with biochemical tests and other test procedures used for identification, each week of use with an organism that produces a positive reaction;
 (x) When performing parasitology:
 (A) Use a calibrated ocular micrometer for determining the size of ova and parasites, if size is a critical parameter; and
 (B) Check permanent stains using reference materials, each month of use;

(xi) When performing virus identification, simultaneously culture uninoculated cells or cell substrate controls as a negative control;
 (I) For syphilis serology:
 (i) Use equipment, glassware, reagents, reference materials, and techniques conforming to manufacturers' specifications;
 (ii) Perform serologic tests on unknown specimens concurrently with a positive serum reference material with known titer or graded reactivity and a negative reference material; and
 (iii) Employ reference materials for all test components to ensure reactivity;
 (m) For general immunology:
 (i) Perform serologic tests on unknown specimens with a positive and a negative reference material;
 (ii) Employ reference materials for all test components to ensure reactivity; and
 (iii) Report test results only when the predetermined reactivity pattern of the reference material is observed;
 (n) For chemistry, when performing blood gas analysis, include:
 (i) A two point calibration and a reference material each eight hours of testing; and
 (ii) A one point calibration or reference material each time patient samples are tested, unless automated instrumentation internally verifies calibration at least every thirty minutes; or
 (iii) Another calibration and reference material schedule, approved by the department as equivalent to this subsection;
 (o) For hematology and coagulation:
 (i) Use one level of reference material each eight hours of testing patient samples for manual blood counts;
 (ii) Use two levels of reference materials:
 (A) Each eight hours of testing for:
 (I) Instrumentation methods; and
 (II) Manual tilt tube method for coagulation; and
 (B) Each reagent change for coagulation;
 (iii) Run manual coagulation tests and cell counts in duplicate;
 (p) For immunohematology, for the services offered:
 (i) Perform ABO grouping by testing unknown red cells with Federal Food and Drug Administration approved anti-A and anti-B grouping sera;
 (ii) Confirm ABO grouping of unknown serum with known A₁ and B red cells;
 (iii) Determine the Rh₀(D) group by testing unknown red cells with anti-D (anti Rh₀) blood grouping serum;
 (iv) Employ a control system capable of detecting false positive Rh test results, when required by the manufacturer; and
 (v) Perform quality control checks of cells and antisera each day of use;
 (q) For transfusion services:
 (i) Perform ABO grouping, Rh₀(D) typing, antibody detection, and identification and compatibility testing as described by the Food and Drug Administration under 21 CFR Part 606, with the exception of 21 CFR Part 606.20a, Personnel, and 21 CFR Part 640;

(ii) Collect, store, process, distribute and date blood and blood products as described by the Food and Drug Administration under 21 CFR Parts 606, 610.53 and 640;

(iii) When provided by an outside entity, have an agreement approved by the director for procurement, transfer and availability of blood and blood products; and

(iv) Promptly investigate all transfusion reactions according to the medical test site's procedures;

(r) For histopathology:

(i) Use positive control slides for each special stain to check for intended level of reactivity;

(ii) Retain stained slides at least ten years and specimen blocks at least two years from the date of examination;

(iii) Retain remnants of tissue specimens in an appropriate preserved state until the portions submitted for microscopic examination have been examined and diagnosed; and

(iv) Include on all reports the signature or initials of the technical supervisor, as defined under 42 CFR Part 493 Subpart M;

(s) For cytology:

(i) Develop criteria for submission of material and the assessment of the adequacy of the sample submitted, including notifying the physician;

(ii) Retain all negative slides for five years from the date of examination of the slide;

(iii) Retain all abnormal slides for ten years from the date of examination;

(iv) Include in quality control the rescreening and documentation of benign gynecological slides as follows:

(A) One hundred percent of slides from patient with a known history of cervical cancer or its precursors; and

(B) Selection of benign slides for a total rescreening of a minimum of ten percent of all benign slides including patients identified in (s)(iv)(A) of this subsection;

(v) Assure that quality control is performed by a person meeting the personnel requirements for technical supervisor or general supervisor in cytology, as defined under 42 CFR Part 493 Subpart M;

(vi) Evaluate the results of the quality control rescreen prior to reporting results for the cases selected;

(vii) Review cytologic specimens or records of previous reviews, for the prior five years, if available, for each abnormal cytology result;

(viii) Correlate abnormal cytology reports with prior cytology reports and with histopathology reports, if available, and determine the cause of any discrepancies;

(ix) Document reviews of negative slides from cases known to have a history of abnormal slides;

(x) Evaluate and document technical personnel slide examination performance, comparing against the medical test site's overall statistics;

(xi) Evaluate and document significant discrepancies in examination of cytology slides;

(xii) Establish an annual statistical evaluation of the number of cytology cases examined, number of specimens processed by specimen type, volume of patient cases reported by diagnosis, number of cases where cytology and histology are discrepant, number of cases where histology results were unavailable for comparison and number of cases where

rescreen of negative slides resulted in reclassification as abnormal;

(xiii) Stain all gynecologic smears with a Papanicolaou or modified Papanicolaou staining method;

(xiv) Take effective measures when staining to prevent cross-contamination between gynecologic and nongynecologic specimens;

(xv) The technical supervisor shall:

(A) Confirm all gynecological smears interpreted to be outside normal limits;

(B) Review all nongynecological cytological preparations;

(C) Sign or initial all reports from (s)(xiv)(A) or (B) of this subsection; and

(D) Establish, document and reassess, at least every six months, the workload limits for each cytotechnologist;

(xvi) Technical personnel shall examine, unless federal law and regulation specify otherwise, no more than one hundred cytological slides in a twenty-four hour period and in no less than a eight-hour period; and

(xvii) All slide preparations must be evaluated on the premises;

(t) For histocompatibility:

(i) Use applicable quality control standards for immunohematology, transfusion services, and diagnostic immunology as described in this chapter; and

(ii) Meet the standards for histocompatibility as listed in 42 CFR Part 493.1265, Condition: Histocompatibility, available from the department upon request;

(u) For cytogenetics:

(i) Document the:

(A) Number of metaphase chromosome spreads and cells counted and karyotyped;

(B) Number of chromosomes counted for each metaphase spread;

(C) Media used;

(D) Quality of banding; and

(E) Sufficient resolution to support the reported results;

(ii) Assure an adequate number of karyotypes are prepared for each patient, according to the indication given for performing cytogenetics study;

(iii) Use an adequate patient identification system for:

(A) Patient specimens;

(B) Photographs, photographic negatives, or computer stored images of metaphase spreads and karyotypes;

(C) Slides; and

(D) Records;

(iv) Include in the final report:

(A) The number of cells counted and karyotyped; and

(B) An interpretation of the karyotypes findings;

(v) Use appropriate nomenclature on final reports; and

(vi) When performing determination of sex by X and Y chromatin counts, perform confirmatory testing on all atypical results;

(v) For radiobioassay and radioimmunoassay:

(i) Check the counting equipment for stability each day of use with radioactive standards or reference sources; and

(ii) Meet Washington state radiation standards described under chapter 70.98 RCW, and chapter 402-10 through 402-24, 402-32 through 402-34, 402-62, and 402-70 WAC.) The

medical test site must use quality control procedures, providing and assuring accurate and reliable test results and reports, meeting the requirements of this chapter.

(1) The medical test site must have written procedures and policies available in the work area for:

(a) Analytical methods used by the technical personnel including:

- (i) Principle;
- (ii) Specimen collection and processing procedures;
- (iii) Equipment/reagent/supplies required;
- (iv) Preparation of solutions, reagents, and stains;
- (v) Test methodology;
- (vi) Quality control procedures;
- (vii) Procedures for reporting results (normal, abnormal, and critical values);
- (viii) Reference range;
- (ix) Troubleshooting guidelines - limitations of methodology;

(x) Calibration procedures; and

(xi) Pertinent literature references; and

(b) Alternative or backup methods for performing tests including the use of a reference facility if applicable.

(2) The medical test site must establish written criteria for and maintain appropriate documentation of:

(a) Temperature-controlled spaces and equipment;

(b) Preventive maintenance activities;

(c) Equipment function checks;

(d) Procedure calibrations; and

(e) Method/instrument validation procedures.

(3) The medical test site must maintain documentation of:

(a) Expiration date, lot numbers, and other pertinent information for:

(i) Reagents;

(ii) Solutions;

(iii) Culture media;

(iv) Controls;

(v) Calibrators;

(vi) Standards;

(vii) Reference materials; and

(viii) Other testing materials; and

(b) Testing of quality control samples.

(4) For **quantitative tests**, the medical test site must perform quality control as follows:

(a) Include two reference materials of different concentrations each day of testing unknown samples, if these reference materials are available; or

(b) Have an equivalent mechanism to assure the quality, accuracy, and precision of the test if reference materials are not available.

(5) For **qualitative tests**, the medical test site must perform quality control as follows:

(a) Use positive and negative reference material each day of testing unknown samples; or

(b) Have an equivalent mechanism to assure the quality, accuracy, and precision of the test if reference materials are not available.

(6) The medical test site must:

(a) Use materials within their documented expiration date;

(b) Not interchange components of kits with different lot numbers, unless specified by the manufacturer;

(c) Determine the statistical limits for each lot number of unassayed reference materials through repeated testing;

(d) Use the manufacturer's reference material limits for assayed material, provided they are:

(i) Verified by the medical test site; and

(ii) Appropriate for the methods and instrument used by the medical test site;

(e) Make reference material limits readily available;

(f) Report patient results only when reference materials are within acceptable limits; and

(g) Comply with general quality control requirements as described in Table 090-1, unless otherwise specified in subsection (9)(a) through (l) of this section.

(7) The medical test site must perform, when applicable:

(a) Calibration and calibration checks for **moderate complexity testing** as described in Table 090-2;

(b) Calibration and calibration verification for **high complexity testing** as described in Table 090-3;

(c) Validation for **moderate complexity testing** by verifying the following performance characteristics when the medical test site introduces a new procedure classified as moderate complexity:

(i) Accuracy;

(ii) Precision; and

(iii) Reportable range of patient test results;

(d) Validation for **high complexity testing**:

(i) When the medical test site introduces a new procedure classified as high complexity;

(ii) For each method that is developed in-house, is a modification of the manufacturer's test procedure, or is an instrument, kit or test system that has not been cleared by FDA; and

(iii) By verifying the following performance characteristics:

(A) Accuracy;

(B) Precision;

(C) Analytical sensitivity;

(D) Analytical specificity to include interfering substances;

(E) Reference ranges (normal values);

(F) Reportable range of patient test results; and

(G) Any other performance characteristic required for test performance.

(8) When patient values are above the maximum or below the minimum calibration point or the reportable range, the medical test site must:

(a) Report the patient results as greater than the upper limit or less than the lower limit or an equivalent designation; or

(b) Use an appropriate procedure to rerun the sample allowing results to fall within the established linear range.

Table 090-1 General Quality Control Requirements

	<u>Control Material</u>	<u>Frequency</u>
(a)	<u>Each batch or shipment of reagents, discs, antisera, and identification systems</u>	<ul style="list-style-type: none"> : <u>Appropriate control materials for positive and negative reactivity</u> : <u>When prepared or opened, unless otherwise specified</u>
(b)	<u>Each batch or shipment of stains</u>	<ul style="list-style-type: none"> : <u>Appropriate control materials for positive and negative reactivity</u> : <u>When prepared or opened; and</u> : <u>Each day of use, unless otherwise specified</u>
(c)	<u>Fluorescent stains</u>	<ul style="list-style-type: none"> : <u>Appropriate control materials for positive and negative reactivity</u> : <u>Each time of use, unless otherwise specified</u>
(d)	<u>Quality control for each specialty and sub-specialty</u>	<ul style="list-style-type: none"> : <u>Appropriate control materials; or</u> : <u>Equivalent mechanism to assure the quality, accuracy, and precision of the test if reference materials are not available</u> : <u>At least as frequently as specified in this section;</u> : <u>More frequently if recommended by the manufacturer of the instrument or test procedure; or</u> : <u>More frequently if specified by the medical test site</u>
(e)	<u>Direct antigen detection systems without procedural controls</u>	<ul style="list-style-type: none"> : <u>Positive and negative controls that evaluate both the extraction and reaction phase</u> : <u>Each batch, shipment, and new lot number; and</u> : <u>Each day use</u>

Table 090-2 Moderate Complexity Testing

	<u>Calibration Material</u>	<u>Frequency</u>
CALIBRATION	<ul style="list-style-type: none"> : <u>Calibration material appropriate for methodology according to manufacturer's instructions</u> 	<ul style="list-style-type: none"> : <u>Initial on-site installation/implementation of instrument/method;</u> : <u>At the frequency recommended by the manufacturer;</u> : <u>When controls show trends, shifts, or are out of limits and other corrective action has not fixed the problem.</u>
CHECK CALIBRATION	<ul style="list-style-type: none"> : <u>Assayed material appropriate for methodology</u> 	<ul style="list-style-type: none"> : <u>At least every six months.</u>

Table 090-3 High Complexity Testing

	<u>Calibration Material</u>	<u>Frequency</u>
CALIBRATION	<ul style="list-style-type: none"> : <u>Calibration materials appropriate for methodology</u> 	<ul style="list-style-type: none"> : <u>Initial on-site installation/implementation of instrument/method;</u> : <u>At the frequency recommended by the manufacturer; and</u> : <u>Whenever calibration verification fails to meet the medical test site's acceptable limits for calibration verification.</u>
CALIBRATION VERIFICATION	<ul style="list-style-type: none"> : <u>Use assayed material, if available, at the lower, mid-point, and upper limits of procedure's reportable range; or</u> : <u>Demonstrate alternate method of assuring accuracy at the lower, mid-point, and upper limits of procedure's reportable range</u> 	<ul style="list-style-type: none"> : <u>At least every six months;</u> : <u>When there is a complete change of reagents (i.e., new lot number or different manufacturer) is introduced;</u> : <u>When major preventive maintenance is performed or there is a replacement of critical parts of equipment; or</u> : <u>When controls are outside of the medical test site's acceptable limits or exhibit trends.</u>

(9) The medical test site must perform quality control procedures as described for each specialty and subspecialty in (a) through (l) of this subsection.

(a) Chemistry.

Perform quality control procedures for chemistry as described in Table 090-4.

PERMANENT

Table 090-4 Quality Control Procedures - Chemistry

<u>Subspecialty/Test</u>	<u>Qualitative</u>		<u>Quantitative</u>	
	<u>Control Material</u>	<u>Frequency</u>	<u>Control Material</u>	<u>Frequency</u>
<u>Routine Chemistry</u>	• <u>Positive and negative reference material</u>	• <u>Each day of use</u>	• <u>Two levels of reference material in different concentrations</u>	• <u>Each day of use</u>
<u>Toxicology</u>				
• <u>GC/MS for drug screening</u>	• <u>Analyte-specific control</u>	• <u>With each run of patient specimens</u>	• <u>Analyte-specific control</u>	• <u>With each analytical run</u>
• <u>Urine drug screen</u>	• <u>Positive control containing at least one drug representative of each drug class to be reported; must go through each phase of use including extraction</u>	• <u>With each run of patient specimens</u>		
<u>Urinalysis</u>				
• <u>Nonwaived instrument</u>			• <u>Two levels of control material</u>	• <u>Each day of use</u>
• <u>Refractometer for specific gravity</u>			• <u>Calibrate to zero with distilled water</u>	• <u>Each day of use</u>
			• <u>One level of control material</u>	
<u>Blood Gas Analysis</u>				
			• <u>Two-point calibration and one reference material</u>	• <u>Each eight hours of testing</u>
			• <u>One-point calibration or one reference material, or</u>	• <u>Each time patient sample is tested, unless automated</u>
			• <u>Another calibration and reference material schedule, approved by the department</u>	• <u>instrument internally verifies calibration every thirty minutes</u>
<u>Electrophoresis</u>	• <u>One control containing fractions representative of those routinely reported in patient specimens</u>	• <u>In each electrophoretic cell</u>	• <u>One control containing fractions representative of those routinely reported in patient specimens</u>	• <u>In each electrophoretic cell</u>

(b) Hematology.

- (i) Run patient and quality control samples in duplicate for manual cell counts;
- (ii) If reference material is unavailable, document the mechanism used to assure the quality, accuracy, and precision of the test; and
- (iii) Perform quality control procedures for hematology as described in Table 090-5.

Table 090-5 Hematology

	<u>Control Material</u>	<u>Frequency</u>
<u>Automated</u>	• <u>Two levels of reference material in different concentrations</u>	• <u>Every eight hours that patient samples are tested</u>
<u>Manual Blood Counts</u>	• <u>One level of reference material</u>	• <u>Every eight hours that patient samples are tested</u>
<u>Qualitative Tests</u>	• <u>Positive and negative reference material</u>	• <u>Each day of testing</u>

(c) Coagulation.

- (i) Run patient and quality control samples in duplicate for manual coagulation test (tilt tube);
- (ii) If reference material is unavailable, document the mechanism used to assure the quality, accuracy, and precision of the test; and
- (iii) Perform quality control procedures for coagulation as described in Table 090-6.

PERMANENT

Table 090-6 Coagulation

	Control Material	Frequency
<u>Automated</u>	• <u>Two levels of reference material in different concentrations</u>	• <u>Every eight hours that patient samples are tested; and</u> • <u>Each time reagents are changed</u>
<u>Manual Tilt Tube Method</u>	• <u>Two levels of reference material in different concentrations</u>	• <u>Every eight hours that patient samples are tested; and</u> • <u>Each time reagents are changed</u>

(d) General immunology.

- (i) Employ reference materials for all test components to ensure reactivity;
- (ii) Report test results only when the predetermined reactivity pattern of the reference material is observed; and
- (iii) Perform quality control procedures for general immunology as described in Table 090-7.

Table 090-7 General Immunology

	Control Material	Frequency
<u>Serologic tests on unknown specimens</u>	• <u>Positive and negative reference material</u>	• <u>Each day of testing</u>
<u>Moderate complexity kits with procedural (internal) controls</u>	• <u>Positive and negative reference material (external controls)</u> • <u>Procedural (internal) controls</u>	• <u>When kit is opened</u> • <u>Each time patient sample is tested</u>

(e) Syphilis serology.

- (i) Use equipment, glassware, reagents, controls, and techniques that conform to manufacturer's specifications;
- (ii) Employ reference materials for all test components to ensure reactivity; and
- (iii) Perform serologic tests on unknown specimens concurrently with a positive serum reference material with known titer or graded reactivity and a negative reference material.

(f) Microbiology.

- (i) Have available and use:
 - (A) Appropriate stock organisms for quality control purposes; and
 - (B) A collection of slides, photographs, gross specimens, or test books for reference sources to aid in identification of microorganisms;
- (ii) Document all steps (reactions) used in the identification of microorganisms on patient specimens;
- (iii) For antimicrobial susceptibility testing:
 - (A) Record zone sizes or minimum inhibitory concentration for reference organisms; and
 - (B) Zone sizes or minimum inhibitory concentration for reference organisms must be within established limits before reporting patient results; and

(C) Perform quality control on antimicrobial susceptibility testing media as described in Table 090-9;

(iv) For noncommercial media, check each batch or shipment for sterility, ability to support growth and, if appropriate, selectivity, inhibition, or biochemical response;

(v) For commercial media:

(A) Verify that the product insert specifies that the quality control checks meet the requirements for media quality control as outlined by the National Committee for Clinical Laboratory Standards (NCCLS), Quality Assurance for Commercially Prepared Microbiological Culture Media-Second Edition; Approved Standard (1996);

(B) Keep records of the manufacturer's quality control results;

(C) Document visual inspection of the media for proper filling of the plate, temperature or shipment damage, and contamination before use; and

(D) Follow the manufacturer's specifications for using the media; and

(vi) For microbiology subspecialties:

(A) **Bacteriology:** Perform quality control procedures for bacteriology as described in Tables 090-8 and 090-9.

Table 090-8 Bacteriology

	Control Material	Frequency
<u>Reagents, disks, and identification systems</u>	• <u>Positive and negative reference organisms, unless otherwise specified</u>	• <u>Each batch, shipment, and new lot number unless otherwise specified</u>
<u>Stains, unless otherwise specified: DNA probes; catalase; coagulase; beta-lactamase; and oxidase reagents</u>	• <u>Positive and negative reference organisms</u>	• <u>Each batch, shipment, and new lot number; and</u> • <u>Each day of use</u>

PERMANENT

	<u>Control Material</u>	<u>Frequency</u>
<u>Fluorescent stains</u>	<ul style="list-style-type: none"> Positive and negative reference organisms 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number, and Each time of use
<u>Gram and acid-fast stains, bacitracin, optochin, ONPG, X and V disks or strips</u>	<ul style="list-style-type: none"> Positive and negative reference organisms 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number, and Each week of use
<u>Direct antigen detection systems without procedural controls</u>	<ul style="list-style-type: none"> Positive and negative controls that evaluate both the extraction and reaction phase 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number, and Each day of use
<u>Moderate complexity test kits with procedural (internal) controls</u>	<ul style="list-style-type: none"> Positive and negative reference material (external) controls Procedural (internal) controls 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number Each time patient sample is tested
<u>Antisera</u>	<ul style="list-style-type: none"> Positive and negative reference material 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number, and Each month of use

Table 090-9 Bacteriology - Media for Antimicrobial Susceptibility Testing

	<u>Control Material</u>	<u>Frequency</u>
<u>Check each new batch of media and each new lot of antimicrobial disks or other testing systems (MIC)</u>	<ul style="list-style-type: none"> Approved reference organisms (ATCC organisms) 	<ul style="list-style-type: none"> Before initial use and each day of testing; or May be done weekly if the medical test site can meet the quality control requirements for antimicrobial disk susceptibility testing as outlined by Performance Standards for Antimicrobial Disk susceptibility Tests-Seventh Edition: Approved Standard (2000)

(B) Mycobacteriology: Perform quality control procedures for mycobacteriology as described in Table 090-10.

Table 090-10 Mycobacteriology

	<u>Control Material</u>	<u>Frequency</u>
<u>Iron uptake test</u>	<ul style="list-style-type: none"> Acid-fast organism that produces a positive reaction and with an organism that produces a negative reaction 	<ul style="list-style-type: none"> Each day of use
<u>All other reagents or test procedures used for mycobacteria identification unless otherwise specified</u>	<ul style="list-style-type: none"> Acid-fast organism that produces a positive reaction 	<ul style="list-style-type: none"> Each day of use
<u>DNA probes</u>	<ul style="list-style-type: none"> Organisms that produce positive and negative reactions 	<ul style="list-style-type: none"> Each day of use
<u>Acid-fast stains</u>	<ul style="list-style-type: none"> Acid-fast organism that produces a positive reaction 	<ul style="list-style-type: none"> Each week of use
<u>Fluorochrome acid-fast stains</u>	<ul style="list-style-type: none"> Organisms that produce positive and negative reactivity 	<ul style="list-style-type: none"> Each week of use
<u>Susceptibility test performed on <i>Mycobacterium tuberculosis</i> isolates</u>	<ul style="list-style-type: none"> Strain of <i>M. tb</i> susceptible to all antimycobacterial agents used 	<ul style="list-style-type: none"> Each week of use

(C) Mycology: Perform quality control procedures for mycology as described in Table 090-11.

Table 090-11 Mycology

	<u>Control Material</u>	<u>Frequency</u>
<u>Auxanographic medium for nitrate assimilation: Nitrate reagent</u>	<ul style="list-style-type: none"> Peptone control 	<ul style="list-style-type: none"> Each day of use
<u>Susceptibility tests: Each drug</u> <u>NOTE: Establish control limits and criteria for acceptable control results prior to reporting patient results</u>	<ul style="list-style-type: none"> One control strain that is susceptible to the drug 	<ul style="list-style-type: none"> Each day of use
<u>Acid-fast stains</u>	<ul style="list-style-type: none"> Organisms that produce positive and negative reactions 	<ul style="list-style-type: none"> Each week of use
<u>Reagents for biochemical and other identification test procedures</u>	<ul style="list-style-type: none"> Organism that produces a positive reaction 	<ul style="list-style-type: none"> Each week of use

PERMANENT

Control Material	Frequency
Commercial identification systems utilizing two or more substrates	<ul style="list-style-type: none"> • Organisms that verify positive and negative reactivity of each media type • Each batch or shipment and each lot number
<p>(D) Parasitology: (I) Have available and use: <ul style="list-style-type: none"> • Reference collection of slides or photographs and, if available, gross specimens for parasite identification; and • Calibrated ocular micrometer for determining the size of ova and parasites, if size is a critical parameter. (II) Check permanent stains each month of use with reference materials. (E) Virology: (I) Have available: <ul style="list-style-type: none"> • Host systems for isolation of viruses; and • Test methods for identification of viruses that cover the entire range of viruses that are etiologically related to the clinical diseases for which services are offered; and (II) Simultaneously culture uninoculated cells or cell substrate as a negative control when performing virus identification. (g) Histopathology: Include a control slide of known reactivity with each slide or group of slides for differential or special stains and document reactions. (h) Cytology. (i) Processing specimens: (A) Stain all gynecological smears using a Papanicolaou or a modified Papanicolaou staining method; (B) Have methods to prevent cross-contamination between gynecologic and nongynecologic specimens during the staining process; and (C) Stain nongynecological specimens that have a high potential for cross-contamination separately from other nongynecological specimens, and filter or change the stains following staining. (ii) Performing specimen examinations: (A) All cytology preparations must be evaluated on the premises of the medical test site; (B) Technical personnel must examine, unless federal law and regulation specify otherwise, no more than one hundred cytological slides by nonautomated microscopic technique in a twenty-four-hour period and in no less than an eight-hour work period; (C) Previously examined negative, reactive, reparative, atypical, premalignant or malignant gynecological cases and previously examined nongynecologic cytology preparations and tissue pathology slides examined by a technical supervisor are not included in the one hundred slide limit; (D) Each slide preparation technique (automated, semi-automated, or liquid based) which results in cell dispersion over one-half or less of the total available slide area and which is examined by nonautomated microscopic technique must be counted as one-half slide; and (E) Records of the total number of slides examined by each individual at all sites during each twenty-four-hour period must be maintained. (iii) Establish and implement a quality assurance program that ensures: (A) There is criteria for submission of material; </p>	<p>(B) All providers submitting specimens are informed of these criteria; (C) All samples submitted are assessed for adequacy; (D) Records of initial examinations and rescreening results are available; (E) Rescreening of benign gynecological slides is: (I) Performed by an individual who meets the personnel requirements for technical or general supervisor in cytology as defined under 42 CFR Part 493 Subpart M; (II) Completed before reporting patient results on those selected cases; (III) Performed and documented on: <ul style="list-style-type: none"> • No less than ten percent of the benign gynecological slides; and • Includes cases selected at random from the total case-load and from patients or groups of patients that are identified as having a high probability of developing cervical cancer, based on available patient information; (F) The technical supervisor: (I) Confirms all gynecological smears interpreted to be showing reactive or reparative changes, atypical squamous or glandular cells of undetermined significance, or to be in the premalignant (dysplasia, cervical intraepithelial neoplasia or all squamous intraepithelial neoplasia lesions including human papillomavirus-associated changes) or malignant category; (II) Reviews all nongynecological cytological preparations; and (III) Establishes, documents, and reassesses, at least every six months, the workload limits for each cytotechnologist; (G) All abnormal cytology reports are correlated with prior cytology reports and with histopathology reports if available, and the causes of any discrepancies are determined; (H) Review of all normal or negative gynecological specimens received within the previous five years, if available in the laboratory system, or records of previous reviews, for each patient with a current high grade intraepithelial lesion or moderate dysplasia of CIN-2 or above; (I) Notification of the patient's physician if significant discrepancies are found that would affect patient care and issuance of an amended report; (J) An annual statistical evaluation of the number of cytology cases examined, number of specimens processed by specimen type, volume of patient cases reported by diagnosis, number of cases where cytology and histology are discrepant, number of cases where histology results were unavailable for comparison, and number of cases where rescreen of negative slides resulted in reclassification as abnormal; and (K) Evaluation and documentation of the performance of each individual examining slides against the medical test site's overall statistical values, with documentation of any </p>

discrepancies, including reasons for the deviation and corrective action, if appropriate.

(i) Immunohematology/transfusion services.

(i) Perform ABO grouping, Rh (D) typing, antibody detection and identification, and compatibility testing as described by the Food and Drug Administration under 21 CFR Part 606, and must also comply with 21 CFR Part 640.

(A) Perform ABO grouping:

(I) By concurrently testing unknown red cells with Food and Drug Administration approved anti-A and anti-B grouping sera;

(II) Confirm ABO grouping of unknown serum with known A1 and B red cells;

(B) Perform Rh (D) typing by testing unknown red cells with anti-D (anti-Rh) blood grouping serum; and

(C) Perform quality control procedures for immunohematology as described in Table 090-12.

(ii) Blood and blood products:

(A) Collecting, processing, and distributing:

(I) Must comply with FDA requirements listed under 21 CFR Parts 606, 610.53, and 640; and

(II) Must establish, document, and follow policies to ensure positive identification of a blood or blood product recipient.

(B) Labeling and dating must comply with FDA requirements listed under 21 CFR 606, Subpart G, and 610.53.

(C) Storing:

(I) There must be an adequate temperature alarm system that is regularly inspected.

(II) The system must have an audible alarm system that monitors proper blood and blood product storage temperature over a twenty-four-hour period.

(III) High and low temperature checks of the alarm system must be documented.

(D) Collection of heterologous or autologous blood products on-site:

(I) Must register with the Food and Drug Administration; and

(II) Have a current copy of the form FDA 2830 "Blood Establishment Registration and Product Listing."

(iii) Must have an agreement approved by the director for procurement, transfer, and availability to receive products from outside entities.

(iv) Promptly investigate transfusion reactions according to established procedures, and take any necessary remedial action.

Table 090-12 Immunohematology

Reagent	Control Material	Frequency
<u>ABO antisera</u>	<u>• Positive control</u>	<u>• Each day of use</u>
<u>Rh antisera</u>	<u>• Positive and negative controls</u> <u>• Patient control to detect false positive Rh test results</u>	<u>• Each day of use</u> <u>• When required by the manufacturer</u>
<u>Other antisera</u>	<u>• Positive and negative controls</u>	<u>• Each day of use</u>
<u>ABO reagent red cells</u>	<u>• Positive control</u>	<u>• Each day of use</u>
<u>Antibody screening cells</u>	<u>• Positive control using at least one known antibody</u>	<u>• Each day of use</u>

(j) Histocompatibility.

(i) Use applicable quality control standards for immunohematology, transfusion services, and diagnostic immunology as described in this chapter; and

(ii) Meet the standards for histocompatibility as listed in 42 CFR Part 493.1265. Condition: Histocompatibility, available from the department upon request.

(k) Cytogenetics.

(i) Document:

(A) Number of metaphase chromosome spreads and cells counted and karyotyped;

(B) Number of chromosomes counted for each metaphase spread;

(C) Media used;

(D) Quality of banding; and

(E) Sufficient resolution to support the reported results;

(ii) Assure an adequate number of karyotypes are prepared for each patient according to the indication given for performing cytogenetics study;

(iii) Use an adequate patient identification system for:

(A) Patient specimens;

(B) Photographs, photographic negatives, or computer stored images of metaphase spreads and karyotypes;

(C) Slides; and

(D) Records; and

(iv) Perform confirmatory testing on all atypical results when performing determination of sex by X and Y chromatin counts.

(l) Radiobioassay and radioimmunoassay.

(i) Check the counting equipment for stability each day of use with radioactive standards or reference sources; and

(ii) Meet Washington state radiation standards described under chapter 70.98 RCW and chapters 246-220, 246-221, 246-222, 246-232, 246-233, 246-235, 246-239, 246-247, 246-249, and 246-254 WAC.

AMENDATORY SECTION (Amending WSR 97-14-113, filed 7/2/97, effective 8/2/97)

WAC 246-338-100 Disciplinary action. (1) Pursuant to chapter 34.05 RCW, the department may ~~((take disciplinary action against the license of a medical test site or an application for a license as a medical test site upon a determination that the licensee or applicant has engaged in or committed any of the following))~~ deny a license to any applicant, or condition, suspend, or revoke the license of any licensee, or in addition to or in lieu thereof, assess monetary penalties of up

PERMANENT

to ten thousand dollars per violation, if the applicant or licensee:

(a) ~~((Failure or refusal))~~ Fails or refuses to comply with the requirements of chapter 70.42 RCW or the rules adopted under chapter 70.42 RCW;

(b) Knowingly, or with reason to know, ~~((made))~~ makes a false statement of a material fact in the application for a license or in any data attached thereto or in any record required by the department;

(c) ~~((Refused))~~ Refuses to allow representatives of the department to examine any book, record, or file required under this chapter;

(d) Willfully ~~((prevented, interfered with, or attempted))~~ prevents, interferes with, or attempts to impede in any way, the work of a representative of the department; or

(e) ~~((Misrepresented or was))~~ Misrepresents or is fraudulent in any aspect of the owner's or applicant's business.

(2) ~~((Except as provided in subsection (3) of this section, the following actions may be taken against the applicant or licensee, individually or in any combination, as a disciplinary action:~~

(a) ~~Denial of the license or renewal thereof;~~

(b) ~~Conditions on the license which limit or cancel the test site's authority to conduct any tests or group of tests;~~

(c) ~~Suspension of the license;~~

(d) ~~Revocation of the license;~~

(e) ~~Monetary penalties, not exceeding ten thousand dollars per violation.~~

~~(3) Upon a determination that the licensee or applicant has engaged in or committed any of the following described conduct,))~~ The department may impose the sanctions enumerated in subsection (1) of this section individually or in any combination.

(3) The sanction shall be as specified for ((that)) the following described conduct. If more than one sanction is listed, the department may impose the sanction ((may be ordered)) individually or in any combination:

(a) If the applicant was the holder of a license under chapter 70.42 RCW which was revoked for cause and never reissued by the department, then the license application may be denied;

(b) If the licensee willfully prevents or interferes with preservation of evidence of a known violation of chapter 70.42 RCW or the rules adopted under this chapter, a monetary penalty not exceeding ten thousand dollars per violation may be assessed or the license may be:

(i) Conditioned in a manner limiting or canceling the authority to conduct tests or groups of tests;

(ii) Suspended;

(iii) Revoked;

(c) If the licensee used false or fraudulent advertising, a monetary penalty not exceeding ten thousand dollars per violation may be assessed or the license may be suspended or revoked;

(d) If the licensee failed to pay any civil monetary penalty assessed by the department under chapter 70.42 RCW within twenty-eight days after the assessment becomes final, the license may be suspended or revoked;

(e) If the licensee intentionally referred its proficiency testing samples to another medical test site or laboratory for

analysis, the license will be revoked for a period of at least one year and a monetary penalty not exceeding ten thousand dollars per violation may be assessed.

(4) The department may summarily suspend or revoke a license when the department finds continued licensure of a test site immediately jeopardizes the public health, safety, or welfare.

(5) The department ~~((shall))~~ will give written notice of any disciplinary action taken by the department to the owner or applicant for licensure, including notice of the opportunity for a hearing.

~~((6) A medical test site, convicted of fraud and abuse, false billing or kickbacks under state law must report this information to the department within thirty days.))~~

AMENDATORY SECTION (Amending Order 390, filed 9/1/93, effective 10/2/93)

WAC 246-338-110 Adjudicative proceedings. (1) A licensee or applicant ~~((contesting))~~ who contests a disciplinary action shall, within twenty-eight days of service of the notice of disciplinary action, file ~~((an application of))~~ a request for adjudicative proceeding with the Department of Health, ~~((Office of Professional Standards, 2413 Pacific Avenue))~~ Adjudicative Clerk, P.O. Box ~~((47872))~~ 47879, Olympia, WA 98504-~~((7872))~~ 7879.

(2) The adjudicative proceeding is governed by chapter 34.05 RCW, the Administrative Procedure Act, chapter 70.42 RCW, Medical test sites, this chapter, and chapter 246-10 WAC.

(3) Any licensee or applicant aggrieved upon issuance of the decision after the ~~((conduct of an))~~ adjudicative proceeding may, within sixty days of service of the adjudicative proceeding decision, petition the superior court for review of the decision under chapter 34.05 RCW.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-338-030

Waiver from licensure of medical test sites.

WSR 00-06-081

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed March 1, 2000, 10:42 a.m., effective March 1, 2000]

Date of Adoption: March 1, 2000.

Purpose: Safety standards for agriculture, chapter 296-307 WAC. Repeal temporary labor camps, WAC 296-307-160 and establish temporary worker housing, WAC 296-307-161 (Part L) and cherry harvest camps, WAC 296-307-163, (Part L1).

Topic: The 1999 legislature enacted chapter 374, Laws of 1999 (ESSB 5599) requiring the Department of Labor and

Industries (L&I) and the Department of Health (DOH) to adopt joint rules for the licensing, operation, and inspection of temporary worker housing and the enforcement of these rules. ESSB 5599 also removes temporary worker housing responsibilities from the State Board of Health and directs the agencies to establish standards for cherry harvest camps. Cherry harvest standards may include some variation from standards that are necessary for longer occupancies, provided they are as effective as the standards adopted by WISHA.

Beginning in June 1999 an L&I/DOH joint project team with OSHA representation has been meeting regularly and has developed the wording for the temporary worker housing rule and the cherry harvest camp rule. During the development of the wording, the joint project team met twice with grower and worker advocates and a third time with the advocates and the public to gather their input. In addition, using the Washington Interactive Technologies video conferencing, one public hearing was held simultaneously in four locations (Wenatchee, Yakima, Tri-Cities, and Mount Vernon) on January 6, 2000. Fifteen letters of written comments were received. Forty-four people attended the hearing and six gave public testimony.

The current WAC 296-307-160 Temporary labor camps is being repealed in its entirety and reissued under WAC 296-307-161 Temporary worker housing and WAC 296-307-163 Cherry harvest camps to improve usability and clarity. Current Department of Health requirements have been incorporated into the temporary worker housing and cherry harvest camps rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-307-160 Temporary labor camps, 296-307-16001 What requirements apply to camp sites? 296-307-16003 How must camp shelters be constructed? 296-307-16004 What electricity must be provided for temporary labor camps? 296-307-16005 What requirements apply to the water supply? 296-307-16007 Must an employer provide toilet facilities for the camp? 296-307-16009 Must sewer lines connect to public sewers? 296-307-16011 What facilities must an employer provide for laundry, handwashing, and bathing? 296-307-16013 What lighting must an employer provide in camp buildings? 296-307-16015 What requirements apply to refuse disposal? 296-307-16017 What cooking and food-handling facilities must be provided in temporary labor camps? 296-307-16019 Must an employer provide insect and rodent control? 296-307-16021 What first-aid facilities must be available in the camp? and 296-307-16023 When must an employer report communicable diseases in a camp?

New sections WAC 296-307-161 Temporary worker housing, 296-307-16101 Purpose and applicability, 296-307-16103 Definitions, 296-307-16105 Operating license, 296-307-16110 Requirements for self-survey program, 296-307-16115 Maximum housing occupancy, 296-307-16120 Variance and procedure, 296-307-16125 Temporary worker housing sites, 296-307-16130 Water supply, 296-307-16135 Sewage disposal, 296-307-16140 Electricity and lighting, 296-307-16145 Building requirements and maintenance, 296-307-16150 Laundry facilities, 296-307-16155 Handwashing and bathing facilities, 296-307-16160 Toilet facilities, 296-307-16165 Cooking and food-handling facilities,

296-307-16170 Cots, beds, bedding and personal storage, 296-307-16175 First aid and safety, 296-307-16180 Refuse disposal, 296-307-16185 Insect and rodent control, 296-307-16190 Disease prevention and control, 296-307-163 Cherry harvest camps, 296-307-16301 Purpose and applicability, 296-307-16303 Definitions, 296-307-16305 Technical assistance, 296-307-16310 Operating license, 296-307-16315 Maximum housing occupancy, 296-307-16320 Variance and procedure, 296-307-16325 Cherry harvest campsites, 296-307-16330 Water supply, 296-307-16335 Sewage disposal, 296-307-16340 Electricity and lighting, 296-307-16345 Tents, 296-307-16350 Recreation vehicles, 296-307-16355 Laundry facilities, 296-307-16360 Handwashing and bathing facilities, 296-307-16365 Toilet facilities, 296-307-16370 Cooking and food-handling facilities, 296-307-16375 Cots, beds, bedding and personal storage, 296-307-16380 First aid and safety, 296-307-16385 Refuse disposal, 296-307-16390 Insect and rodent control, and 296-307-16395 Disease prevention and control.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Other Authority: Chapter 374, Laws of 1999 (ESSB 5599).

Adopted under notice filed as WSR 99-23-108 on November 17, 1999.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-307-16101 Purpose and applicability, language was changed to clarify when the DOH licensing regulation requirements are required and when to refer to WISHA.

WAC 296-307-16115 Maximum housing occupancy, language changed to include a description of acceptable worker supplied housing.

WAC 296-307-16105 Operating license, to be consistent with cherry harvest camp rules, the rule is changed to read the operator must comply with the corrective action plan established by the department.

WAC 296-307-16125 Temporary worker housing sites, language amended to require camp management plan for operators with 10 or more occupants, consistent with licensing requirement. The requirement for a "written" camp management plan was removed.

WAC 296-307-16145 Building requirements and maintenance, language was changed to clarify intent of applicability. Language amended to state that no portion of the ceiling less than seven feet would be included in the computation for square footage.

WAC 296-307-16155 Handwashing and bathing facilities, language changed to reflect that showers and bathing facilities must be available when needed.

WAC 296-307-16170 Cots, beds, bedding, and personal storage, language changed to allow use of cots, beds, bunks with sufficient clearance between each "bed" and the floor or a commercially available cot, bed or bunk.

WAC 296-307-16325 Cherry harvest campsites, language amended to require camp management plan for operators with 10 or more occupants, consistent with licensing requirement. Rule amended. The requirement for a "written" camp management plan was removed.

WAC 296-307-16345 Tents, rule changed to read: (c) Floor systems must be designed to prevent the entrance of snakes and rodents.

WAC 296-307-16360 Handwashing and bathing facilities, rule changed to read that showers and bathing facilities must be available when needed.

WAC 296-307-16375 Cots, beds, bedding, and personal storage, language changed to allow use of cots, beds, bunks with sufficient clearance between each "bed" and the floor or a commercially available cot, bed or bunk.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 43, Amended 0, Repealed 14.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 43, Amended 0, Repealed 14.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 43, Amended 0, Repealed 14.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The Washington State Department of Health finds that the temporary worker housing rules, chapter 246-358 WAC, and the cherry harvest camp rules, chapter 246-361 WAC, should become effective immediately pursuant to RCW 34.05.380 (3)(c). The department finds that without an immediate effective date, imminent peril to public health, safety or welfare would result.

The 1999 legislature passed SB 5599, directing the Department of Health (DOH) and the Department of Labor and Industries (L&I) to develop joint rules "for the licensing, operation, and inspection of temporary worker housing, and the enforcement thereof." DOH worked with L&I to develop joint rules for both temporary worker housing and cherry harvest camps. Both agencies put the rule making on a fast track plan to assure that the new rules would be ready for the 2000 harvest season. Since harvest season begins in March with asparagus and licensing for other harvests will also be well underway, it is imperative that the new rules are effective so that all operators, regardless of the crop, are subject to the same regulations for the entire season.

During the development of the rules, the joint DOH and L&I project team met three times with worker and grower advocates, in addition to conducting the required public hearing. The comments received during these meetings and public hearing were seriously considered during the development of the rules. DOH and L&I representatives have met with worker advocates, and contacted the grower advocates, to explain their joint reasoning for the finalized language. DOH and L&I believe that more than adequate stakeholdering has taken place during the development of the temporary worker housing and cherry harvest rules to preclude any surprises to the affected industry.

The cherry harvest begins approximately the last week of May in Grant and parts of Benton and Franklin counties. It is important to have the early effective date of the rules to allow time for cherry growers to develop their campsites to the appropriate set of regulations. Approximately 16,000 migrants pick cherries in our state and there is currently little alternative housing available for migrant workers in cherry growing communities outside of the cherry camps. Without camps available, workers often live "on the river bank," that is, in isolated rural areas without safe sources of drinking water or any sanitation facilities. The health risks both to workers and to the larger community associated with such conditions include the spread of infectious disease. Workers camping in isolated areas may also be the targets of violence, vandalism and theft.

The above-described conditions constitute good cause to find imminent peril to the public health, safety, or welfare. Because the harvest season is imminent, observing the thirty-one day wait period for the effective date of the rules would be contrary to the public interest unless the rule becomes effective immediately. DOH desires that the joint rules be adopted on March 1, 2000 and effective the same day. To accommodate legislative intent and maintain the consistency required by the APA, we desire these "joint rules" to have the same effective date to reflect the collaborative effort between the two departments. For these reasons we need to maintain an effective date consistent with the DOH.

Effective Date of Rule: March 1, 2000.

March 1, 2000

Gary Moore

Director

Part L

Temporary Worker Housing

NEW SECTION

WAC 296-307-161 Temporary worker housing.

NEW SECTION

WAC 296-307-16101 Purpose and applicability. (1) Purpose. This part is adopted by the Washington state department of labor and industries to implement the provisions of chapter 49.17 RCW and establish minimum health and safety requirements for temporary worker housing.

(2) Applicability.

(a) This part applies only to operators of temporary worker housing. Operators using tents within the cherry harvest season must refer to WAC 296-307-163, Part L-1, or chapter 246-361 WAC.

(b) Operators with ten or more occupants are required to be licensed under this part. Operators with nine or less employees are not required to be licensed, but must comply with these standards.

(c) For department of health licensing, on-site survey, water test fees, etc., see WAC 246-358-990.

NEW SECTION

WAC 296-307-16103 Definitions. For the purposes of this part, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

"Agricultural employee" means any person who renders personal services to, or under the direction of, an agricultural employer in connection with the employer's agricultural activity.

"Agricultural employer" means any person engaged in agricultural activity, including the growing, producing, or harvesting of farm or nursery products, or engaged in the forestation or reforestation of lands, which includes but is not limited to the planting, transplanting, tubing, precommercial thinning, and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash, the harvest of Christmas trees, and other related activities.

"Building" means any structure used or intended to be used for supporting or sheltering any use or occupancy that may include cooking, eating, sleeping, and sanitation facilities.

"Common food-handling facility" means an area designated by the operator for occupants to store, prepare, cook, and eat their own food supplies.

"Current certificate (first aid)" means a first-aid training certificate that has not expired.

"Department" means the Washington state department of health and/or the department of labor and industries.

"Dining hall" means a cafeteria-type eating place with food furnished by and prepared under the direction of the operator for consumption, with or without charge, by occupants.

"Drinking fountain" means a fixture equal to a nationally recognized standard or a designed-to-drain faucet, which provides potable drinking water under pressure. "Drinking fountain" does not mean a bubble-type water dispenser.

"Dwelling unit" means a shelter, building, or portion of a building, that may include cooking and eating facilities, which is:

- Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and
- Physically separated from other sleeping and common-use areas.

"First-aid qualified" means that the person holds a current certificate of first-aid training from the American Red Cross or another course with equivalent content or hours.

"Food-handling facility" means a designated, enclosed area for preparation of food.

"Group A water system" means a public water system and includes community and noncommunity water systems.

(a) A community water system means any Group A water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar year, regardless of the number of people, or regularly serving at least twenty-five year-round (i.e., more than one hundred eighty days per year) residents.

(b) A noncommunity water system means a Group A water system that is not a community water system. Noncommunity water systems are further defined as:

(i) Nontransient (NTNC) water system that provides service opportunity to twenty-five or more of the same nonresidential people for one hundred eighty or more days within a calendar year.

(ii) Transient (TNC) water system that serves:

- Twenty-five or more of the same people each day for sixty or more days within a calendar year;
- Twenty-five or more of the same people each day for sixty or more days, but less than one hundred eighty days within a calendar year; or
- One thousand or more people for two or more consecutive days within a calendar year.

"Group B water system" means a public water system:

(a) Constructed to serve less than fifteen residential services regardless of the number of people; or

(b) Constructed to serve an average nonresidential population of less than twenty-five per day for sixty or more days within a calendar year; or

(c) Any number of people for less than sixty days within a calendar year.

"Habitable room" means a room or space in a structure with a minimum seven-foot ceiling used for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

"Health officer" means the individual appointed as such for a local health department under chapter 70.05 RCW or appointed as the director of public health of a combined city-county health department under chapter 70.08 RCW.

"Livestock" means horses, cows, pigs, sheep, goats, poultry, etc.

"Livestock operation" means any place, establishment, or facility consisting of pens or other enclosures in which livestock is kept for purposes including, but not limited to, feeding, milking, slaughter, watering, weighing, sorting, receiving, and shipping. Livestock operations include, among other things, dairy farms, corrals, slaughterhouses, feedlots, and stockyards. Operations where livestock can roam on a pasture over a distance may be treated as outside the definition.

"MSPA" means the Migrant and Seasonal Agricultural Worker Protection Act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.).

"Occupant" means a temporary worker or a person who resides with a temporary worker at the housing site.

"Operating license" means a document issued annually by the department of health or contracted health officer authorizing the use of temporary worker housing.

"Operator" means a person holding legal title to the land on which temporary worker housing is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the temporary worker housing.

"Recreational park trailers" means a trailer-type unit that is primarily designed to provide temporary living quar-

ters for recreational, camping, or seasonal use, that meets the following criteria:

- Built on a single chassis, mounted on wheels;
- Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; and
- Certified by the manufacturer as complying with ANSI A119.5.

"Recreational vehicle" means a vehicular-type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive of power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers, but does not include pickup trucks with camper shells, canopies, or other similar coverings.

"Refuse" means solid wastes, rubbish, or garbage.

"Temporary worker" means an agricultural employee employed intermittently and not residing year-round at the same site.

"Temporary worker housing" or **"housing"** means a place, area, or piece of land where sleeping places or housing sites are provided by an agricultural employer for agricultural employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees for temporary, seasonal occupancy.

"WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

NEW SECTION

WAC 296-307-16105 Operating license. The operator:

- (1) Must request a license from the department of health or health officer when:
 - (a) Housing consists of:
 - (i) Five or more dwelling units; or
 - (ii) Any combination of dwelling units, or spaces that house ten or more occupants.
 - (b) Compliance with MSPA requires a license; or
 - (c) Construction of camp buildings requires a license under chapter 246-359 WAC, Temporary worker housing construction standard.
- (2) Must apply for an operating license at least forty-five days prior to either the use of housing or the expiration of an existing operating license by submitting to the department of health or health officer:
 - (a) A completed application on a form provided by the department of health or health officer;
 - (b) Proof water system is current with all water tests required by chapters 246-290 or 246-291 WAC; and
 - (c) A fee as specified in WAC 246-358-990.
- (3) Will receive an operating license for the maximum number of occupants as determined by WAC 246-358-029 when:
 - (a) The application requirements from subsection (2) of this section are met;
 - (b) The housing is in compliance with this part as demonstrated by:
 - (i) A licensing survey completed by the department of health; or
 - (ii) A self-survey completed by the operator and approved by the department of health; and
 - (c) The operator complies with the corrective action plan established by the department.
 - (4) May allow the use of housing without a renewed license when all of the following conditions exist:
 - (a) The operator applied for renewal of an operating license in accordance with subsection (2) of this section at least forty-five days before occupancy, as evidenced by the post mark;
 - (b) The department of health or health officer has not inspected the housing or issued an operating license;
 - (c) Other local, state, or federal laws, rules, or codes do not prohibit use of the housing; and
 - (d) The operator provides and maintains housing in compliance with this part.
 - (5) Must post the operating license in a place readily accessible to occupants of the housing.
 - (6) Must notify the department of health or health officer of a transfer of ownership.
 - (7) Must cooperate with the department or health officer during on-site inspections.

NEW SECTION

WAC 296-307-16110 Requirements for self-survey program. If a licensed operator meets the requirements provided in this section, then the operator may participate in the self-survey program. This means an operator is allowed to conduct a self-survey for two years. On the third year the department of health will conduct an on-site verification survey to assure compliance with this chapter and determine if the temporary worker housing still meets the requirements of the self-survey program.

- (1) To be in the self-survey program the operator must:
 - (a) Meet the requirements of WAC 246-358-025;
 - (b) Not have had any valid complaints;
 - (c) Have had two consecutive years without any deficiencies or have had very minor deficiencies (for example one or two screens torn, missing a few small trash cans, etc.); and
 - (d) Be recommended by the health surveyor.
- (2) For a licensed operator to remain in the self-survey program the licensed operator must:
 - (a) Continue to comply with subsection (1) of this section;
 - (b) Continue to not have any deficiencies or very minor deficiencies; and
 - (c) Not have a change in ownership.
- (3) When licensed temporary worker housing changes ownership, the new licensed operator must comply with the requirements of subsection (1) of this section before being eligible to be on the self-survey program.

NEW SECTION

WAC 296-307-16115 Maximum housing occupancy.

(1) The maximum occupancy for operator-supplied housing will be based on:

- (a) The square footage of the housing facility; and
- (b) The number of bathing, food handling, handwashing, laundry, and toilet facilities.

(2) The maximum occupancy for worker-supplied housing will be based on:

- (a) The number of spaces designated for worker-supplied housing by the operator; and
- (b) The number of bathing, food handling, handwashing, laundry, and toilet facilities in excess of those facilities required for operator-supplied housing.

Note: Worker-supplied housing includes recreational park trailers, recreation vehicles, OSHA compliant tents, or other structures that meet the requirements of this part.

NEW SECTION

WAC 296-307-16120 Variance and procedure. Conditions may exist in operations that a state standard will not have practical use. The director of the department of labor and industries may issue a variance from the requirements of the standard when another means of providing equal protection is provided. The substitute means must provide equal protection in accordance with the requirements of chapter 49.17 RCW and chapter 296-350 WAC, variances.

Applications for variances will be reviewed and may be investigated by the department of labor and industries and the department of health. Variances granted will be limited to the specific case or cases covered in the application and may be revoked for cause. The variance shall remain prominently posted on the premises while in effect.

Variance application forms may be obtained from the Department of Labor and Industries, P.O. Box 44625, Olympia, Washington 98504-4625 or the Department of Health, P.O. Box 47852, Olympia, Washington 98504-7852, upon request. Requests for variances from safety and health standards shall be made in writing to the director or the assistant director, Department of Labor and Industries, P.O. Box 44625, Olympia, Washington 98504-4625. (Reference RCW 49.17.080 and 49.17.090.)

NEW SECTION

WAC 296-307-16125 Temporary worker housing sites. The operator must:

- (1) Locate and operate a site to prevent a health or safety hazard that is:
 - (a) Adequately drained and any drainage from and through the housing must not endanger any domestic or public water supply;
 - (b) Free from periodic flooding and depressions in which water may become a nuisance;
 - (c) At least two hundred feet from a swamp, pool, sink hole, or other surface collection of water unless there is a mosquito prevention program for those areas;

(d) Large enough to prevent overcrowding of necessary structures. The principal housing area for sleeping and for food preparation and eating must be at least five hundred feet from where livestock are kept; and

(e) The grounds and open areas surrounding the shelters must be in a clean and sanitary condition.

(2) Must develop and implement a temporary worker housing management plan and rules for operators with ten or more occupants, to assure that the housing is operated in a safe and secure manner and is kept within the approved capacity. Additionally, the licensed operator must:

(a) Inform occupants of the rules, in a language the occupant understands by providing individual copies of the rules to each occupant or posting the rules in the housing area;

(b) Restrict the number of occupants in the temporary worker housing to the capacity as determined by the department.

(3) When closing housing permanently or for the season, complete the following:

- (a) Dispose of all refuse to prevent nuisance;
- (b) Fill all abandoned toilet pits with earth; and
- (c) Leave the grounds and buildings in a clean and sanitary condition.

NEW SECTION

WAC 296-307-16130 Water supply. The operator must:

(1) Provide a water system that is:

(a) Approved as a Group A public water system in compliance with chapter 246-290 WAC if the water system supplies fifteen or more connections or twenty-five or more people at least sixty days per year or provide proof the temporary worker housing receives water from an approved Group A public water system; or

(b) Approved as a Group B water system in compliance with chapter 246-291 WAC if the water system supplies less than fifteen connections and does not supply twenty-five or more people at least sixty days per year.

Note: A "same farm exemption" applies to a public water system with four or fewer connections all of which serve residences on the same farm. "Same farm" means a parcel of land or series of parcels that are connected by covenants and devoted to the production of livestock or agricultural commodities for commercial purposes and does not qualify as a Group A water system.

	Avg. of less than 25 people	Avg. of 25 or more people
At least 60 days or more	Group B	Group A TNC
59 days or less	Group B	Group B

Note: If a system has fifteen or more connections, regardless of the population, it is a Group A water system.

(2) Provide an adequate and convenient hot and cold water supply for drinking, cooking, bathing, and laundry purposes.

Note: An "adequate water supply" means the storage capacity of the potable water system must meet the require-

PERMANENT

ments of ASHRAE 1999 Applications Handbook, chapter 48, Water Systems.

(3) Ensure that the distribution lines are able to maintain the working pressure of the water piping system at not less than fifteen pounds per square inch after allowing for friction and other pressure losses.

(4) When water is not piped to each dwelling unit, provide cold, potable, running water under pressure within one hundred feet of each dwelling unit.

(5) When water sources are not available in each individual dwelling unit, provide one or more drinking fountains for each one hundred occupants or fraction thereof. Prohibit the use of common drinking cups or containers from which water is dipped or poured.

(6) When water is unsafe for drinking purposes and accessible to occupants, post a sign by the source reading "Do not drink. Do not use for washing. Do not use for preparing food" printed in English and in the native language of the persons occupying the housing, or marked with easily understood pictures or symbols.

NEW SECTION

WAC 296-307-16135 Sewage disposal. The operator must:

(1) Provide sewage disposal systems in accordance with local health jurisdictions.

(2) Connect all drain, waste, and vent systems from buildings to:

(a) Public sewers, if available; or

(b) Approved on-site sewage disposal systems that are designed, constructed, and maintained as required in chapters 246-272 and 173-240 WAC, and local ordinances.

NEW SECTION

WAC 296-307-16140 Electricity and lighting. The operator must ensure that:

(1) Electricity is supplied to all dwelling units, kitchen facilities, shower/bathroom facilities, common areas, and laundry facilities;

(2) All electrical wiring, fixtures and electrical equipment must comply with the electric standards of the department of labor and industries regulations, chapter 19.28 RCW, and local ordinances, and be maintained in a safe condition;

(3) Each habitable room must have at least one ceiling-type light fixture and at least one separate floor-type or wall-type convenience outlet;

(4) Laundry, toilet rooms, shower/bathroom facilities, and rooms where people congregate have at least one ceiling-type or wall-type fixture;

(5) General lighting and task lighting is adequate to carry on normal daily activities;

(6) Adequate lighting is provided for safe passage for occupants to handwashing sinks and toilets. Note: Lighting requirements may be met by natural or artificial means.

NEW SECTION

WAC 296-307-16145 Building requirements and maintenance. An operator must:

(1) Construct buildings to provide protection against the elements and comply with:

(a) The State Building Code, chapter 19.27 RCW, or Temporary worker housing construction standard, chapter 246-359 WAC;

(b) State and local ordinances, codes, regulations; and

(c) This part. Any shelter meeting these requirements is acceptable.

(2) Identify each dwelling unit and space used for shelter by posting a number at each site.

(3) Maintain buildings in good repair and sanitary condition.

(4) Provide exits that are unobstructed and remain free of any material or matter where its presence would obstruct or render the exit hazardous.

(5) Provide a ceiling height of at least seven feet for each habitable room. If a building has a sloped ceiling, no portion of the room measuring less than seven feet from the finished floor to the finished ceiling will be included in any computation of the minimum floor space.

(6) Provide at least seventy square feet of floor space for the first occupant and at least fifty square feet of floor space for each additional occupant in each dwelling unit.

(7) Provide each room used for sleeping purposes with at least fifty square feet of floor space for each occupant.

(8) Provide floors in accordance with the State Building Code, chapter 19.27 RCW, or Temporary worker housing construction standard, chapter 246-359 WAC, that are tightly constructed and in good repair.

(9) Ensure wooden floors are at least one foot above ground level or meet the requirements in the State Building Code, chapter 19.27 RCW or Temporary worker housing construction standard, chapter 246-359 WAC.

(10) Provide habitable rooms that have:

(a) Windows covering a total area equal to at least one-tenth of the total floor area and at least one-half of each window can be opened to the outside for ventilation; or

(b) Mechanical ventilation in accordance with applicable ASHRAE standards.

(11) Provide sixteen-mesh screening on all exterior openings and screen doors with self-closing devices.

(12) Install all heating, cooking, and water heating equipment according to state and local ordinances, codes, and regulations and maintain in a safe condition.

(13) Provide adequate heating equipment if habitable rooms, including bathrooms, are used during cold weather.

(14) Ensure that all recreational vehicles and park trailers meet the requirements of chapters 296-150P and 296-150R WAC.

NEW SECTION

WAC 296-307-16150 Laundry facilities. An operator must:

(1) Provide one laundry tray or tub or one mechanical washing machine for every thirty persons;

- (2) Provide facilities for drying clothes;
- (3) Provide sloped, coved floors of nonslip impervious materials with floor drains;
- (4) Maintain laundry facilities in a clean and sanitary condition.

NEW SECTION

WAC 296-307-16155 Handwashing and bathing facilities. An operator must:

- (1) Provide one handwash sink for each family dwelling unit or for every six persons in centralized facilities. Handwash sinks must be adjacent to toilets;
- (2) Provide one showerhead for each family dwelling unit or for every ten persons in centralized facilities;
- (3) Provide one "service sink" in each building used for centralized laundry, handwashing, or bathing;
- (4) Provide sloped, coved floors of nonslip impervious materials with floor drains;
- (5) Ensure shower room walls are smooth and nonabsorbent to the height of four feet. If used, partitions must be smooth and nonabsorbent to the height of four feet;
- (6) Provide all showers, baths, or shower rooms with floor drains to remove wastewater;
- (7) Provide cleanable, nonabsorbent waste containers;
- (8) Maintain centralized bathing and handwashing facilities in a clean and sanitary condition, cleaned at least daily;
- (9) Request occupants of family dwelling units to maintain bathing and handwashing facilities in a clean and sanitary condition;
- (10) Ensure shower facilities provide privacy from the opposite sex and the public; and
- (11) Make showers and bathing facilities available when needed.

NEW SECTION

WAC 296-307-16160 Toilet facilities. (1) General toilet requirements. Operators must provide flush toilets unless chemical toilets or pit privies are specifically approved by the department of health or health officer according to requirements in chapter 246-272 WAC and ensure the following:

- (a) Flush toilets, chemical toilets, and urinals must not be located in any sleeping room, dining room, cooking or food-handling facility.
 - (b) When chemical toilets are approved, they must be:
 - (i) Located at least fifty feet from any dwelling unit or food-handling facility;
 - (ii) Maintained by a licensed waste disposal company; and
 - (iii) Comply with local ordinances;
 - (c) When urinals are provided:
 - (i) There must be one urinal or two linear feet of urinal trough for each twenty-five men;
 - (ii) The floors and the walls surrounding a urinal and extending out at least fifteen inches on all sides must be constructed of materials which will not be adversely affected by moisture;
 - (iii) The urinal must have an adequate water flush where water under pressure is available; and

- (iv) Urinal troughs are prohibited in pit privies.
- (d) When pit privies are approved they must be:
 - (i) At least one hundred feet away from any sleeping room, dining room, cooking, or food-handling facilities; and
 - (ii) Constructed to exclude insects and rodents from the pit.

(2) Centralized toilet facilities. The operator must meet the following requirements when centralized toilet facilities are provided:

- (a) Provide toilet rooms with:
 - (i) One toilet for every fifteen persons;
 - (ii) One handwashing sink for every six persons;
 - (iii) Either a window of at least six square feet opening directly to the outside, or be satisfactorily ventilated; and
 - (iv) All outside openings screened with sixteen-mesh material;
- (b) Locate toilet rooms so that:
 - (i) Toilets are within two hundred feet of the door of each sleeping room; and
 - (ii) No person has to pass through a sleeping room to reach a toilet room.
- (c) Maintain toilets in a clean and sanitary condition, cleaned at least daily;
- (d) Provide each toilet compartment with an adequate supply of toilet paper;
- (e) When shared facilities will be used for both men and women:
 - (i) Provide separate toilet rooms for each sex with a minimum of one toilet room for each sex and meet the required ratio as defined in (a) of this subsection;
 - (ii) Identify each room for "men" and "women" with signs printed in English and in the native language of the persons occupying the camp, or identified with easily understood pictures or symbols; and
 - (iii) Separate facilities by solid walls or partitions extending from the floor to the roof or ceiling when facilities for each sex are located in the same building.

(3) Individual family/unit dwelling toilet requirements. If providing flush toilets in individual cabins, apartments, or houses, the operator must:

- (a) Provide one toilet for each individual family dwelling unit or fifteen persons;
- (b) Provide one handwashing sink for each six persons. The sink must be located in the toilet room or immediately adjacent;
- (c) Provide a window of at least six square feet opening directly to the outside, or be satisfactorily ventilated;
- (d) Ensure all outside openings screened with sixteen-mesh material;
- (e) Ensure toilet facilities are cleaned prior to occupancy and request occupants to maintain the facilities in a clean and sanitary condition.

NEW SECTION

WAC 296-307-16165 Cooking and food-handling facilities. The operator must provide enclosed or screened cooking and food-handling facilities for all occupants. The operator must provide adequate tables and seating for occupants.

(1) If cooking facilities are located in dwelling units, the operator must provide:

(a) An operable cook stove or hot plate with at least one cooking surface for every two occupants;

(b) A sink with hot and cold running potable water under pressure;

(c) At least two (2) cubic feet of dry food storage space per occupant;

(d) Nonabsorbent, easily cleanable food preparation counters situated off the floor;

(e) Mechanical refrigeration conveniently located and able to maintain a temperature of forty-five degrees Fahrenheit or below, with at least two (2) cubic feet of storage space per occupant;

(f) Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;

(g) Nonabsorbent, easily cleanable floors; and

(h) Adequate ventilation for cooking facilities.

(2) In common food-handling facilities, the operator must provide:

(a) A room or building, adequate in size, separate from any sleeping quarters;

(b) No direct openings to living or sleeping areas from the common food-handling facility;

(c) An operable cook stove or hot plate with at least one cooking surface for every four occupants, or four cooking surfaces for every two families;

(d) Sinks with hot and cold running potable water under pressure;

(e) At least two (2) cubic feet of dry food storage space per occupant;

(f) Nonabsorbent, easily cleanable food preparation counters situated off the floor;

(g) Mechanical refrigeration conveniently located and able to maintain a temperature of forty-five degrees Fahrenheit or below, with at least two (2) cubic feet of storage space per occupant;

(h) Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;

(i) Nonabsorbent, easily cleanable floors; and

(j) Adequate ventilation for cooking facilities.

(3) The operator must ensure that centralized dining hall facilities comply with chapter 246-215 WAC, Food service.

NEW SECTION

WAC 296-307-16170 Cots, beds, bedding, and personal storage. The operator must:

(1) Provide beds, cots, or bunks furnished with clean mattresses in good condition for the maximum occupancy approved by the department of health or health officer for operator-supplied housing;

(2) Maintain bedding, if provided by the operator, in a clean and sanitary condition;

(3) Provide sufficient clearance between each cot, bed or bunk and the floor or a commercially available cot, bed, or bunk;

(4) Allow space to separate beds laterally and end-to-end by at least thirty-six inches when single beds are used;

(5) Meet the following requirements when bunk beds are used:

(a) Allow space to separate beds laterally and end-to-end by at least forty-eight inches;

(b) Maintain a minimum space of twenty-seven inches between the upper and lower bunks; and

(c) Prohibit triple bunks; and

(6) Provide storage facilities for clothing and personal articles in each room used for sleeping.

NEW SECTION

WAC 296-307-16175 First aid and safety. The operator must:

(1) Comply with chapters 15.58 and 17.21 RCW and chapters 16-228 and 296-307 WAC, Parts I and J, and pesticide label instructions when using pesticides in and around the housing;

(2) Prohibit, in the housing area, the use, storage, and mixing of flammable, volatile, or toxic substances other than those intended for household use;

(3) Provide readily accessible first-aid equipment;

(4) Ensure that a first-aid qualified person is readily accessible to administer first aid at all times;

(5) Store or remove unused refrigerator units to prevent access by children.

NEW SECTION

WAC 296-307-16180 Refuse disposal. The operator must:

(1) Comply with local sanitation codes for removing and disposing of refuse from housing areas;

(2) Protect against rodent harborage, insect breeding, and other health hazards while storing, collecting, transporting, and disposing of refuse;

(3) Store refuse in fly-tight, rodent-tight, impervious, and cleanable or single-use containers;

(4) Keep refuse containers clean;

(5) Provide a container on a wooden, metal, or concrete stand within one hundred feet of each dwelling unit;

(6) Empty refuse containers at least twice each week, and when full.

NEW SECTION

WAC 296-307-16185 Insect and rodent control. The operator must take effective measures to prevent and control insect and rodent infestation.

NEW SECTION

WAC 296-307-16190 Disease prevention and control. The operator must:

(1) Report immediately to the local health officer the name and address of any individual in the camp known to have or suspected of having a communicable disease;

(2) Report immediately to the local health officer:

(a) Suspected food poisoning;

(b) An unusual prevalence of fever, diarrhea, sore throat, vomiting, or jaundice; or

(c) Productive cough, or when weight loss is a prominent symptom among occupants;

(3) Prohibit any individual with a communicable disease from preparing, cooking, serving, or handling food, food-stuffs, or materials in dining halls.

Part L-1

Cherry Harvest Camps

NEW SECTION

WAC 296-307-163 Cherry harvest camps.

NEW SECTION

WAC 296-307-16301 Purpose and applicability. (1)

Purpose. This part is adopted by the Washington state department of labor and industries, to implement the provisions of chapter 49.17 RCW and establish minimum health and safety requirements for cherry harvest camps.

(2) Applicability.

(a) This part applies only to operators of cherry harvest camps using tents during the cherry harvest season. Operators using other housing must refer to WAC 296-307-161, Part L, or chapter 246-358 WAC.

(b) Operators with ten or more occupants are required to be licensed under this part. Operators with nine or less employees are not required to be licensed, but must comply with these standards.

(c) For department of health licensing, on-site survey, and water test fees, see WAC 246-361-990.

NEW SECTION

WAC 296-307-16303 Definitions. For the purposes of this part, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

"Building" means any structure used or intended to be used for supporting or sheltering any use or occupancy that may include cooking, eating, sleeping, and sanitation facilities.

"Cherry harvest camp" or **"camp"** means a place, area, or piece of land where dwelling units or campsites are provided by an operator during the cherry harvest.

"Common food-handling facility" means an area designated by the operator for occupants to store, prepare, cook, and eat their own food supplies.

"Current certificate (first aid)" means a first-aid training certificate that has not expired.

"Department" means the Washington state department of health and/or the department of labor and industries.

"Dining hall" means a cafeteria-type eating place with food furnished by and prepared under the direction of the operator for consumption, with or without charge, by occupants.

"Drinking fountain" means a fixture equal to a nationally recognized standard or a designed-to-drain faucet, which provides potable drinking water under pressure. "Drinking fountain" does not mean a bubble-type water dispenser.

"Dwelling unit" means a shelter, building, or portion of a building, that may include cooking and eating facilities, which is:

- Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and
- Physically separated from other sleeping and common-use areas.

Note: For the purpose of this Part L1, a "tent" is considered a dwelling unit.

"First-aid qualified" means that the person holds a current certificate of first-aid training from the American Red Cross or another course with equivalent content or hours.

"Food-handling facility" means a designated, enclosed area for preparation of food.

"Group A water system" means a public water system and includes community and noncommunity water systems.

(a) A community water system means any Group A water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar year, regardless of the number of people, or regularly serving at least twenty-five year-round (i.e., more than one hundred eighty days per year) residents.

(b) A noncommunity water system means a Group A water system that is not a community water system. Noncommunity water systems are further defined as:

(i) Nontransient (NTNC) water system that provides service opportunity to twenty-five or more of the same nonresidential people for one hundred eighty or more days within a calendar year.

(ii) Transient (TNC) water system that services:

- Twenty-five or more different people each day for sixty or more days within a calendar year;
- Twenty-five or more of the same people each day for sixty or more days, but less than one hundred eighty days within a calendar year; or
- One thousand or more people for two or more consecutive days within a calendar year.

"Group B water system" means a public water system:

(a) Constructed to serve less than fifteen residential services regardless of the number of people; or

(b) Constructed to serve an average nonresidential population of less than twenty-five per day for sixty or more days within a calendar year; or

(c) Any number of people for less than sixty days within a calendar year.

"Health officer" means the individual appointed as such for a local health department under chapter 70.05 RCW or appointed as the director of public health of a combined city-county health department under chapter 70.08 RCW.

"Livestock" means horses, cows, pigs, sheep, goats, poultry, etc.

"Livestock operation" means any place, establishment, or facility consisting of pens or other enclosures in which livestock is kept for purposes including, but not limited to,

feeding, milking, slaughter, watering, weighing, sorting, receiving, and shipping. Livestock operations include, among other things, dairy farms, corrals, slaughterhouses, feedlots, and stockyards. Operations where livestock can roam on a pasture over a distance may be treated as outside the definition.

"MSPA" means the Migrant and Seasonal Agricultural Worker Protection Act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.).

"Occupant" means a temporary worker or a person who resides with a temporary worker at the campsite.

"Operating license" means a document issued annually by the department of health or contracted health officer authorizing the use of temporary worker housing.

"Operator" means a person holding legal title to the land on which the camp is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the camp.

"Recreational park trailers" means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use, that meets the following criteria:

- Built on a single chassis, mounted on wheels;
- Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; and
- Certified by the manufacturer as complying with ANSI A119.5.

"Recreational vehicle" means a vehicular-type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive of power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers, but does not include pickup trucks with camper shells, canopies or other similar coverings.

"Refuse" means solid wastes, rubbish, or garbage.

"Temporary worker" means an agricultural employee employed intermittently and not residing year-round at the same site.

"Tent" means an enclosure or shelter constructed of fabric or pliable material composed of rigid framework to support tensioned membrane that provides the weather barrier.

"WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

NEW SECTION

WAC 296-307-16305 Technical assistance. An operator may request technical assistance from the department of health or the department of labor and industries to assist in compliance with this part.

NEW SECTION

WAC 296-307-16310 Operating license. A cherry tent camp license is limited to twenty-one days.

The operator:

(1) Must request a license from the department of health or health officer when:

- (a) The camp will house ten or more occupants;
- (b) Compliance with MSPA requires a license; or
- (c) Construction of camp buildings requires a license under chapter 246-359 WAC, Temporary worker housing construction standard.

(2) Must apply for an operating license at least forty-five days prior to either the use of the camp or the expiration of an existing operating license by submitting to the department of health or health officer:

- (a) A completed application on a form provided by the department or health officer;
 - (b) Proof water system is current with all water tests required by chapter 246-290 or 246-291 WAC; and
 - (c) A fee as specified in WAC 246-361-990.
- (3) May receive a license extension from the department of health for up to seven days when:

- (a) The operator requests an extension for additional days at least three days before the license expiration date; and
- (b) The department in consultation with the local health jurisdiction will determine if an extension would serve to protect the public health.

(4) Will receive an operating license for the maximum number of occupants as determined by WAC 246-361-030 when:

- (a) The application requirements from subsection (2) of this section are met;
- (b) The site is in compliance with this part as demonstrated by a licensing survey completed by the department; and

(c) The operator complies with the corrective action plan established by the department.

(5) Must post the operating license in a place readily accessible to workers.

(6) Must notify the department of health in the event of a transfer of ownership.

(7) Must cooperate with the department during on-site inspections.

NEW SECTION

WAC 296-307-16315 Maximum camp occupancy. The maximum occupancy for a camp will be based on:

- (1) The number of shelters provided; and
- (2) The number of bathing, food handling, handwashing, laundry, and toilet facilities.

NEW SECTION

WAC 296-307-16320 Variance and procedure. Conditions may exist in operations that a state standard will not have practical use. The director of the department of labor and industries may issue a variance from the requirements of the standard when another means of providing equal protection is provided. The substitute means must provide equal protection in accordance with the requirements of chapter 49.17 RCW and chapter 296-350 WAC, variances.

Applications for variances will be reviewed and may be investigated by the department of labor and industries and the department of health. Variances granted will be limited to the specific case or cases covered in the application and may be revoked for cause. The variance must remain prominently posted on the premises while in effect.

Variance application forms may be obtained from the Department of Labor and Industries, P.O. Box 44625, Olympia, Washington 98504-4625 or the Department of Health, P.O. Box 47852, Olympia, Washington 98504-7852, upon request. Requests for variances from safety and health standards must be made in writing to the director or the assistant director, Department of Labor and Industries, P.O. Box 44625, Olympia, Washington 98504-4625. (Reference RCW 49.17.080 and 49.17.090.)

NEW SECTION

WAC 296-307-16325 Cherry harvest campsites. The operator must:

(1) Locate and operate a site to prevent a health or safety hazard that is:

(a) Adequately drained and any drainage from and through the camp must not endanger any domestic or public water supply;

(b) Free from periodic flooding and depressions in which water may become a nuisance;

(c) At least two hundred feet from a swamp, pool, sink hole, or other surface collection of water unless there is a mosquito prevention program for those areas;

(d) Large enough to prevent overcrowding of necessary structures. The principal camp area for sleeping and for food preparation and eating must be at least five hundred feet from where livestock are kept; and

(e) Maintained in a clean and sanitary condition.

(2) Develop and implement a cherry harvest camp management plan and rules for camps with ten or more occupants, to assure that the camp is operated in a safe and secure manner and is kept within the approved capacity. Additionally, the licensed operator must:

(a) Inform residents of the rules, in a language the resident understands by providing individual copies of the rules to each camp resident or posting the rules in the camp area; and

(b) Restrict the number of occupants in the camp to the capacity as determined by the department.

(3) When closing the camp permanently or for the season, complete the following:

(a) Dispose of all refuse to prevent nuisance;

(b) Fill all abandoned toilet pits with earth; and

(c) Leave the grounds and buildings in a clean and sanitary condition.

NEW SECTION

WAC 296-307-16330 Water supply. The operator must:

(1) Provide a water system that is:

(a) Approved as a Group A public water system in compliance with chapter 246-290 WAC if the water system sup-

plies fifteen or more connections or twenty-five or more people at least sixty days per year or provide proof the camp receives water from an approved Group A public water system; or

(b) Approved as a Group B water system in compliance with chapter 246-291 WAC if the water system supplies less than fifteen connections and does not supply twenty-five or more people at least sixty days per year.

Note: A "same farm exemption" applies to a public water system with four or fewer connections all of which serve residences on the same farm. "Same farm" means a parcel of land or series of parcels that are connected by covenants and devoted to the production of livestock or agricultural commodities for commercial purposes and does not qualify as a Group A water system.

	Avg. of less than 25 people	Avg. of 25 or more people
At least 60 days or more	Group B	Group A TNC
59 days or less	Group B	Group B

Note: If a system has 15 or more connections, regardless of the population, it is a Group A water system.

(2) Provide an adequate and convenient hot and cold water supply for drinking, cooking, bathing, and laundry purposes.

Note: An "adequate water supply" means the storage capacity of the potable water system must meet the requirements of ASHRAE 1999 Applications Handbook, chapter 48, Water Systems.

(3) Ensure that the distribution lines are able to maintain the working pressure of the water piping system at not less than fifteen pounds per square inch after allowing for friction and other pressure losses.

(4) When water is not piped to each dwelling unit, provide cold, potable, running water under pressure within one hundred feet of each dwelling unit.

(5) When water sources are not available in each individual tent, provide one or more drinking fountains for each one hundred occupants or fraction thereof. Prohibit the use of common drinking cups or containers from which water is dipped or poured.

(6) When water is unsafe for drinking purposes and accessible to occupants, post a sign by the source reading "Do not drink. Do not use for washing. Do not use for preparing food" printed in English and in the native language of the persons occupying the camp, or marked with easily understood pictures or symbols.

NEW SECTION

WAC 296-307-16335 Sewage disposal. An operator must:

(1) Provide sewage disposal systems in accordance with local health jurisdictions.

(2) Connect all drain, waste, and vent systems from buildings to:

(a) Public sewers, if available; or

PERMANENT

(b) Approved on-site sewage disposal systems that are designed, constructed, and maintained as required in chapters 246-272 and 173-240 WAC, and local ordinances.

NEW SECTION

WAC 296-307-16340 Electricity and lighting. (1) General electricity requirements.

(a) The operator must supply electricity to all dwelling units, kitchen facilities, bathroom facilities, common areas, and laundry facilities.

(b) All electrical wiring, fixtures and electrical equipment must comply with department of labor and industries regulations, chapter 19.28 RCW and local ordinances, and maintained in a safe condition.

(2) Electricity requirements in tents.

(a) Each individual tent must have at least one separate floor-type or wall-type convenience outlet. If the operator provides a refrigerator in the tent, a dedicated outlet must be provided for it.

(b) All electrical wiring and equipment installed in tents must meet the requirements of WAC 296-46-100.

(c) All electrical appliances to be connected to the electrical supply must meet the requirements for the load calculations as required by chapter 19.28 RCW.

(d) Electrical wiring exiting the tent to connect to the GFI outside outlet must be placed in approved flexible conduit not to exceed six feet in length.

(e) All wiring located inside the tent must be placed in conduit for protection and connected to a surface to secure the wiring to prevent movement. Wiring must be located to prevent tripping or safety hazards.

(f) Receptacles and lighting fixtures must be UL Listed and approved by the department for use in the tent.

(3) General lighting requirements.

(a) The operator must provide adequate lighting sufficient to carry on normal daily activities in all common use areas.

(b) Laundry and toilet rooms and rooms where people congregate must have at least one ceiling-type or wall-type fixture. Where portable toilets are used, lighting requirements can be met by area illumination.

(c) The operator must provide adequate lighting for safe passage for camp occupants to handwashing sinks and toilets.

(d) The operator must provide adequate lighting for shower rooms during hours of operation.

Note: Lighting requirements may be met by natural or artificial means.

(4) Lighting requirements in tents.

(a) Tents must have adequate lighting sufficient to carry on all normal daily activities. For example: Three 100-watt bulbs located at the top ridge of the frame and are UL Listed or equivalent.

(b) Each tent must have at least one ceiling-type light fixture.

(c) Food preparation areas, if located in the tent, must have at least one lighting fixture located to provide task lighting over the food preparation area.

(d) Alternate lighting appliances must provide adequate lighting. In addition, if using two or more propane, butane, or

white gas lighting appliances, a carbon monoxide monitor must be provided and located not more than thirty inches from the floor.

NEW SECTION

WAC 296-307-16345 Tents. (1) Tents must provide protection from the elements.

(2) Structural stability and floors.

(a) Tents and their supporting framework must be adequately braced and anchored to prevent weather related collapse. Documentation of the structural stability must be furnished to the department.

(b) Floors must be smooth, flat, and without breaks or holes to provide a hard, stable walking surface. Nonrigid flooring supported by grass, dirt, soil, gravel, etc., are not acceptable. Floors that are constructed of wood or concrete must comply with the building code, chapter 19.27 RCW or temporary worker housing construction standard, chapter 246-359 WAC.

(c) Floor systems must be designed to prevent the entrance of snakes and rodents.

(3) Flame-retardant treatments.

(a) The sidewalls, drops, and tops of tents must be composed of flame-resistant material or treated with a flame retardant in an approved manner.

(b) Floor coverings, which are integral to the tent, and the bunting must be composed of flame-resistant material or treated with a flame retardant in an approved manner and in accordance with Uniform Building Code, Standard 31.1.

(c) All tents must have a permanently affixed label bearing the following information:

(i) Identification of tent size and fabric or material type;

(ii) For flame-resistant materials, the necessary information to determine compliance with this section and National Fire Protection Association Standard 701, Standard Methods of Fire Tests for Flame-resistant Textiles and Films;

(iii) For flame-retardant materials, the date that the tent was last treated with an approved flame-retardant;

(iv) The trade name and type of flame-retardant utilized in the flame-retardant treatment; and

(v) The name of the person and firm that applied the flame retardant.

(4) Means of egress.

(a) At least one door must lead to the outside of the tent and the area designated for refuge must be accessible and remain clear of storage materials or hazards.

(b) The door must not be obstructed in any manner and must remain free of any material or matter where its presence would obstruct or render the exit hazardous.

(c) If cooking facilities are provided in tents, the window located opposite the door must have a means to open the window or provide an easily openable space. For example, a zipper which opens downward toward the floor.

(5) Floor area. The operator must:

(a) If cooking facilities are provided in the tent, provide at least seventy square feet of floor space for one occupant and fifty square feet for each additional occupant; or

(b) If cooking facilities are **not** provided in the tent, provide at least fifty square feet of floor space for each occupant in rooms used for sleeping purposes.

(6) Ceiling height.

(a) If the tent has a sloped ceiling, a ceiling height of at least seven feet is required in fifty percent of the total area.

(b) No portion of the tent measuring less than six feet from the flooring to the ceiling will be included in any computation of the minimum floor area.

(7) Windows and ventilation.

(a) Provide a window area equal to one-tenth of the total floor area in each habitable room which opens at least half-way or more directly to the outside for cross-ventilation and has sixteen-mesh screens on all exterior openings.

(b) The windows must have weather-resistant flaps, which will cover the window area and a means of fastening the flaps to provide protection from the elements and allow privacy for the occupants.

NEW SECTION

WAC 296-307-16350 Recreational vehicles. The operator must ensure that all recreational vehicles and park trailers meet the requirements of chapters 296-150P and 296-150R WAC.

NEW SECTION

WAC 296-307-16355 Laundry facilities. An operator must:

(1) Provide one laundry tray or tub or one mechanical washing machine for every thirty persons;

(2) Provide facilities for drying clothes;

(3) Provide sloped, coved floors of nonslip impervious materials with floor drains;

(4) Maintain laundry facilities in a clean and sanitary condition.

NEW SECTION

WAC 296-307-16360 Handwashing and bathing facilities. An operator must:

(1) Provide one handwash sink for every six persons in centralized facilities. Handwash sinks must be adjacent to toilets;

(2) Provide one showerhead for every ten persons in centralized facilities;

(3) Provide one "service sink" in each building used for centralized laundry, handwashing, or bathing;

(4) Provide sloped, coved floors of nonslip impervious materials with floor drains;

(5) Provide walls that are smooth and nonabsorbent to the height of four feet. If partitions are used, they must be smooth and nonabsorbent to the height of four feet;

(6) Provide all showers, baths, and shower rooms with floor drains to remove wastewater;

(7) Provide cleanable, nonabsorbent waste containers;

(8) Maintain bathing and handwashing facilities in a clean and sanitary condition, cleaned at least daily;

(9) Ensure shower facilities provide privacy from the opposite sex and the public;

(10) Make showers and bathing facilities available when needed.

NEW SECTION

WAC 296-307-16365 Toilet facilities. (1) General toilet requirements. Operators must provide flush toilets, chemical toilets, or pit privies. The department of health or health officer, according to requirements in chapter 246-272 WAC, must approve pit privies. The operator must comply with the following:

(a) Flush toilets, chemical toilets, and urinals must not be located in any tent.

(b) When chemical toilets are provided, they must be:

(i) Located at least fifty feet from any dwelling unit or food-handling facility;

(ii) Maintained by a licensed waste disposal company; and

(iii) Comply with local ordinances.

(c) When urinals are provided:

(i) There must be one urinal or two linear feet of urinal trough for each twenty-five men;

(ii) The floors and walls surrounding a urinal and extending out at least fifteen inches on all sides must be constructed of materials which will not be adversely affected by moisture;

(iii) The urinal must have an adequate water flush where water under pressure is available; and

(iv) Urinal troughs are prohibited in pit privies.

(d) When pit privies are approved they must be:

(i) At least one hundred feet away from any dwelling unit or food-handling facility; and

(ii) Constructed to exclude insects and rodents from the pit.

(2) Centralized toilet facilities. The operator must meet the following requirements when centralized toilet facilities are provided:

(a) Provide toilet rooms with:

(i) One toilet for every fifteen persons;

(ii) One handwashing sink for every six persons;

(iii) Either a window of at least six square feet opening directly to the outside, or be satisfactorily ventilated; and

(iv) All outside openings screened with sixteen-mesh material.

(b) Locate toilet rooms so that:

(i) Toilets are within two hundred feet of the door of each tent; and

(ii) No person has to pass through a sleeping room to reach a toilet room;

(c) Maintain toilets in a clean and sanitary condition, cleaned at least daily;

(d) Provide each toilet compartment with an adequate supply of toilet paper;

(e) When shared facilities will be used for both men and women:

(i) Provide separate toilet rooms for each sex with a minimum of one toilet room for each sex and meet the required ratios as defined in (a) of this subsection;

(ii) Identify each room "men" and "women" with signs printed in English and in the native language of the persons occupying the camp, or identified with easily understood pictures or symbols; and

(iii) Separate facilities by solid walls or partitions extending from the floor to the roof or ceiling when facilities for each sex are located in the same building.

NEW SECTION

WAC 296-307-16370 Cooking and food-handling facilities. The operator must provide enclosed or screened cooking and food-handling facilities for all occupants. The operator must provide adequate tables and seating for occupants.

(1) If the operator provides cooking facilities in tents, the operator must provide:

(a) An operable cook stove or hot plate with at least one cooking surface for every four occupants;

(b) A sink with hot and cold running potable water under pressure at each tent site;

(c) At least two (2) cubic feet of dry food storage space per occupant;

(d) Nonabsorbent, easily cleanable food preparation counters situated off the floor;

(e) Mechanical refrigeration conveniently located and able to maintain a temperature of forty-five degrees Fahrenheit or below, with at least one (1) cubic foot of storage space per occupant; and

(f) Adequate ventilation for cooking facilities.

(2) If the operator provides common food-handling facilities, the operator must provide:

(a) A room or building, adequate in size, separate from any tent;

(b) No direct openings to living or sleeping areas from the common food-handling facility;

(c) An operable cook stove or hot plate with at least one cooking surface for every four occupants, or four cooking surfaces for every two families;

(d) Sinks with hot and cold running potable water under pressure;

(e) At least two (2) cubic feet of dry food storage space per occupant;

(f) Nonabsorbent, easily cleanable food preparation counters situated off the floor;

(g) Mechanical refrigeration conveniently located and able to maintain a temperature of forty-five degrees Fahrenheit or below, with at least one (1) cubic foot of storage space per occupant;

(h) Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;

(i) Nonabsorbent, easily cleanable floors; and

(j) Adequate ventilation for cooking facilities.

(3) The operator must ensure that dining hall facilities comply with chapter 246-215 WAC, Food service.

NEW SECTION

WAC 293-307-16375 Cots, beds, bedding, and personal storage. The operator must provide cots, beds, or

bunks for each occupant, not to exceed the maximum occupancy approved by the department or health officer.

(1) Beds or bunks must be furnished with clean mattresses and maintained in a clean and sanitary condition.

(2) The operator must:

(a) Provide sufficient clearance between each cot, bed, or bunk and the floor or a commercially available cot, bed, or bunk; and

(b) Allow space to separate beds laterally and end-to-end by at least thirty-six inches when single beds are used.

(3) When bunk beds are used the operator must:

(a) Allow space to separate beds laterally and end-to-end by at least forty-eight inches; and

(b) Maintain a minimum space of twenty-seven inches between the upper and lower bunks.

(4) Locate cots, beds, or bunks at least thirty inches or more from cooking surfaces.

(5) The use of triple bunk beds is prohibited.

(6) The operator must provide suitable storage facilities for clothing and personal articles in each tent.

NEW SECTION

WAC 296-307-16380 First aid and safety. The operator must:

(1) Comply with chapters 15.58 and 17.21 RCW and chapters 16-228 and 296-307 WAC, Part I and J, and pesticide label instructions when using pesticides in and around the camp;

(2) Prohibit, in the housing area, the use, storage, and mixing of flammable, volatile, or toxic substances other than those intended for household use;

(3) Provide readily accessible first-aid equipment;

(4) Ensure that a first-aid qualified person is readily accessible to administer first aid at all times;

(5) Store or remove unused refrigerator units to prevent access by children.

NEW SECTION

WAC 296-307-16385 Refuse disposal. The operator must:

(1) Comply with local sanitation codes for removing refuse from camp areas and disposing of refuse;

(2) Protect against rodent harborage, insect breeding, and other health hazards while storing, collecting, transporting, and disposing of refuse;

(3) Store refuse in fly-tight, rodent-tight, impervious, and cleanable or single-use containers;

(4) Keep refuse containers clean;

(5) Provide a container on a wooden, metal, or concrete stand within one hundred feet of each dwelling unit;

(6) Empty refuse containers at least twice each week, and when full.

NEW SECTION

WAC 296-307-16390 Insect and rodent control. The operator must take effective measures to prevent and control insect and rodent infestation.

NEW SECTION

WAC 296-307-16395 Disease prevention and control.

The operator must:

(1) Report immediately to the local health officer the name and address of any individual in the camp known to have or suspected of having a communicable disease;

(2) Report immediately to the local health officer:

(a) Suspected food poisoning;

(b) An unusual prevalence of fever, diarrhea, sore throat, vomiting, or jaundice; or

(c) Productive cough, or when weight loss is a prominent symptom among occupants.

(3) Prohibit any individual with a communicable disease from preparing, cooking, serving, or handling food, food-stuffs, or materials in dining halls.

Purpose: Establish a new chapter for cherry harvest camps, chapter 246-370 WAC and amend the regulations for temporary worker housing, chapter 246-358 WAC to establish rules that are at least as effective as the standards adopted by WISHA.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-358-020, 246-358-030, 246-358-140, 246-358-600, 246-358-610, 246-358-620, 246-358-630, 246-358-640, 246-358-650, 246-358-660, 246-358-670 and 246-358-680; and amending WAC 246-358-001, 246-358-010, 246-358-025, 246-358-045, 246-358-055, 246-358-065, 246-358-075, 246-358-090, 246-358-095, 246-358-100, 246-358-125, 246-358-135, 246-358-145, 246-358-155, 246-358-165, and 246-358-175.

Statutory Authority for Adoption: RCW 70.114A.065 and 70.114A.110.

Adopted under notice filed as WSR 99-23-109 on November 17, 1999.

Changes Other than Editing from Proposed to Adopted Version:

WSR 00-06-082

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed March 1, 2000, 10:44 a.m., effective March 1, 2000]

Date of Adoption: February 1, 2000.

PERMANENT

WAC Section	Change	Reason for Change
WAC 246-358-001 Purpose and applicability.	(b) Operators with ten or more occupants are required to be licensed under this chapter. Operators with one <u>nine</u> or more <u>less</u> employees are not <u>required to be licensed, but must</u> comply with WISHA <u>these</u> standards.	Language clarified in response to comments received on proposed language.
WAC 246-358-029 Maximum housing occupancy.	<u>Note: Worker supplied housing includes recreational park trailers, recreational vehicles, OSHA compliant tents or other structures that meet the requirements of this chapter.</u>	Language added to clarify in response to comments received on proposed language.
WAC 246-358-045 Temporary worker housing sites.	<u>(2) Must develop and implement a temporary worker housing management plan and rules for operators with 10 or more occupants, to assure that the housing is operated in a safe and secure manner and is kept within the approved capacity. Additionally, the licensed operator must:</u> <u>(a) Inform occupants of the rules, in a language the occupant understands by providing individual copies of the rules to each occupant or posting the rules in the housing area;</u> <u>(b) Restrict the number of occupants in the temporary worker housing to the capacity as determined by the department.</u>	Technical error. This language was inadvertently omitted from proposal. Added to be consistent with L&I regulations. • "operators with 10 or more occupants" added in response to comments received on proposed rule.

WAC Section	Change	Reason for Change
	<p><u>(3) When closing housing permanently or for the season complete the following:</u></p> <p><u>(a) Dispose of all refuse to prevent nuisance;</u></p> <p><u>(b) Fill all abandoned toilet pits with earth; and</u></p> <p><u>(c) Leave the grounds and buildings in a clean and sanitary condition.</u></p>	
<p>WAC 246-358-055 Water supply.</p>	<p>The operator must:</p> <p>(1) Provide a water system that is:</p> <p>(a) Approved as a Group A public water system in compliance with chapter 246-290 WAC <u>if the water system supplies fifteen or more connections or twenty-five or more people at least sixty days per year</u> or provide proof the camp receives water from an approved Group A public water system; or</p> <p>(b) Approved as a Group B water system in compliance with chapter 246-291 WAC <u>if the water system supplies less than fifteen connections and does not supply twenty-five or more people at least sixty days per year.</u></p> <p>Note: A "same farm exemption" applies to a public water system servicing only one single family residence and a system with four or fewer connections all of which serve residences on the same farm. <u>"Same farm" means a parcel of land or series of parcels that are connected by covenants and devoted to the production of livestock or agricultural commodities for commercial purposes and does not qualify as a Group A water system.</u></p>	<p>Recommended language modifications from the DOH, Environmental health program.</p> <p>Recommended language modifications from the DOH, Environmental health program.</p> <p>Recommended language modifications from the DOH, Environmental health program.</p>
<p>WAC 246-358-055 Water supply.</p>	<p>(2) Provide an adequate and convenient <u>hot and cold</u> water supply for drinking, cooking, bathing, and laundry purposes. Note: An "adequate water supply" means the storage capacity of the potable water system must meet the requirements of ASHRAE 1999 Applications Handbook, chapter 48, Water Systems.</p> <p>(4) Provide hot water with a temperature of not less than 105 degrees Fahrenheit that does not exceed 120 degrees Fahrenheit for handwashing, bathing, and laundry purposes.</p>	<p>Inadvertently omitted from rule proposal. Added to be consistent with L&I regulations.</p> <p>Stricken and replaced by subsection (2) above.</p>

PERMANENT

WAC Section	Change	Reason for Change
WAC 246-358-070 Electricity and lighting.	<p>(2) All electrical wiring, <u>fixtures</u> and electrical equipment must meet <u>comply with</u> the electric standards of applicable building codes <u>the department of labor and industries regulations, chapter 19.28 RCW, and local ordinances, and be maintained in a safe condition.</u></p> <p>(7) Wiring and fixtures are installed in accordance with department of labor and industries regulations, chapter 19.28 RCW and local ordinances, and maintained in a safe condition.</p>	<p>Amended to include language from (7), eliminate duplicity.</p> <p>Combined with (2).</p>
WAC 246-358-075 Building requirements and maintenance.	<p>(1) Construct buildings to provide protection against the elements and comply with:</p> <p>(a) The State Building Code, chapter 19.27 RCW, or Temporary worker housing construction standard, chapter 246-359 WAC;</p> <p>(b) applicable State and local ordinances, codes, regulations <u>when applicable</u>; and</p> <p>(c) <u>This part/chapter.</u> Any shelter meeting these requirements is acceptable.</p>	<p>Rewritten for clarity of intent in response to comments received on proposed language.</p>
WAC 246-358-075 Building requirements and maintenance.	<p>(6) (5) Provide a ceiling height of at least seven feet for each habitable room. If a building has a sloped ceiling, no portion of the room measuring less than six <u>seven</u> feet from the finished floor to the finished ceiling will be included in any computation of the minimum floor space.</p>	<p>Amended in response to comments received on proposed language.</p>
WAC 246-358-095 Handwashing and bathing facilities.	<p>(10) (9) An operator providing bathing or handwashing facilities in family dwelling units must meet the requirements in subsection (1) and (2) of this section, and Request occupants of <u>family dwelling units</u> to maintain bathing and handwashing facilities in a clean and sanitary condition;</p> <p>(9)(10) Ensure shower facilities provide privacy from the opposite sex and the public; and</p> <p>(11) <u>Make showers and bathing facilities available when needed.</u></p>	<p>Rewritten to improve clarity.</p> <p>Added to address comments received in response to proposed rules regarding access to showers.</p>

WAC Section	Change	Reason for Change
<p>WAC 246-358-100 Toilet facilities.</p>	<p>(c) When urinals are provided: (i) There must be one urinal or 2 linear feet of urinal trough for each twenty-five men; (ii) <u>The floors and walls surrounding a urinal and extending from the wall and out at least 15 inches on all sides, from the outer edge of the urinals must be constructed of materials impervious to which will not be adversely affected by moisture;</u></p>	<p>Rewritten to improve clarity.</p>
<p>WAC 246-358-100 Toilet facilities.</p>	<p>(2)(e)(i) Provide separate toilet rooms for each sex with a minimum of one toilet room for each sex <u>and meet the required ratio as defined in (a) of this subsection;</u></p>	<p>Inadvertently omitted from rule proposal. Added to be consistent with L&I regulations.</p>
<p>WAC 246-358-125 Cooking and food-handling facilities.</p>	<p><u>The operator must provide enclosed or screened cooking and food-handling facilities for all occupants. The operator must provide adequate tables and seating for occupants.</u></p>	<p>Added to be consistent with the wording (rewritten) that appears in the cherry harvest camps proposal.</p>
<p>WAC 246-358-135 Cots, beds, and bedding and personal storage.</p>	<p>(3) Provide a minimum of twelve inches <u>sufficient clearance</u> between each cot, bed, or bunk and the floor <u>or provide commercially available cots, beds or bunks;</u></p> <p>(4) <u>Allow space to separate</u> beds laterally and end to end by at least thirty-six inches when single beds are used: (5) Meet the following requirements when bunk beds are used: (a) <u>Allow space to separate</u> beds laterally and end to end by at least forty-eight inches;</p>	<p>Amended in response to comments received on proposed rule.</p> <p>Amended to improve clarity.</p> <p>Amended to improve clarity.</p>
<p>CHERRY HARVEST CAMPS</p>		
<p>WAC 246-361-001 Purpose and applicability.</p>	<p>(2) Applicability. (a) This chapter applies only to operators of cherry harvest camps <u>using tents</u> during the cherry harvest season. Operators using other housing must refer to WAC 296-307-16100, Part L1, or chapter 246-361 WAC. (b) Operators with ten or more occupants are required to be licensed under this chapter. Operators with one <u>nine</u> or more <u>less</u> employees are <u>not</u> required to <u>be licensed, but must</u> comply with <u>WISHA</u> these standards.</p>	<p>Inadvertently omitted from rule proposal. Added to be consistent with L&I regulations.</p> <p>Language clarified in response to comments received on proposed language.</p>

PERMANENT

WAC Section	Change	Reason for Change
<p>WAC 246-361-010 Definitions.</p>	<p>"Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive of power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers, <u>but does not include pickup trucks with camper shells, canopies, or other similar coverings.</u></p>	<p>Inadvertently omitted from proposal and to make it consistent with the temporary worker housing definition.</p>
<p>WAC 246-361-025 Operating license.</p>	<p>(4) Will receive an operating license for the maximum number of occupants as determined by WAC 246-361-030 when: (a) The application requirements from subsection (2) of this section are met; (b) The site is in compliance with this part as demonstrated by a licensing survey completed by the department. (c) The operator follows <u>complies with</u> the corrective action plan established by the department if existing site does not meet all the requirements of this chapter.</p>	<p>Inadvertently omitted from rule proposal. Added to be consistent with L&I regulations.</p>
<p>WAC 246-361-045 Cherry harvest campsites.</p>	<p>(2) Develop and implement a cherry harvest camp management plan and rules <u>for camps with 10 or more occupants</u> to assure that the camp is operated in a safe and secure manner and is kept within the approved capacity.</p>	<p>Language added to clarify in response to comments received on proposed language.</p>
<p>WAC 246-361-055 Water supply.</p>	<p>The operator must: (1) Provide a water system that is: (a) Approved as a Group A public water system in compliance with chapter 246-290 WAC <u>if the water system supplies fifteen or more connections or twenty-five or more people at least sixty days per year</u> or provide proof the camp receives water from an approved Group A public water system; or (b) Approved as a Group B water system in compliance with chapter 246-291 WAC <u>if the water system supplies less than fifteen connections and does not supply twenty-five or more people at least sixty days per year.</u></p>	<p>Recommended language modifications from the DOH, Environmental health program. Recommended language modifications from the DOH, Environmental health program.</p>

PERMANENT

WAC Section	Change	Reason for Change
	<p>Note: A "same farm exemption" applies to a public water system servicing only one single family residence and a system with four or fewer connections all of which serve residences on the same farm. <u>"Same farm" means a parcel of land or series of parcels that are connected by covenants and devoted to the production of livestock or agricultural commodities for commercial purposes and does not qualify as a Group A water system.</u></p>	<p>Recommended language modifications from the DOH, Environmental health program.</p>
<p>WAC 246-361-070 Electricity and lighting.</p>	<p>(1)(b) All electrical wiring, and fixtures and electrical equipment must be installed in accordance <u>comply</u> with department of labor and industries regulations, chapter 19.28 RCW and local ordinances, and maintained in a safe condition.</p>	<p>Amended to be consistent with the electrical requirements in TWH rules.</p>
<p>WAC 246-361-075 Tents.</p>	<p>(2) Structural stability and floors. (c) Floor systems must <u>be designed to</u> prevent the entrance of snakes and rodents.</p> <p>(5) Floor area. The operator must: (a) <u>If cooking facilities are provided in the tent, provide</u> at least seventy square feet of floor space for one occupant and fifty square feet for each additional occupant; and or (b) <u>If cooking facilities are not provided in the tent, provide</u> at least fifty square feet of floor space for each occupant in rooms used for sleeping purposes.</p>	<p>Amended in response to comments received on proposed rules. Better quality cots offering more stability have been found to not always have the 12 inch clearance. Rewritten to improve clarity.</p> <p>Rewritten to improve clarity.</p>
<p>WAC 246-361-095 Handwashing and bathing facilities.</p>	<p>(10) <u>Make showers and bathing facilities available when needed.</u></p>	<p>Added to address comments received in response to proposed rules regarding access to showers.</p>
<p>WAC 246-361-100 Toilet facilities.</p>	<p>(1) General toilet requirements. Operators must provide flush toilets, or chemical toilets <u>or pit privies</u>. The department of health or health officer according to requirements in chapter 246-272 WAC, must approve pit privies.</p>	<p>Rewritten to improve clarity.</p>

PERMANENT

WAC Section	Change	Reason for Change
WAC 246-361-100 Toilet facilities.	(1)(c) When urinals are provided: (i) There must be one urinal or 2 linear feet of urinal trough for each twenty-five men; (ii) <u>The floors and walls surrounding a urinal and extending from the wall and out at least 15 inches on all sides, from the outer edge of the urinals</u> must be constructed of materials <u>impervious to which will not be adversely affected by moisture</u> ;	Rewritten to improve clarity.
WAC 246-361-100 Toilet facilities.	(2)(e)(i) Provide separate toilet rooms for each sex with a minimum of one toilet room for each sex <u>and meet the required ratios as defined in (a) of this subsection</u> ;	Inadvertently omitted from rule proposal.
WAC 246-361-135 Cots, beds, bedding, and personal storage.	(2) The operator must: Provide <u>a minimum of twelve inches sufficient clearance</u> between each cot, bed, or bunk and the floor <u>or provide commercially available cots, beds or bunks</u> ; (b) Allow space to separate beds laterally and end-to-end by at least 36 inches when single beds are used.	Amended in response to comments received on proposed rules. Better quality cots offering more stability have been found to not always have the twelve inch clearance.

PERMANENT

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 26, Amended 16, Repealed 12.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 26, Amended 16, Repealed 12.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 26, Amended 16, Repealed 12.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The Washington State Department of Health finds that the temporary worker housing rules, chapter 246-358 WAC, and the cherry harvest camp rules, chapter 246-361 WAC, should become effective immediately pursuant to RCW 34.05.380. (3)(c). The department finds that without an immediate effective date, imminent peril to public health, safety or welfare would result.

The 1999 legislature passed SB 5599, directing the Department of Health (DOH) and the Department of Labor and Industries (L&I) to develop joint rules "for the licensing, operation, and inspection of temporary worker housing, and

the enforcement thereof." DOH worked with L&I to develop joint rules for both temporary worker housing and cherry harvest camps. Both agencies put the rule making on a fast track plan to assure that the new rules would be ready for the 2000 harvest season. Since harvest season begins in March with asparagus, and it is imperative that the new rules are effective so that all operators, regardless as to the crop, are subject to the same regulations for the entire season.

During the development of the rules, the Joint DOH and L&I project team met three times with worker and grower advocates, in addition to conducting the required public hearing. The comments received during these meetings and the public hearing were seriously considered during the development of the rules. Prior to the filing of the CR103, DOH and L&I representatives met with worker advocates to discuss both departments reasoning for the finalized language. Both DOH and L&I believe that more than adequate stakeholdering has taken place during the development of the temporary worker housing and cherry harvest rules to preclude any surprises to the affected industry.

The cherry harvest begins approximately the last week of May in Grant and parts of Benton and Franklin counties. It is important to have the early effective date of the rules to allow time for cherry growers to develop their campsites to the appropriate set of regulations. Approximately 16,000 migrants pick cherries in our state and there is currently little alternative housing available for migrant workers in cherry growing communities outside of the cherry camps. Without camps available, workers often live "on the river bank," that

is, in isolated rural areas without safe sources of drinking water or any sanitation facilities. The health risks both to workers and to the larger community associated with such conditions include the spread of infectious disease. Workers camping in isolated areas may also be the targets of violence, vandalism and theft.

The above-described conditions constitute good cause to find imminent peril to the public health safety, or welfare. Because the harvest season is imminent, observing the thirty-one day wait period for the effective date of the rules would be contrary to the public interest unless the rules become effective immediately.

Effective Date of Rule: March 1, 2000.

March 1, 2000

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 96-02-014, filed 12/21/95, effective 1/1/96)

WAC 246-358-001 Purpose and ((scope)) applicability. ~~((1)) This chapter contains:~~

~~(a) Minimum health and sanitation requirements for temporary worker housing adopted by the Washington state board of health in accordance with RCW 70.54.110;~~

~~(b) Procedures for applying for an operating license to provide temporary worker housing, adopted by the Washington state department of health in accordance with RCW 43.70.340(3); and~~

~~(c) Operating license fees as set by RCW 43.70.340(2) to cover the costs of an inspection program to ensure compliance with this chapter, adopted by the Washington state department of health.~~

~~(2) This chapter applies to:~~

~~(a) Temporary worker housing that consists of:~~

~~(i) Five or more dwelling units; or~~

~~(ii) Any combination of dwelling units, dormitories, or spaces that house ten or more occupants; and~~

~~(b) Operators who must comply with substantive state health and safety standards to qualify for MSPA.~~

~~(3) This chapter does not apply to housing regulated by chapter 59.18 RCW, Residential Landlord-Tenant Act, or chapter 59.20 RCW, Mobile Home Landlord-Tenant Act.)~~

(1) Purpose. This chapter is adopted by the Washington state department of health to implement the provisions of chapter 70.114A RCW and establish minimum health and safety requirements for temporary worker housing.

(2) Applicability.

(a) This chapter applies only to operators of temporary worker housing. Operators using tents within the cherry harvest season must refer to WAC 296-307-16300, Part L-1, or chapter 246-361 WAC.

(b) Operators with ten or more occupants are required to be licensed under this chapter. Operators with nine or less employees are not required to be licensed, but must comply with these standards.

AMENDATORY SECTION (Amending WSR 96-02-014, filed 12/21/95, effective 1/1/96)

WAC 246-358-010 Definitions. ~~((1)) "Board" means the Washington state board of health.~~

~~(2) "Contracted health officer" means a health officer who has a signed agreement with the department to inspect housing, issue operating licenses, and enforce this chapter.~~

~~(3) "Department" means the Washington state department of health.~~

~~(4) "Dwelling unit" means a shelter, building, or portion of a building, that may include cooking and eating facilities, which is:~~

~~(a) Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and~~

~~(b) Physically separated from other sleeping and common-use areas.~~

~~(5) "Drinking fountain" means a fixture equal to a nationally recognized standard or a designed-to-drain faucet which provides potable drinking water under pressure. "Drinking fountain" does not mean a bubble-type water dispenser.~~

~~(6) "Exemption" means a written authorization which excludes an operator from meeting a specific requirement or requirements in this chapter.~~

~~(7) "Foodhandling facility" means a designated, enclosed area for preparation of food.~~

~~(a) "Dining hall" means a cafeteria-type eating place with food furnished by and prepared under the direction of the operator for consumption, with or without charge, by occupants.~~

~~(b) "Common foodhandling facility" means an area designated by the operator for occupants to store, prepare, cook, and eat their own food supplies.~~

~~(8) "Health officer" means the individual appointed as such for a local health department under chapter 70.05 RCW or appointed as the director of public health of a combined city-county health department under chapter 70.08 RCW.~~

~~(9) "Interagency agreement committee" means a representative from the state board of health, department of health, department of labor and industries, employment security department, and department of community, trade, and economic development, pursuant to RCW 43.70.340.~~

~~(10) "MSPA" means the Migrant and Seasonal Agricultural Worker Protection Act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.).~~

~~(11) "Occupant" means a temporary worker or a person who resides with a temporary worker at the housing site.~~

~~(12) "Operator" means a person holding legal title to the land on which temporary worker housing is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the temporary worker housing.~~

~~(13) "Operating license" means a document issued annually by the department or contracted health officer authorizing the use of temporary worker housing.~~

~~(14) "Refuse" means solid wastes, rubbish, or garbage.~~

~~(15) "Temporary worker" means a person employed intermittently and not residing year-round at the same site.~~

(16) "Temporary worker housing" or "housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

(17) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.) For the purposes of this chapter, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

(1) "Agricultural employee" means any person who renders personal services to, or under the direction of, an agricultural employer in connection with the employer's agricultural activity.

(2) "Agricultural employer" means any person engaged in agricultural activity, including the growing, producing, or harvesting of farm or nursery products, or engaged in the reforestation or reforestation of lands, which includes, but is not limited to, the planting, transplanting, tubing, precommercial thinning, and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash, the harvest of Christmas trees, and other related activities.

(3) "Building" means any structure used or intended to be used for supporting or sheltering any use or occupancy that may include cooking, eating, sleeping, and sanitation facilities.

(4) "Common food-handling facility" means an area designated by the operator for occupants to store, prepare, cook, and eat their own food supplies.

(5) "Current certificate (first aid)" means a first-aid-training certificate that has not expired.

(6) "Department" means the Washington state department of health and/or the department of labor and industries.

(7) "Dining hall" means a cafeteria-type eating place with food furnished by and prepared under the direction of the operator for consumption, with or without charge, by occupants.

(8) "Drinking fountain" means a fixture equal to a nationally recognized standard or a designed-to-drain faucet which provides potable drinking water under pressure. "Drinking fountain" does not mean a bubble-type water dispenser.

(9) "Dwelling unit" means a shelter, building, or portion of a building, that may include cooking and eating facilities, which is:

(a) Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and

(b) Physically separated from other sleeping and common-use areas.

(10) "First aid qualified" means that the person holds a current certificate of first aid training from the American Red Cross or another course with equivalent content or hours.

(11) "Food-handling facility" means a designated, enclosed area for preparation of food.

(12) "Group A water system" means a public water system and includes community and noncommunity water systems.

(a) A community water system means any Group A water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar year, regardless of the number of people, or regularly serving at least twenty-five year-round (i.e., more than one hundred eighty days per year) residents.

(b) A noncommunity water system means a Group A water system that is not a community water system. Noncommunity water systems are further defined as:

(i) Nontransient (NTNC) water system that provides service opportunity to twenty-five or more of the same nonresidential people for one hundred eighty or more days within a calendar year.

(ii) Transient (TNC) water system that serves:

(A) Twenty-five or more different people each day for sixty or more days within a calendar year;

(B) Twenty-five or more of the same people each day for sixty or more days, but less than one hundred eighty days within a calendar year; or

(C) One thousand or more people for two or more consecutive days within a calendar year.

(13) "Group B water system" means a public water system: Constructed to serve less than fifteen residential services regardless of the number of people; or constructed to serve an average nonresidential population of less than twenty-five per day for sixty or more days within a calendar year; or any number of people for less than sixty days within a calendar year.

(14) "Habitable room" means a room or space in a structure with a minimum seven-foot ceiling used for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

(15) "Health officer" means the individual appointed as such for a local health department under chapter 70.05 RCW or appointed as the director of public health of a combined city-county health department under chapter 70.08 RCW.

(16) "Livestock" means horses, cows, pigs, sheep, goats, poultry, etc.

(17) "Livestock operation" means any place, establishment, or facility consisting of pens or other enclosures in which livestock is kept for purposes including, but not limited to, feeding, milking, slaughter, watering, weighing, sorting, receiving, and shipping. Livestock operations include, among other things, dairy farms, corrals, slaughterhouses, feedlots, and stockyards. Operations where livestock can roam on a pasture over a distance may be treated as outside the definition.

(18) "MSPA" means the Migrant and Seasonal Agricultural Worker Protection Act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.).

(19) "Occupant" means a temporary worker or a person who resides with a temporary worker at the housing site.

(20) "Operating license" means a document issued annually by the department or health officer authorizing the use of temporary worker housing.

(21) "Operator" means a person holding legal title to the land on which temporary worker housing is located. However, if the legal title and the right to possession are in differ-

ent persons. "operator" means a person having the lawful control or supervision over the temporary worker housing.

(22) "Recreational park trailers" means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use, that meets the following criteria:

(a) Built on a single chassis, mounted on wheels;

(b) Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; and

(c) Certified by the manufacturer as complying with ANSI A119.5.

(23) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive of power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers, but does not include pickup trucks with camper shells, canopies, or other similar coverings.

(24) "Refuse" means solid wastes, rubbish, or garbage.

(25) "Temporary worker" means an agricultural employee employed intermittently and not residing year-round at the same site.

(26) "Temporary worker housing" or "housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an agricultural employer for his or her agricultural employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees for temporary, seasonal occupancy.

(27) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

AMENDATORY SECTION (Amending WSR 96-01-084, filed 12/18/95, effective 1/1/96)

WAC 246-358-025 Operating license. The operator:

(1) ~~((An operator shall notify the department or contracted health officer to))~~ Must request ~~((Heensure))~~ a license from the department of health or health officer when:

(a) Housing consists of:

(i) Five or more dwelling units; or

(ii) Any combination of dwelling units, or spaces that house ten or more occupants; ~~((or))~~

(b) Compliance with MSPA requires ~~((Heensure))~~ a license; or

(c) Construction of camp buildings requires a license under chapter 246-359 WAC. Temporary worker housing construction standard.

(2) ~~((An operator shall))~~ Must apply for an operating license at least forty-five days prior to either the use of housing or the expiration of an existing operating license by submitting to the department of health or ~~((contracted))~~ health officer:

(a) A completed application on a form provided by the department or ~~((contracted))~~ health officer;

(b) Proof ~~((of satisfactory results of a bacteriological water quality test as required by WAC 246-358-055(2), or proof housing is connected to a community))~~ water system is

current with all water tests required by chapter 246-290 or 246-291 WAC; and

(c) A fee as specified in WAC 246-358-990.

(3) ~~((An operator))~~ Will receive an operating license for the maximum number of occupants as determined by WAC 246-358-029 when:

(a) The application requirements from subsection (2) of this section are met;

(b) The housing is in compliance with this chapter as demonstrated by:

(i) A licensing survey completed by the department of health; or

(ii) A self-survey completed by the operator and approved by the department of health; and

(c) The operator complies with the corrective action plan established by the department.

(4) May allow the use of housing without a renewed license when all of the following conditions exist:

(a) The operator applied for renewal of an operating license in accordance with subsection (2) of this section at least forty-five days before occupancy, as evidenced by the post mark;

(b) The department of health or ~~((contracted))~~ health officer has not inspected the housing or issued an operating license;

(c) Other local, state, or federal laws, rules, or codes do not prohibit use of the housing; and

(d) The operator provides and maintains housing in compliance with this chapter.

~~(((4) An operator shall:~~

~~((a)))~~ (5) Must post the operating license in a place readily accessible to ~~((workers;))~~ occupants of the housing.

~~(((b)))~~ (6) Must notify the department of health or ~~((contracted))~~ health officer ~~((in the event))~~ of a transfer of ownership~~((; and))~~.

~~(((c)))~~ (7) Must cooperate with the department or ~~((contracted))~~ health officer during on-site inspections.

~~(((5) An operator may appeal decisions of the department in accordance with chapter 34.05 RCW and chapter 246-08 WAC.))~~

NEW SECTION

WAC 246-358-027 Requirements for self-survey program. If a licensed operator meets the requirements provided in this section, then the operator may participate in the self-survey program. This means an operator is allowed to conduct a self-survey for two years. On the third year the department of health will conduct an on-site verification survey to assure compliance with this chapter and determine if the temporary worker housing still meets the requirements of the self-survey program.

(1) To be in the self-survey program the operator must:

(a) Meet the requirements of WAC 246-358-025;

(b) Not have had any valid complaints;

(c) Have had two consecutive years without any deficiencies or have had very minor deficiencies (for example one or two screens torn, missing a few small trash cans, etc.); and

(d) Be recommended by the health surveyor.

(2) For a licensed operator to remain in the self-survey program the licensed operator must:

- (a) Continue to comply with subsection (1) of this section;
 - (b) Continue to not have any deficiencies or very minor deficiencies; and
 - (c) Not have a change in ownership.
- (3) When licensed temporary worker housing changes ownership, the new licensed operator must comply with the requirements of subsection (1) of this section before being eligible to be on the self-survey program.

NEW SECTION

WAC 246-358-029 Maximum housing occupancy. (1) The maximum occupancy for operator-supplied housing will be based on:

- (a) The square footage of the housing facility; and
 - (b) The number of bathing, food handling, handwashing, laundry, and toilet facilities.
- (2) The maximum occupancy for worker-supplied housing will be based on:
- (a) The number of spaces designated for worker-supplied housing by the operator; and
 - (b) The number of bathing, food handling, handwashing, laundry, and toilet facilities in excess of those facilities required for operator-supplied housing.

Note: Worker supplied housing includes recreational park trailers, recreational vehicles, OSHA compliant tents or other structures that meet the requirements of this chapter.

NEW SECTION

WAC 246-358-040 Variance and procedure. Conditions may exist in operations that a state standard will not have practical use. The director of the department of labor and industries may issue a variance from the requirements of the standard when another means of providing equal protection is provided. The substitute means must provide equal protection in accordance with the requirements of chapter 49.17 RCW and chapter 296-350 WAC, variances.

Applications for variances will be reviewed and may be investigated by the department of labor and industries and the department of health. Variances granted will be limited to the specific case or cases covered in the application and may be revoked for cause. The variance shall remain prominently posted on the premises while in effect.

Variance application forms may be obtained from the Department of Labor and Industries, P.O. Box 44625, Olympia, Washington 98504-4625 or the Department of Health, P.O. Box 47852, Olympia, Washington 98504-7852, upon request. Requests for variances from safety and health standards shall be made in writing to the director or the assistant director, Department of Labor and Industries, P.O. Box 44625, Olympia, Washington 98504-4625. (Reference RCW 49.17.080 and 49.17.090.)

AMENDATORY SECTION (Amending WSR 96-02-014, filed 12/21/95, effective 1/1/96)

WAC 246-358-045 (~~Location and maintenance.~~) Temporary worker housing sites. (~~(1) An operator shall locate housing:~~

- (a) ~~To prevent a health or safety hazard;~~
- (b) ~~On well-drained sites to prevent standing water from becoming a nuisance;~~
- (c) ~~Five hundred feet or more from a livestock operation unless the department or contracted health officer determines that no health risk exists;~~
- (d) ~~More than two hundred feet from swamps, pools, sink holes, or other surface collections of water unless provisions are taken to prevent the breeding of mosquitoes; and~~
- (e) ~~On sites sufficient in size to prevent overcrowding of necessary structures.~~

(2) ~~An operator shall ensure that the housing site is maintained at all times in a sanitary condition free from garbage and other refuse.)~~ The operator must:

- (1) Locate and operate a site to prevent a health or safety hazard that is:
 - (a) Adequately drained and any drainage from and through the housing must not endanger any domestic or public water supply;
 - (b) Free from periodic flooding and depressions in which water may become a nuisance;
 - (c) At least two hundred feet from a swamp, pool, sink hole, or other surface collection of water unless there is a mosquito prevention program for those areas;
 - (d) Large enough to prevent overcrowding of necessary structures. The principal housing area for sleeping and for food preparation and eating must be at least five hundred feet from where livestock are kept; and
 - (e) The grounds and open areas surrounding the shelters must be in a clean and sanitary condition.

(2) Must develop and implement a temporary worker housing management plan and rules for operators with ten or more occupants, to assure that the housing is operated in a safe and secure manner and is kept within the approved capacity. Additionally, the licensed operator must:

- (a) Inform occupants of the rules, in a language the occupant understands by providing individual copies of the rules to each occupant or posting the rules in the housing area;
- (b) Restrict the number of occupants in the temporary worker housing to the capacity as determined by the department.
- (3) When closing housing permanently or for the season, complete the following:
 - (a) Dispose of all refuse to prevent nuisance;
 - (b) Fill all abandoned toilet pits with earth; and
 - (c) Leave the grounds and buildings in a clean and sanitary condition.

AMENDATORY SECTION (Amending WSR 96-02-014, filed 12/21/95, effective 1/1/96)

WAC 246-358-055 Water supply. (~~(A)~~) The operator (~~shall~~) must:

- (1) Provide a water system that is:

(a) Approved as a Group A public water system in compliance with chapter 246-290 WAC if the water system supplies fifteen or more connections or twenty-five or more people at least sixty days per year or provide proof the camp receives water from an approved Group A public water system or provide proof the temporary worker housing receives water from an approved Group A public water system; or

(b) Approved as a Group B water system in compliance with chapter 246-291 WAC if the water system supplies less than fifteen connections and does not supply twenty-five or more people at least sixty days per year.

Note: A "same farm exemption" applies to a public water system with four or fewer connections all of which serve residences on the same farm. "Same farm" means a parcel of land or series of parcels that are connected by covenants and devoted to the production of livestock or agricultural commodities for commercial purposes and does not qualify as a Group A water system.

	<u>Avg. daily population of less than 25 people</u>	<u>Avg. daily population of 25 or more people</u>
<u>At least 60 days or more</u>	<u>Group B</u>	<u>Group A TNC</u>
<u>59 days or less</u>	<u>Group B</u>	<u>Group B</u>

Note: If a system has fifteen or more connections, regardless of the population, it is a Group A water system.

(2) Provide an adequate and convenient hot and cold water supply (from an approved source as described in chapter 246-290 WAC, and:

(a) For housing existing prior to August 1, 1984, maintain and operate the water system in accordance with chapter 246-290 WAC; and

(b) For housing constructed after August 1, 1984, design, construct, maintain, and operate the water system in accordance with chapter 246-290 WAC;

(2) Provide a water system:

(a) Capable of delivering thirty five gallons per person per day to the housing site at a peak rate of two and one-half times the average hourly demand; and

(b) With)) for drinking, cooking, bathing, and laundry purposes.

Note: An "adequate water supply" means the storage capacity of the potable water system must meet the requirements of ASHRAE 1999 Applications Handbook, chapter 48, Water Systems.

(3) Ensure that the distribution lines (capable of supplying) are able to maintain the working pressure of the water piping system at (normal operating pressures to all fixtures for simultaneous operation;

(3) If water is not supplied solely by a community water system, submit a water sample to a department certified laboratory for bacteriological quality testing each year prior to opening housing in accordance with WAC 246-290-300;

(4) Delay the use of housing until bacteriological quality meets the requirements in WAC 246-290-310;

(5)) not less than fifteen pounds per square inch after allowing for friction and other pressure losses.

(4) When water is not piped to each dwelling unit, provide cold, potable, running water under pressure ((+,-, or)) within one hundred feet of((;)) each dwelling unit((;)).

((6)) (5) When water sources are not available in each individual dwelling unit, provide one or more drinking fountains for each one hundred occupants or fraction thereof ((if water under pressure is available;

(7)). Prohibit the use of common drinking cups or containers from which water is dipped or poured((; and common drinking cups; and)).

((8)) (6) When water is unsafe for drinking purposes and accessible to occupants, post a sign by the source reading "DO NOT DRINK. DO NOT USE FOR WASHING. DO NOT USE FOR PREPARING FOOD." printed in English and in the native language of the persons occupying the housing or marked with easily-understood pictures or symbols.

AMENDATORY SECTION (Amending WSR 96-02-014, filed 12/21/95, effective 1/1/96)

WAC 246-358-065 Sewage disposal. ((An operator shall:

(1) Connect sewer lines and floor drains from buildings to public sewers if public sewers are available;

(2) If public sewers are not available provide on-site sewage disposal systems designed, constructed, and maintained as required in chapter 246-272 WAC, chapter 173-240 WAC, and local ordinances; and

(3) Ensure connection and drainage of sewage and waste water from all housing to a sewage disposal system approved by the jurisdictional agency.)) **The operator must:**

(1) Provide sewage disposal systems in accordance with local health jurisdictions.

(2) Connect all drain, waste, and vent systems from buildings to:

(a) Public sewers, if available; or

(b) Approved on-site sewage disposal systems that are designed, constructed, and maintained as required in chapters 246-272 and 173-240 WAC, and local ordinances.

NEW SECTION

WAC 246-358-070 Electricity and lighting. The operator must ensure that:

(1) Electricity is supplied to all dwelling units, kitchen facilities, shower/bathroom facilities, common areas, and laundry facilities.

(2) All electrical wiring, fixtures and electrical equipment must comply with the electrical standards of the department of labor and industries regulations, chapter 19.28 RCW, and local ordinances, and be maintained in a safe condition.

(3) Each habitable room must have at least one ceiling-type light fixture and at least one separate floor-type or wall-type convenience outlet.

(4) Laundry, shower/bathroom facilities, toilet rooms and rooms where people congregate have at least one ceiling-type or wall-type fixture.

(5) General lighting and task lighting is adequate to carry on normal daily activities.

PERMANENT

(6) Adequate lighting is provided for safe passage for occupants to handwashing sinks and toilets.

Note: Lighting requirements may be met by natural or artificial means.

AMENDATORY SECTION (Amending WSR 96-02-014, filed 12/21/95, effective 1/1/96)

WAC 246-358-075 ((Construction)) Building requirements and maintenance. ((An operator shall:

(1) ~~Ensure construction provides protection against the elements and complies with applicable state and local ordinances, codes, regulations, and this chapter;~~

(2) ~~Identify each dwelling unit and space for worker-supplied housing by posting a number at each site;~~

(3) ~~Maintain buildings and shelters in good repair and sanitary condition;~~

(4) ~~Comply with chapter 51-20 WAC by providing two means of escape from sleeping rooms, foodhandling facilities, and rooms where fifty or more people congregate;~~

(5) ~~Provide at least seventy square feet of floor space for one occupant and fifty square feet for each additional occupant in each dwelling unit;~~

(6) ~~Provide at least seven foot ceilings and fifty square feet of floor space for each occupant in rooms used for sleeping purposes;~~

(7) ~~Provide smooth and tightly constructed wood, asphalt, or concrete floors in good repair;~~

(8) ~~When wood floors are used, ensure floors are at least twelve inches above the ground at all points;~~

(9) ~~Provide a window area equal to one-tenth of the total floor area in each habitable room which opens one-half or more directly to the outside for ventilation;~~

(10) ~~Provide effective sixteen-mesh screens on all exterior openings, and screen doors equipped with self-closing devices;~~

(11) ~~Provide electrical service to include at least one electrical ceiling-type light fixture and at least one separate floor-type or wall-type convenience outlet in each habitable room.~~

(12) ~~Provide a minimum of thirty footcandles of light measured thirty inches from the floor in dwelling units;~~

(13) ~~Ensure wiring and fixtures are installed in accordance with department of labor and industries regulations, RCW 19.28.070 and local ordinances, and maintained in a safe condition;~~

(14) ~~Ensure heating, cooking, water heating, and other electrical equipment is installed in accordance with state and local ordinances, codes, and regulations governing such installation;~~

(15) ~~Provide adequate heating equipment if camp is used during cold weather;~~

(16) ~~Ensure that operator-supplied trailers and recreational vehicles manufactured after July 1968 display a Washington state department of labor and industries insignia as required in chapters 296-150A and 296-150B WAC; and~~

(17) ~~Follow the compliance schedule established with the department or contracted health officer when existing housing fails to meet the requirements in this chapter.)) An operator must:~~

(1) Construct buildings to provide protection against the elements and comply with:

(a) The State Building Code, chapter 19.27 RCW or the Temporary worker housing construction standard, chapter 246-359 WAC;

(b) State and local ordinances, codes, and regulations when applicable; and

(c) This chapter. Any shelter meeting these requirements is acceptable.

(2) Identify each dwelling unit and space used for shelter by posting a number at each site.

(3) Maintain buildings in good repair and sanitary condition.

(4) Provide exits that are unobstructed and remain free of any material or matter where its presence would obstruct or render the exit hazardous.

(5) Provide a ceiling height of at least seven feet for each habitable room. If a building has a sloped ceiling, no portion of the room measuring less than seven feet from the finished floor to the finished ceiling will be included in any computation of the minimum floor space.

(6) Provide at least seventy square feet of floor space for the first occupant and at least fifty square feet of floor space for each additional occupant in each dwelling unit.

(7) Provide each room used for sleeping purposes with at least fifty square feet of floor space for each occupant.

(8) Provide floors in accordance with the State Building Code, chapter 19.27 RCW, or the Temporary worker housing construction standard, chapter 246-359 WAC, that are tightly constructed and in good repair.

(9) Ensure wooden floors are at least one foot above ground-level, or meet the requirements in the State Building Code, chapter 19.27 RCW or temporary worker housing construction standard, chapter 246-359 WAC.

(10) Provide habitable rooms that have:

(a) Windows covering a total area equal to at least one-tenth of the total floor area and at least one-half of each window can be opened to the outside for ventilation; or

(b) Mechanical ventilation in accordance with applicable ASHRAE standards.

(11) Provide sixteen-mesh screening on all exterior openings and screen doors with self-closing devices.

(12) Install all heating, cooking, and water heating equipment according to state and local ordinances, codes, and regulations and maintain in a safe condition.

(13) Provide adequate heating equipment if habitable rooms, including bathrooms, are used during cold weather.

(14) Ensure that all recreational vehicles and park trailers meet the requirements of chapter 296-150P or 296-150R WAC.

AMENDATORY SECTION (Amending WSR 96-02-014, filed 12/21/95, effective 1/1/96)

WAC 246-358-090 Laundry facilities. ((An operator shall provide laundry facilities including:

(1) Hot and cold running water under pressure for laundry adequate to meet the needs of occupants as determined by the department or contracted health officer;

(2) One laundry tray or tub, or one mechanical washing machine, for each thirty occupants, or fraction thereof, specified on the operating license;

(3) At least one slop sink in each building used for laundry;

(4) Facilities for drying clothes;

(5) Sloped, coved floors of nonslip impervious materials with floor drains;

(6) At least one electrical ceiling or wall-type convenience fixture;

(7) Thirty footcandles of light measured thirty inches from the floor;

(8) Equipment capable of maintaining a temperature of 70°F during cold weather.) An operator must:

(1) Provide one laundry tray or tub or one mechanical washing machine for every thirty persons.

(2) Provide facilities for drying clothes.

(3) Provide sloped, coved floors of nonslip impervious materials with floor drains.

(4) Maintain laundry facilities in a clean and sanitary condition.

AMENDATORY SECTION (Amending WSR 96-02-014, filed 12/21/95, effective 1/1/96)

WAC 246-358-095 (~~(Bathing and)~~) **Handwashing and bathing facilities.** ((1) An operator shall:

(a) Provide hot and cold running water under pressure for bathing and handwashing adequate to meet the needs of occupants as determined by the department or contracted health officer;

(b) Provide at least one electrical ceiling or wall-type convenience fixture; and

(c) Provide thirty footcandles of light measured thirty inches from the floor.

(2) An operator providing centralized bathing or handwashing facilities shall meet the requirements of subsection (1) of this section, and:

(a) Provide the number of handwashing sinks and shower heads specified in Table I;

(b) Provide a means to maintain a temperature of 70°F during cold weather;

(c) Ensure bathing and handwashing facilities are maintained in a clean and sanitary condition;

(d) Provide one slop sink per building used for handwashing and bathing; and

(e) Provide shower rooms with:

(i) Sloped, coved floors of nonslip impervious materials;

(ii) Floor drains; and

(iii) Smooth, water impervious walls and partitions to the height of splash.

(f) Provide cleanable, nonabsorbent waste containers.

TABLE I:

Required number of centralized handwashing sinks and shower heads.

HANDWASHING SINKS	One per each 6 persons ^a or fraction thereof.
SHOWER HEADS	One per each 10 persons ^a or fraction thereof.

^aThe number of persons shall be calculated by subtracting the number of occupants sheltered in dwelling units that contain individual facilities from

the maximum occupancies approved for both operator-supplied and worker-supplied housing.

(3) An operator providing bathing or handwashing facilities in dwelling units shall meet the requirements in subsection (1) of this section, and request occupants to maintain bathing, handwashing, and toilet facilities in a clean and sanitary condition.) An operator must:

(1) Provide one handwash sink for each family dwelling unit or for every six persons in centralized facilities. Handwash sinks must be adjacent to toilets.

(2) Provide one showerhead for each family dwelling unit or for every ten persons in centralized facilities.

(3) Provide one "service sink" in each building used for centralized laundry, hand washing, or bathing.

(4) Provide sloped, coved floors of nonslip impervious materials with floor drains.

(5) Ensure shower room walls are smooth and nonabsorbent to the height of four feet. If used, partitions must be smooth and nonabsorbent to the height of four feet.

(6) Provide all showers, baths, or shower rooms with floor drains to remove wastewater.

(7) Provide cleanable, nonabsorbent waste containers.

(8) Maintain centralized bathing and handwashing facilities in a clean and sanitary condition, cleaned at least daily.

(9) Request occupants of family dwelling units to maintain bathing and handwashing facilities in a clean and sanitary condition.

(10) Ensure shower facilities provide privacy from the opposite sex and the public.

(11) Make showers and bathing facilities available when needed.

AMENDATORY SECTION (Amending WSR 96-02-014, filed 12/21/95, effective 1/1/96)

WAC 246-358-100 Toilet facilities. ((1) The operator shall:

(a) Locate each toilet in a toilet room which is accessible without passing through a sleeping room;

(b) Provide a window not less than six square feet in area opening directly to the outside, or other satisfactory ventilation;

(c) Provide water flush toilets unless privies or other methods are specifically approved by the department or contracted health officer according to requirements in chapter 246-272 WAC;

(d) Locate pit privies, when approved, at least one hundred feet from any dwelling unit, space, or foodhandling facility;

(e) When vault privies or chemical toilets are approved:

(i) Locate at least fifty feet from any dwelling unit, space, or foodhandling facility;

(ii) Maintain a service contract for sewage pumping with a licensed waste disposal company; and

(iii) Comply with local ordinances;

(f) If urinals are provided, cover the floor with a material impervious to moisture for a radius of not less than fifteen inches from the outer edge of the urinal, and from the urinal to the wall;

PERMANENT

~~(g) Provide an adequate water flush in urinals if water under pressure is available;~~

~~(h) Connect sinks and bathing facilities through properly trapped floor drains to an approved disposal system; and~~

~~(i) Provide an adequate supply of toilet paper in each toilet room, privy, and chemical toilet compartment.~~

~~(j) Provide at least one electrical ceiling or wall-type convenience fixture.~~

~~(2) An operator providing centralized toilet facilities shall meet the requirements of subsection (1) of this section, and:~~

~~(a) Provide one toilet per fifteen persons of each sex with a minimum of two toilets for any facility shared by men and women;~~

~~(b) Locate toilets within two hundred feet of the door of each sleeping unit;~~

~~(c) Separate toilet rooms for men and for women with solid walls or partitions extending from the floor to the roof or ceiling;~~

~~(d) Clearly mark each room for "men" and for "women" by signs printed in English and in the native language of the persons occupying the camp, or marked with easily understood pictures or symbols;~~

~~(e) Provide natural or artificial light twenty-four hours per day equal to twenty footcandles of light, measured thirty inches from the floor;~~

~~(f) Provide a means to maintain a temperature of 70°F during cold weather; and~~

~~(g) Ensure that the toilet facilities are cleaned at least daily.~~

~~(3) An operator providing toilet facilities in dwelling units shall meet the requirements in subsection (1) of this section, and:~~

~~(a) Provide a handwashing sink in each dwelling unit that contains a toilet; and~~

~~(b) Request occupants to maintain toilet facilities in a clean and sanitary condition.)) (1) General toilet requirements. Operators must provide water flush toilets unless chemical toilets or pit privies are specifically approved by the department of health or health officer according to requirements in chapter 246-272 WAC and ensure the following:~~

~~(a) Flush toilets, chemical toilets, and urinals must not be located in any sleeping room, dining room, or cooking or food handling facility.~~

~~(b) When chemical toilets are approved, they must be:~~

~~(i) Located at least fifty feet from any dwelling unit or food handling facility;~~

~~(ii) Maintained by a licensed waste disposal company; and~~

~~(iii) Comply with local ordinances.~~

~~(c) When urinals are provided:~~

~~(i) There must be one urinal or two linear feet of urinal trough for each twenty-five men;~~

~~(ii) The floors and walls surrounding a urinal and extending out at least fifteen inches on all sides, must be constructed of materials which will not be adversely affected by moisture;~~

~~(iii) The urinal must have an adequate water flush where water under pressure is available; and~~

~~(iv) Urinal troughs are prohibited in pit privies.~~

~~(d) When pit privies are approved they must be:~~

~~(i) At least one hundred feet away from any sleeping room, dining room, cooking or food handling facilities; and~~

~~(ii) Constructed to exclude insects and rodents from the pit.~~

~~(2) Centralized toilet facilities. The operator must meet the following requirements when centralized toilet facilities are provided:~~

~~(a) Provide toilet rooms with:~~

~~(i) One toilet for every fifteen persons;~~

~~(ii) One handwashing sink for every six persons;~~

~~(iii) Either a window of at least six square feet opening directly to the outside, or be satisfactorily ventilated; and~~

~~(iv) All outside openings screened with sixteen-mesh material.~~

~~(b) Locate toilet rooms so that:~~

~~(i) Toilets are within two hundred feet of the door of each sleeping room; and~~

~~(ii) No person has to pass through a sleeping room to reach a toilet room.~~

~~(c) Maintain toilets in a clean and sanitary condition, cleaned at least daily.~~

~~(d) Provide each toilet compartment with an adequate supply of toilet paper.~~

~~(e) When shared facilities will be used for both men and women:~~

~~(i) Provide separate toilet rooms for each sex with a minimum of one toilet room for each sex and meet the required ratio as defined in (a) of this subsection;~~

~~(ii) Identify each room for "men" and "women" with signs printed in English and in the native language of the persons occupying the camp, or identified with easily understood pictures or symbols; and~~

~~(iii) Separate facilities by solid walls or partitions extending from the floor to the roof or ceiling when facilities for each sex are located in the same building.~~

~~(3) Individual family/unit dwelling toilet requirements. If providing flush toilets in individual cabins, apartments, or houses, the operator must:~~

~~(a) Provide one toilet for each individual family dwelling unit or fifteen persons.~~

~~(b) Provide one handwashing sink for each six persons. The sink must be located in the toilet room or immediately adjacent.~~

~~(c) Provide a window of at least six square feet opening directly to the outside, or be satisfactorily ventilated.~~

~~(d) Ensure all outside openings are screened with sixteen-mesh material.~~

~~(e) Ensure toilet facilities are cleaned prior to occupancy and request occupants to maintain the facilities in a clean and sanitary condition.~~

AMENDATORY SECTION (Amending WSR 96-02-014, filed 12/21/95, effective 1/1/96)

WAC 246-358-125 Cooking and food-handling facilities. ~~((An operator shall provide enclosed cooking and foodhandling facilities for all occupants.~~

~~(1) An operator furnishing cooking facilities in each dwelling unit shall provide:~~

~~(a) An operable cook stove or hot plate with a minimum of one cooking surface for every two adult occupants or four cooking surfaces for every two families;~~

~~(b) A sink with running water under pressure;~~

~~(c) Food storage areas and easily cleanable food preparation counters situated off the floor;~~

~~(d) Mechanical refrigeration capable of maintaining temperature of forty-five degrees Fahrenheit or below, with space for storing perishable food items for all occupants;~~

~~(e) Fire resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;~~

~~(f) Nonabsorbent and easily cleanable floors;~~

~~(g) At least one electrical ceiling or wall-type convenience fixture; and~~

~~(h) Thirty footcandles of light measured thirty inches from the floor.~~

~~(2) An operator furnishing common foodhandling facilities shall provide:~~

~~(a) A room or building, adequate in size, separate from any sleeping quarters and without direct openings to living or sleeping quarters;~~

~~(b) An operable cook stove or hot plate with a minimum of one cooking surface for every two adult occupants or four cooking surfaces for every two families;~~

~~(c) Sinks with hot and cold running water under pressure;~~

~~(d) Food storage areas and easily cleanable food preparation counters situated off the floor;~~

~~(e) Mechanical refrigeration capable of maintaining a temperature of forty-five degrees Fahrenheit or below with space for storing perishable food items for all occupants;~~

~~(f) Fire resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;~~

~~(g) Nonabsorbent, easily cleanable floors;~~

~~(h) No direct openings to living or sleeping areas from the common foodhandling facility;~~

~~(i) At least one ceiling or wall light fixture where electric service is available; and~~

~~(j) Thirty footcandles of light measured thirty inches from the floor.~~

~~(3) An operator furnishing a dining hall shall:~~

~~(a) Comply with chapter 246-215 WAC, Food service;~~

~~(b) Provide a room or building, adequate in size, separate from any sleeping quarters and without direct openings to living or sleeping quarters;~~

~~(c) Provide fire resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;~~

~~(d) Provide at least one ceiling or wall light fixture where electric service is available; and~~

~~(e) Provide thirty footcandles of light measured thirty inches from the floor.)~~ The operator must provide enclosed or screened cooking and food-handling facilities for all occupants. The operator must provide adequate tables and seating for occupants.

(1) If cooking facilities are located in dwelling units, the operator must provide:

(a) An operable cook stove or hot plate with at least one cooking surface for every two occupants;

(b) A sink with hot and cold running potable water under pressure;

(c) At least two (2) cubic feet of dry food storage space per occupant;

(d) Nonabsorbent, easily cleanable food preparation counters situated off the floor;

(e) Mechanical refrigeration conveniently located and able to maintain a temperature of forty-five degrees Fahrenheit or below, with at least two (2) cubic feet of storage space per occupant;

(f) Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;

(g) Nonabsorbent, easily cleanable floors; and

(h) Adequate ventilation for cooking facilities.

(2) In common food-handling facilities, the operator must provide:

(a) A room or building, adequate in size, separate from any sleeping quarters;

(b) No direct openings to living or sleeping areas from the common food-handling facility;

(c) An operable cook stove or hot plate with at least one cooking surface for every four occupants, or four cooking surfaces for every two families;

(d) Sinks with hot and cold running potable water under pressure;

(e) At least two (2) cubic feet of dry food storage space per occupant;

(f) Nonabsorbent, easily cleanable food preparation counters situated off the floor;

(g) Mechanical refrigeration conveniently located and able to maintain a temperature of forty-five degrees Fahrenheit or below, with at least two (2) cubic feet of storage space per occupant;

(h) Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;

(i) Nonabsorbent, easily cleanable floors; and

(j) Adequate ventilation for cooking facilities.

(3) The operator must ensure that centralized dining hall facilities comply with chapter 246-215 WAC, Food service.

AMENDATORY SECTION (Amending WSR 96-02-014, filed 12/21/95, effective 1/1/96)

WAC 246-358-135 ~~Cots, beds ((and)), bedding and personal storage. ((An))~~ The operator ~~((shall))~~ must:

(1) Provide beds, ~~cots~~, or bunks furnished with clean mattresses in good condition for the maximum occupancy approved by the department of health or ~~((contracted))~~ health officer for operator-supplied housing~~((;))~~.

(2) ~~((Ensure))~~ Maintain bedding, if provided by the operator, ~~((is))~~ in a clean and ~~((maintained in a))~~ sanitary condition~~((;))~~.

(3) Provide ~~((a minimum of twelve inches))~~ sufficient clearance between each bed or bunk and the floor~~((;))~~ or provide a commercially available cot, bed or bunk.

(4) ~~((When single beds are used))~~ Allow space to separate beds laterally and end to end by at least thirty-six inches~~((;))~~.

~~(5)) when ((bunk)) single beds are used.~~

(5) Meet the following requirements when bunk beds are used:

- (a) Allow space to separate beds laterally and end to end by at least forty-eight inches;
- (b) Maintain a minimum space of twenty-seven inches between the upper and lower bunks; and
- (c) Prohibit triple bunks(~~(; and))~~).
- (6) Provide storage facilities for clothing and personal articles in each room used for sleeping.

AMENDATORY SECTION (Amending WSR 96-02-014, filed 12/21/95, effective 1/1/96)

WAC 246-358-145 ((Health)) First aid and safety.
~~((An))~~ The operator ((shall)) must:

- (1) Comply with chapters 15.58 and 17.21 RCW, chapter 16-228 WAC, chapter 296-307 WAC, Parts I and J, and pesticide label instructions when using pesticides in and around the housing(~~(;))~~).
- (2) Prohibit, in the housing area, the use, storage, and mixing of flammable, volatile, or toxic substances other than those intended for household use(~~(;))~~).
- (3) Provide readily accessible first-aid equipment ((meeting the requirements of Part A-1 of chapter 296-24 WAC(~~;))~~).
- (4) Ensure that a first aid qualified person ((trained)) is readily accessible to administer first aid ((is readily accessible)) at all times(~~(;))~~).
- (5) ~~((Comply with chapter 51-20 WAC by providing smoke detection devices;~~
- (6)) Store or remove unused refrigerator units to prevent access by children(~~(; and~~
- (7) Fill abandoned privy pits with earth; and lock or otherwise secure unused privy buildings).

AMENDATORY SECTION (Amending WSR 96-02-014, filed 12/21/95, effective 1/1/96)

WAC 246-358-155 Refuse disposal. ~~((An))~~ The operator ((shall)) must:

- (1) ~~((Establish and maintain a refuse disposal system;))~~
Comply with local sanitation codes for removing and disposing of refuse from housing areas.
- (2) Protect against rodent harborage, insect breeding, and other health hazards while storing, collecting, transporting, and disposing of refuse(~~(;))~~).
- (3) Store refuse in fly-tight, rodent-tight, impervious, and cleanable or single-use containers(~~(;))~~).
- (4) Keep refuse containers clean(~~(;))~~).
- (5) Provide a container on a wooden, metal, or concrete stand within one hundred feet of each dwelling unit ((and space(~~;))~~).
- (6) Empty refuse containers at least twice each week, and when full(~~(;)~~
- ~~(7) Comply with local sanitation codes for removing refuse from housing areas and disposing of refuse; and~~
- (8) Ensure the housing area is free of refuse when housing is closed for the season to prevent a nuisance).

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-165 ((Rodent and)) Insect and rodent control. ~~((An operator shall take measures necessary to control rodents and insects in and around the housing.))~~ The operator must take effective measures to prevent and control insect and rodent infestation.

AMENDATORY SECTION (Amending WSR 96-02-014, filed 12/21/95, effective 1/1/96)

WAC 246-358-175 Disease prevention and control.
~~((An))~~ The operator ((shall)) must:

- (1) ~~((Make reasonable efforts to know if disease is present among occupants;~~
- (2)) Report immediately to the local health officer(~~(; and~~
- (a)) the name and address of any occupant known to have or suspected of having ((an infectious or)) a communicable disease(~~(;))~~).
- ~~((b) Any case of)~~ (2) Report immediately to the local health officer:
- (a) Suspected food poisoning; ((and
- (e) Any)) (b) Unusual prevalence of ((any illness in which)) fever, diarrhea, sore throat, vomiting, or jaundice(~~(;))~~; or
- (c) Productive cough, or when weight loss is a prominent symptom among occupants(~~(;))~~).
- (3) Prohibit any individual with a communicable disease from preparing, cooking, serving, or handling food, food-stuffs, or materials in dining halls(~~(;)~~
- (4) ~~Establish rules and inform occupants of their responsibilities related to maintaining housing consistent with the requirements in this chapter; and~~
- (5) ~~Post information regarding temporary worker health and sanitation when provided by the department or contracted health officer).~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-358-020	Exemptions.
WAC 246-358-030	Department authority.
WAC 246-358-140	Use of tents.
WAC 246-358-600	Cherry harvest camps— Applicability.
WAC 246-358-610	Cherry harvest camps— Licensing.
WAC 246-358-620	Cherry harvest camps— Transitional compliance schedule.
WAC 246-358-630	Cherry harvest camps— Location of camp area and camp management plan.

PERMANENT

WAC 246-358-640	Cherry harvest camps—Adequate lighting, electricity and alternative power.
WAC 246-358-650	Cherry harvest camps—Bathing, toilet and hand-washing areas.
WAC 246-358-660	Cherry harvest camps—Personal storage.
WAC 246-358-670	Cherry harvest camps—Cold food storage areas.
WAC 246-358-680	Cherry harvest camps—Food storage and preparation areas.

provides potable drinking water under pressure. "Drinking fountain" does not mean a bubble-type water dispenser.

"**Dwelling unit**" means a shelter, building, or portion of a building, that may include cooking and eating facilities, which is:

- Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and
- Physically separated from other sleeping and common-use areas.

Note: For the purpose of this chapter, a "tent" is considered a dwelling unit.

"**First aid qualified**" means that the person holds a current certificate of first-aid training from the American Red Cross or another course with equivalent content or hours.

"**Food-handling facility**" means a designated, enclosed area for preparation of food.

"**Group A water system**" means a public water system and includes community and noncommunity water systems.

(a) A community water system means any Group A water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar year, regardless of the number of people, or regularly serving at least twenty-five year-round (i.e., more than one hundred eighty days per year) residents.

(b) Noncommunity water system means a Group A water system that is not a community water system. Noncommunity water systems are further defined as:

(i) Nontransient (NTNC) water system that provides service opportunity to twenty-five or more of the same nonresidential people for one hundred eighty or more days within a calendar year.

(ii) Transient (TNC) water system that serves:

- Twenty-five or more different people each day for sixty or more days within a calendar year;
- Twenty-five or more of the same people each day for sixty or more days, but less than one hundred eighty days within a calendar year; or
- One thousand or more people for two or more consecutive days within a calendar year.

"**Group B water system**" means a public water system: Constructed to serve less than fifteen residential services regardless of the number of people; or constructed to serve an average nonresidential population of less than twenty-five per day for sixty or more days within a calendar year; or any number of people for less than sixty days within a calendar year.

"**Health officer**" means the individual appointed as such for a local health department under chapter 70.05 RCW or appointed as the director of public health of a combined city-county health department under chapter 70.08 RCW.

"**Livestock**" means horses, cows, pigs, sheep, goats, poultry, etc.

"**Livestock operation**" means any place, establishment, or facility consisting of pens or other enclosures in which livestock is kept for purposes including, but not limited to, feeding, milking, slaughter, watering, weighing, sorting, receiving, and shipping. Livestock operations include, among other things, dairy farms, corrals, slaughterhouses, feedlots,

NEW SECTION

WAC 246-361-001 Cherry harvest camps—Purpose and applicability. (1) Purpose. This chapter is adopted by the Washington state department of health to implement the provisions of chapter 70.114A RCW and establish minimum health and safety requirements for cherry harvest camps.

(2) Applicability.

(a) This chapter applies only to operators of cherry harvest camps using tents during the cherry harvest season. Operators using other housing must refer to WAC 296-307-16100, Part L1, or chapter 246-358 WAC.

(b) Operators with ten or more occupants are required to be licensed under this chapter. Operators with nine or less employees are not required to be licensed, but must comply with these standards.

NEW SECTION

WAC 246-361-010 Definitions. For the purposes of this chapter, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

"**Building**" means any structure used or intended for supporting or sheltering any use or occupancy that may include cooking, eating, sleeping and sanitation facilities.

"**Cherry harvest camp**" or "**camp**" means a place, area, or piece of land where dwelling units or camp sites are provided by an operator during the cherry harvest.

"**Common food-handling facility**" means an area designated by the operator for occupants to store, prepare, cook, and eat their own food supplies.

"**Current certificate (first aid)**" means a first-aid-training certificate that has not expired.

"**Department**" means the Washington state department of health and/or the department of labor and industries.

"**Dining hall**" means a cafeteria-type eating-place with food furnished by and prepared under the direction of the operator for consumption, with or without charge, by occupants.

"**Drinking fountain**" means a fixture equal to a nationally recognized standard or a designed-to-drain faucet, which

and stockyards. Operations where livestock can roam on a pasture over a distance may be treated as outside the definition.

"MSPA" means the Migrant and Seasonal Agricultural Worker Protection Act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.).

"Occupant" means a temporary worker or a person who resides with a temporary worker at the camp site.

"Operating license" means a document issued annually by the department of health or contracted health officer authorizing the use of temporary-worker housing.

"Operator" means a person holding legal title to the land on which the camp is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the camp.

"Recreational park trailers" means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use, that meets the following criteria:

- Built on a single chassis, mounted on wheels;
- Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; and
- Certified by the manufacturer as complying with ANSI A119.5.

"Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive of power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers, but does not include pickup trucks with camper shells, canopies, or other similar coverings.

"Refuse" means solid wastes, rubbish, or garbage.

"Temporary worker" means an agricultural employee employed intermittently and not residing year-round at the same site.

"Tent" means an enclosure or shelter constructed of fabric or pliable material composed of rigid framework to support tensioned membrane that provides the weather barrier.

"WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

NEW SECTION

WAC 246-361-020 Technical assistance. An operator may request technical assistance from the department of health or the department of labor and industries to assist in compliance with this chapter.

NEW SECTION

WAC 246-361-025 Operating license. A cherry tent camp license is limited to twenty-one days. The operator:

(1) Must request a license from the department of health or health officer when:

- (a) The camp will house ten or more occupants;

(b) Compliance with MSPA requires a license; or

(c) Construction of camp buildings requires a license under chapter 246-359 WAC, Temporary worker housing construction standard.

(2) Must apply for an operating license at least forty-five days prior to either the use of the camp or the expiration of an existing operating license by submitting to the department of health or health officer:

(a) A completed application on a form provided by the department or health officer;

(b) Proof water system is current with all water tests required by chapter 246-290 or 246-291 WAC; and

(c) A fee as specified in WAC 246-361-990.

(3) May receive a license extension from the department of health for up to seven days when:

(a) The operator requests an extension for additional days at least three days before the license expiration date; and

(b) The department in consultation with the local health jurisdiction will determine if an extension would serve to protect the public health.

(4) Will receive an operating license for the maximum number of occupants as determined by WAC 246-361-030 when:

(a) The application requirements from subsection (2) of this section are met;

(b) The site is in compliance with this chapter as demonstrated by a licensing survey completed by the department; and

(c) The operator complies with the corrective action plan established by the department.

(5) Must post the operating license in a place readily accessible to workers.

(6) Must notify the department of health in the event of a transfer of ownership.

(7) Must cooperate with the department during on-site inspections.

NEW SECTION

WAC 246-361-030 Maximum camp occupancy. The maximum occupancy for a camp will be based on:

(1) The number of shelters provided; and

(2) The number of bathing, food handling, handwashing, laundry, and toilet facilities.

NEW SECTION

WAC 246-361-035 Variance and procedure. Conditions may exist in operations that a state standard will not have practical use. The director of the department of labor and industries may issue a variance from the requirements of the standard when another means of providing equal protection is provided. The substitute means must provide equal protection in accordance with the requirements of chapter 49.17 RCW and chapter 296-350 WAC, variances.

Applications for variances will be reviewed and may be investigated by the department of labor and industries and the department of health. Variances granted will be limited to the specific case or cases covered in the application and may

be revoked for cause. The variance must remain prominently posted on the premises while in effect.

Variance application forms may be obtained from the Department of Labor and Industries, P.O. Box 44625, Olympia, Washington 98504-4625 or the Department of Health, P.O. Box 47852, Olympia, Washington 98504-7852, upon request. Requests for variances from safety and health standards must be made in writing to the director or the assistant director, Department of Labor and Industries, P.O. Box 44625, Olympia, Washington 98504-4625. (Reference RCW 49.17.080 and 49.17.090.)

NEW SECTION

WAC 246-361-045 Cherry harvest camp sites. The operator must:

(1) Locate and operate a site to prevent a health or safety hazard that is:

(a) Adequately drained and any drainage from and through the camp must not endanger any domestic or public water supply;

(b) Free from periodic flooding and depressions in which water may become a nuisance;

(c) At least two hundred feet from a swamp, pool, sink hole, or other surface collection of water unless there is a mosquito prevention program for those areas;

(d) Large enough to prevent overcrowding of necessary structures. The principal camp area for sleeping and for food preparation and eating must be at least five hundred feet from where livestock are kept; and

(e) Maintained in a clean and sanitary condition.

(2) Develop and implement a cherry harvest camp management plan and rules for camps with ten or more occupants to assure that the camp is operated in a safe and secure manner and is kept within the approved capacity. Additionally, the licensed operator must:

(a) Inform residents of the rules, in a language the resident understands, by providing individual copies of the rules to each camp resident or posting the rules in the camp area; and

(b) Restrict the number of occupants in the camp to the capacity as determined by the department.

(3) When closing the camp permanently or for the season, complete the following:

(a) Dispose of all refuse to prevent nuisance;

(b) Fill all abandoned toilet pits with earth; and

(c) Leave the grounds and buildings in a clean and sanitary condition.

NEW SECTION

WAC 246-361-055 Water supply. The operator must:

(1) Provide a water system that is:

(a) Approved as a Group A public water system in compliance with chapter 246-290 WAC if the water system supplies fifteen or more connections or twenty-five or more people at least sixty days per year or provide proof the camp receives water from an approved Group A public water system; or

(b) Approved as a Group B water system in compliance with chapter 246-291 WAC if the water system supplies less than fifteen connections and does not supply twenty-five or more people at least sixty days per year.

Note: A "same farm exemption" applies to a public water system with four or fewer connections, all of which serve residences on the same farm. "Same farm" means a parcel of land or series of parcels that are connected by covenants and devoted to the production of livestock or agricultural commodities for commercial purposes and does not qualify as a Group A water system.

	Avg. daily population of less than 25 people	Avg. daily population of 25 or more people
At least 60 days or more	Group B	Group A TNC
59 days or less	Group B	Group B

Note: If your system has 15 or more connections, regardless of the population, it is a Group A water system.

(2) Provide an adequate and convenient hot and cold water supply for drinking, cooking, bathing, and laundry purposes.

Note: An "adequate water supply" means the storage capacity of the potable water system must meet the requirements of ASHRAE 1999 Applications Handbook, chapter 48, Water Systems.

(3) Ensure that the distribution lines are able to maintain the working pressure of the water piping system at not less than fifteen pounds per square inch after allowing for friction and other pressure losses.

(4) When water is not piped to each dwelling unit, provide cold, potable, running water under pressure within one hundred feet of each dwelling unit.

(5) When water sources are not available in each individual tent, provide one or more drinking fountains for each one hundred occupants or fraction thereof. Prohibit the use of common drinking cups or containers from which water is dipped or poured.

(6) When water is unsafe for drinking purposes and accessible to occupants, post a sign by the source reading "Do not drink. Do not use for washing. Do not use for preparing food." printed in English and in the native language of the persons occupying the camp, or marked with easily understood pictures or symbols.

NEW SECTION

WAC 246-361-065 Sewage disposal. An operator must:

(1) Provide sewage disposal systems in accordance with local health jurisdictions.

(2) Connect all drain, waste, and vent systems from buildings to:

(a) Public sewers, if available; or

(b) Approved on-site sewage disposal systems that are designed, constructed, and maintained as required in chapter 246-272 WAC, chapter 173-240 WAC, and local ordinances.

PERMANENT

NEW SECTION**WAC 246-361-070 Electricity and lighting. (1) General electricity requirements.**

(a) The operator must supply electricity to all dwelling units, kitchen facilities, bathroom facilities, common areas, and laundry facilities.

(b) All electrical wiring, fixtures and electrical equipment must comply with department of labor and industries regulations, chapter 19.28 RCW and local ordinances, and maintained in a safe condition.

(2) Electricity requirements in tents.

(a) Each individual tent must have at least one separate floor-type or wall-type convenience outlet. If the operator provides a refrigerator in the tent, a dedicated outlet must be provided for it.

(b) All electrical wiring and equipment installed in tents must meet the requirements of WAC 296-46-100.

(c) All electrical appliances to be connected to the electrical supply must meet the requirements for the load calculations as required by chapter 19.28 RCW.

(d) Electrical wiring exiting the tent to connect to the GFI outside outlet must be placed in approved flexible conduit not to exceed six feet in length.

(e) All wiring located inside the tent must be placed in conduit for protection and connected to a surface to secure the wiring to prevent movement. Wiring must be located to prevent tripping or safety hazards.

(f) Receptacles and lighting fixtures must be UL Listed and approved by the department for use in the tent.

(3) General lighting requirements.

(a) The operator must provide adequate lighting sufficient to carry on normal daily activities in all common use areas.

(b) Laundry and toilet rooms and rooms where people congregate must have at least one ceiling-type or wall-type fixture. Where portable toilets are used, lighting requirements can be met by area illumination.

(c) The operator must provide adequate lighting for safe passage for camp occupants to handwashing sinks and toilets.

(d) The operator must provide adequate lighting for shower rooms during hours of operation.

Note: Lighting requirements may be met by natural or artificial means.

(4) Lighting requirements in tents.

(a) Tents must have adequate lighting sufficient to carry on all normal daily activities. For example: Three 100-watt bulbs located at the top ridge of the frame and are UL Listed or equivalent.

(b) Each tent must have at least one ceiling-type light fixture.

(c) Food preparation areas, if located in the tent, must have at least one lighting fixture located to provide task lighting over the food preparation area.

(d) Alternate lighting appliances must provide adequate lighting. In addition, if using two or more propane, butane, or white gas lighting appliances, a carbon monoxide monitor must be provided and located not more than thirty inches from the floor.

NEW SECTION**WAC 246-361-075 Tents. (1) Tents must provide protection from the elements.****(2) Structural stability and floors.**

(a) Tents and their supporting framework must be adequately braced and anchored to prevent weather related collapse. Documentation of the structural stability must be furnished to the department.

(b) Floors must be smooth, flat, and without breaks or holes to provide a hard, stable walking surface. Nonridged flooring supported by grass, dirt, soil, gravel, etc., are not acceptable. Floors that are constructed of wood or concrete must comply with the building code, chapter 19.27 RCW or temporary worker housing construction standard, chapter 246-359 WAC.

(c) Floor systems must be designed to prevent the entrance of snakes and rodents.

(3) Flame-retardant treatments.

(a) The sidewalls, drops, and tops of tents shall be composed of flame-resistant material or treated with a flame retardant in an approved manner.

(b) Floor coverings, which are integral to the tent, and the bunting shall be composed of flame-resistant material or treated with a flame retardant in an approved manner and in accordance with Uniform Building Code, Standard 31.1.

(c) All tents must have a permanently affixed label bearing the following information:

(i) Identification of tent size and fabric or material type;

(ii) For flame-resistant materials, the necessary information to determine compliance with this section and National Fire Protection Association Standard 701, Standard Methods of Fire Tests for Flame-resistant Textiles and Films;

(iii) For flame-retardant materials, the date that the tent was last treated with an approved flame-retardant;

(iv) The trade name and type of flame-retardant utilized in the flame-retardant treatment; and

(v) The name of the person and firm that applied the flame-retardant.

(4) Means of egress.

(a) At least one door must lead to the outside of the tent and the area designated for refuge must be accessible and remain clear of storage materials or hazards.

(b) The door must not be obstructed in any manner and must remain free of any material or matter where its presence would obstruct or render the exit hazardous.

(c) If cooking facilities are provided in tents, the window located opposite the door must have a means to open the window or provide an easily openable space, for example, a zipper which opens downward toward the floor.

(5) Floor area. The operator must:

(a) If cooking facilities are provided in the tent, provide at least seventy square feet of floor space for one occupant and fifty square feet for each additional occupant; or

(b) If cooking facilities are not provided in the tent, provide at least fifty square feet of floor space for each occupant in rooms used for sleeping purposes.

(6) Ceiling height.

(a) If the tent has a sloped ceiling, a ceiling height of at least seven feet is required in fifty percent of the total area.

(b) No portion of the tent measuring less than six feet from the flooring to the ceiling will be included in any computation of the minimum floor area.

(7) Windows and ventilation.

(a) Provide a window area equal to one-tenth of the total floor area in each habitable room which opens at least half way or more directly to the outside for cross-ventilation and has sixteen-mesh screens on all exterior openings.

(b) The windows must have weather-resistant flaps, which will cover the window area and a means of fastening the flaps to provide protection from the elements and allow privacy for the occupants.

NEW SECTION

WAC 246-361-080 Recreation vehicles. The operator must ensure that all recreational vehicles and park trailers meet the requirements of chapters 296-150P and 296-150R WAC.

NEW SECTION

WAC 246-361-090 Laundry facilities. An operator must:

(1) Provide one laundry tray or tub or one mechanical washing machine for every thirty persons.

(2) Provide facilities for drying clothes.

(3) Provide sloped, coved floors of nonslip impervious materials with floor drains.

(4) Maintain laundry facilities in a clean and sanitary condition.

NEW SECTION

WAC 246-361-095 Handwashing and bathing facilities. An operator must:

(1) Provide one handwash sink for every six persons in centralized facilities. Handwash sinks must be adjacent to toilets.

(2) Provide one showerhead for every ten persons in centralized facilities.

(3) Provide one "service sink" in each building used for centralized laundry, handwashing, or bathing.

(4) Provide sloped, coved floors of nonslip impervious materials with floor drains.

(5) Provide walls that are smooth and nonabsorbent to the height of four feet. If partitions are used, they must be smooth and nonabsorbent to the height of four feet.

(6) Provide all showers, baths, and shower rooms with floor drains to remove wastewater.

(7) Provide cleanable, nonabsorbent waste containers.

(8) Maintain bathing and handwashing facilities in a clean and sanitary condition, cleaned at least daily.

(9) Ensure shower facilities provide privacy from the opposite sex and the public.

(10) Make showers and bathing facilities available when needed.

NEW SECTION

WAC 246-361-100 Toilet facilities. (1) **General toilet requirements.** Operators must provide flush toilets, chemical toilets, or pit privies. The department of health or health officer according to requirements in chapter 246-272 WAC, must approve pit privies. The operator must comply with the following:

(a) Flush toilets, chemical toilets, and urinals must not be located in any tent.

(b) When chemical toilets are provided they must be:

(i) Located at least fifty feet from any dwelling unit or food-handling facility;

(ii) Maintained by a licensed waste disposal company; and

(iii) Comply with local ordinances.

(c) When urinals are provided:

(i) There must be one urinal or two linear feet of urinal trough for each twenty-five men;

(ii) The floors and walls surrounding a urinal and extending out at least fifteen inches on all sides, must be constructed of materials which will not be adversely affected by moisture;

(iii) The urinal must have an adequate water flush where water under pressure is available; and

(iv) Urinal troughs are prohibited in pit privies.

(d) When pit privies are approved they must be:

(i) At least one hundred feet away from any dwelling unit or food-handling facility; and

(ii) Constructed to exclude insects and rodents from the pit.

(2) **Centralized toilet facilities.** The operator must meet the following requirements when centralized toilet facilities are provided:

(a) Provide toilet rooms with:

(i) One toilet for every fifteen persons;

(ii) One handwashing sink for every six persons;

(iii) Either a window of at least six square feet opening directly to the outside, or be satisfactorily ventilated; and

(iv) All outside openings screened with sixteen-mesh material.

(b) Locate toilet rooms so that:

(i) Toilets are within two hundred feet of the door of each tent; and

(ii) No person has to pass through a sleeping room to reach a toilet room.

(c) Maintain toilets in a clean and sanitary condition, cleaned at least daily.

(d) Provide each toilet compartment with an adequate supply of toilet paper.

(e) When shared facilities will be used for both men and women:

(i) Provide separate toilet rooms for each sex with a minimum of one toilet room for each sex and meet the required ratios as defined in (a) of this subsection;

(ii) Identify each room "men" and "women" with signs printed in English and in the native language of the persons occupying the camp, or identified with easily understood pictures or symbols; and

(iii) Separate facilities by solid walls or partitions extending from the floor to the roof or ceiling when facilities for each sex are located in the same building.

NEW SECTION

WAC 246-361-125 Cooking and food-handling facilities. The operator must provide enclosed or screened cooking and food-handling facilities for all occupants. Adequate tables and chairs or seating must be provided for camp occupants.

(1) If the operator provides cooking facilities in tents, the operator must provide:

(a) An operable cook stove or hot plate with at least one cooking surface for every four occupants;

(b) A sink with hot and cold running potable water under pressure at each tent site;

(c) At least two (2) cubic feet of dry food storage space per occupant;

(d) Nonabsorbent, easily cleanable food preparation counters situated off the floor;

(e) Mechanical refrigeration conveniently located and able to maintain a temperature of 45°F or below, with at least one (1) cubic foot of storage space per occupant; and

(f) Adequate ventilation for cooking facilities.

(2) If the operator provides common food-handling facilities, the operator must provide:

(a) A room or building, adequate in size, separate from any tent;

(b) No direct openings to living or sleeping areas from the common food-handling facility;

(c) An operable cook stove or hot plate with at least one cooking surface for every four occupants, or four cooking surfaces for every two families;

(d) Sinks with hot and cold running potable water under pressure;

(e) At least two (2) cubic feet of dry food storage space per occupant;

(f) Nonabsorbent, easily cleanable food preparation counters situated off the floor;

(g) Mechanical refrigeration conveniently located and able to maintain a temperature of 45°F or below, with at least one (1) cubic foot of storage space per occupant;

(h) Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;

(i) Nonabsorbent, easily cleanable floors; and

(j) Adequate ventilation for cooking facilities.

(3) The operator must ensure that dining hall facilities comply with chapter 246-215 WAC, Food service.

NEW SECTION

WAC 246-361-135 Cots, beds, bedding, and personal storage. The operator must provide cots, beds or bunks for each occupant, not to exceed the maximum occupancy approved by the department or health officer.

(1) Beds or bunks must be furnished with clean mattresses and maintained in a clean and sanitary condition.

(2) The operator must:

(a) Provide sufficient clearance between each cot, bed, or bunk and the floor or provide a commercially available cot, bed, or bunk; and

(b) Allow space to separate beds laterally and end to end by at least thirty-six inches when single beds are used.

(3) When bunk beds are used the operator must:

(a) Allow space to separate beds laterally and end to end by at least forty-eight inches; and

(b) Maintain a minimum space of twenty-seven inches between the upper and lower bunks.

(4) Locate cots, beds, or bunks at least thirty inches or more from cooking surfaces.

(5) The use of triple bunk beds is prohibited.

(6) The operator must provide suitable storage facilities for clothing and personal articles in each tent.

NEW SECTION

WAC 246-361-145 First-aid and safety. The operator must:

(1) Comply with chapters 15.58 and 17.21 RCW, chapter 16-228 WAC, chapter 296-307 WAC Part I and J, and pesticide label instructions when using pesticides in and around the camp.

(2) Prohibit, in the housing area, the use, storage, and mixing of flammable, volatile, or toxic substances other than those intended for household use.

(3) Provide readily accessible first-aid equipment.

(4) Ensure that a first-aid qualified person is readily accessible to administer first-aid at all times.

(5) Store or remove unused refrigerator units to prevent access by children.

NEW SECTION

WAC 246-361-155 Refuse disposal. The operator must:

(1) Comply with local sanitation codes for removing refuse from camp areas and disposing of refuse.

(2) Protect against rodent harborage, insect breeding, and other health hazards while storing, collecting, transporting, and disposing of refuse.

(3) Store refuse in fly-tight, rodent-tight, impervious, and cleanable or single-use containers.

(4) Keep refuse containers clean.

(5) Provide a container on a wooden, metal, or concrete stand within one hundred feet of each dwelling unit.

(6) Empty refuse containers at least twice each week, and when full.

NEW SECTION

WAC 246-361-165 Insect and rodent control. The operator must take effective measures to prevent and control insect and rodent infestation.

NEW SECTION

WAC 246-361-175 Disease prevention and control. The operator must:

(1) Report immediately to the local health officer the name and address of any individual in the camp known to have or suspected of having a communicable disease.

(2) Report immediately to the local health officer:

(a) Suspected food poisoning;

(b) An unusual prevalence of fever, diarrhea, sore throat, vomiting, or jaundice; or

(c) Productive cough, or when weight loss is a prominent symptom among occupants.

(3) Prohibit any individual with a communicable disease from preparing, cooking, serving, or handling food, food-stuffs, or materials in dining halls.

NEW SECTION

WAC 246-361-990 Fees for cherry harvest camps. (1)

License and survey fees. A cherry camp operator must submit to the department a license fee of twenty-five dollars and an on-site survey fee as specified in Table 990.

Note: The on-site survey fee for licensing includes four surveys (one prior to camp being occupied, two while camp is occupied, and one to verify the camp has been closed).

(2) **Additional survey fees.** An operator will be charged an additional on-site survey fee for any follow-up surveys, when the department determines additional on-site surveys are necessary to confirm compliance with this chapter. The additional survey will be one-half the cost of the on-site survey fee as stated in Table 990.

(3) **Complaint investigation fees.** Operators will be charged for each on-site survey conducted by the department when a complaint investigation results in the complaint being found valid. This fee will be charged according to Table 990 for on-site survey.

(4) **Water test fees.** An operator will be directly billed for each water sample collected by the department when the operator has not submitted the water tests as required by WAC 246-361-025 and 246-361-055.

(5) **Refunds.** The license and on-site survey fee may be refunded when the operator submits:

(a) A written request to the department; and

(b) Provides documentation that the housing was not occupied during the license period.

TABLE 990

NUMBER OF UNITS	ON-SITE SURVEY FEE (includes cost of all survey types: Initial, annual, follow-up, complaint)	LICENSE FEE	TOTAL
0 to 9 persons	\$ 45.00	\$25.00	\$70.00
10 to 50 persons	70.00	25.00	95.00
51 to 100 persons	100.00	25.00	125.00
101 to 150 persons	125.00	25.00	150.00
for each additional	125.00+	25.00	
50 persons over 150	\$25.00 for each 50 persons		
add \$25	add \$25		

PERMANENT



**WSR 00-06-008
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-19—Filed February 18, 2000, 4:55 p.m.]

Date of Adoption: February 17, 2000.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Under 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 regulation provides recreational opportunity on harvestable kokanee stocks and reduces hooking mortality on unmarked kokanee. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

February 17, 2000

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900G Exceptions to statewide rules—Lake Roosevelt. Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice the daily limit is five trout of which not more than two may be kokanee, marked or unmarked.

**WSR 00-06-009
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-20—Filed February 18, 2000, 4:56 p.m., effective February 21, 2000, 6:00 p.m.]

Date of Adoption: February 17, 2000.

Purpose: Commercial and personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-04600U; and amending WAC 220-52-046 and 220-56-330.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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: Test fishing and sampling results from the Lopez Sound portion of Marine Fish/Shellfish Management and Catch Reporting Area 22A and Catch Record Card Area 7 do not meet hardshell criteria established by agreed state/tribal harvest plans. Other area closures are necessary to meet agreed allocations of resources as established by state/tribal harvest plans. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: February 21, 2000, 6:00 p.m.

February 17, 2000

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-04600X Commercial crab fishery—Softshell and allocation closures. Notwithstanding the provisions of WAC 220-52-046, effective 6:00 p.m. February 21 until further notice, the following areas are closed to commercial crab fishing:

(1) That portion of Marine Fish/Shellfish Catch Area 22A south of a line extending from Upright Head to the green flashing marker on the southwest tip of Obstruction Island;

west of a line extending due south from the green flashing marker on the southwest tip of Obstruction Island to Blakely Island; west of a line drawn from the red flashing buoy at the southern tip of Blakely Island across Thatcher Pass to the white flashing marker at Fauntleroy Point on the northwest corner of Decatur Island and west of a line drawn due south through Lopez Pass from the red flashing marker on the southern tip of Decatur Island to the point of land across Lopez Pass on Lopez Island and east of Lopez Island.

(2) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the outermost tip of the abandoned dock at the Three Crabs Restaurant.

(3) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25E south of a line from Contractors Point to Tukey Point.

(4) All waters of Marine Fish/Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, and the portion of Marine Fish/Shellfish Catch Area 26A north of line from the south tip of Possession Point on Whidbey Island to the shipwreck north of Picnic Point.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. February 21, 2000:

WAC 220-52-04600U Crab fishery—Seasons and areas. Exceptions to permanent rules. (00-14)

NEW SECTION

WAC 220-56-33000W Personal use crab fishery—Softshell closures. Notwithstanding the provisions of WAC 220-56-330, effective 6:00 p.m. February 21 until further notice, it is unlawful to fish for Dungeness crab using shellfish pot gear for personal use from the portion of Catch Record Card Area 7 south of a line extending from Upright Head to the green flashing marker on the southwest tip of Obstruction Island; west of a line extending due south from the green flashing marker on the southwest tip of Obstruction Island to Blakely Island; west of a line drawn from the red flashing buoy at the southern tip of Blakely Island across Thatcher Pass to the white flashing marker at Fauntleroy Point on the northwest corner of Decatur Island and west of a line drawn due south through Lopez Pass from the red flashing marker on the southern tip of Decatur Island to the point of land across Lopez Pass on Lopez Island and east of Lopez Island.

**WSR 00-06-010
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-21—Filed February 18, 2000, 4:57 p.m.]

Date of Adoption: February 17, 2000.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000A and 220-56-36000B; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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: Test results show that adequate clams are available for harvest in Razor Clam Area 1. Washington Department of Health has certified clams from this beach to be safe for human consumption. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

February 17, 2000

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-36000B Razor clams—Areas and seasons Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3, or except as provided for in this section:

(1) Effective 12:01 p.m. February 19 through 11:59 p.m. February 20, 2000, razor clam digging is allowed in Razor Clam Area 1. Digging is allowed from 12:01 p.m. to 11:59 p.m. only.

(2) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-36000A Razor clams—Areas and seasons. (99-232)

EMERGENCY

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. February 21, 2000:

WAC 220-56-36000B Razor clams—Areas and seasons.

WSR 00-06-011
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 00-22—Filed February 18, 2000, 4:58 p.m.]

Date of Adoption: February 18, 2000.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000B; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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 mainstem salmon fishery will target surplus Willamette Hatchery spring chinook allocated by the Oregon Fish and Wildlife Commission to the commercial fishery. The fishery that is on-going is well below these catch guidelines. The select area fisheries are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. Impacts to ESA-listed stocks in these fisheries through February "do not constitute an irreversible or irretrievable commitment of resources, in compliance with section 7(d)" of the Endangered Species Act (Stelle letter to Stan Speaks, January 26, 2000). The National Marine Fisheries Service estimates that the biological opinion will be done by February 29, 2000, and will address fisheries beginning March 1, 2000. This rule is consistent with actions of the Columbia River Compact hearings of January 27, 2000, February 11, 2000, and February 18, 2000, and conforms Washington and Oregon state rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

February 18, 2000

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-33-01000C Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1) Mainstem Salmon Fishery

Area: SMCRA 1A, 1B, 1C, 1D and 1E.

Dates: Immediately to 6 PM February 18, 2000

6 PM February 20 to 6 PM February 22, 2000

Noon February 24 to noon February 25, 2000

Gear: 8 inch minimum mesh and 9 3/4 inch maximum mesh restriction in SMCRA 1A, 1B, 1C, and those water of 1D upstream to Kelley Point at the mouth of the Willamette River.

9 inch minimum and 9 3/4 inch maximum mesh restriction in SMCRA 1D in those waters upstream of Kelley Point at the mouth of the Willamette River and SMCRA 1E.

Allowable Sale: Salmon and sturgeon.

Sanctuaries: Standard sanctuaries are in place.

2) Blind Slough/Knappa Slough Select Area

Area: Open waters of Blind Slough extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge.

Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

Dates: 7 PM February 27 to 7 AM February 28, 2000

7 PM March 5 to 7 AM March 6, 2000

7 PM March 12 to 7 AM March 13, 2000

7 PM April 23 to 7 AM April 24, 2000

7 PM April 30 to 7 AM May 1, 2000

7 PM May 2 to 7 AM May 3, 2000

7 PM May 7 to 7 AM May 8, 2000

7 PM May 9 to 7 AM May 10, 2000

7 PM May 14 to 7 AM May 15, 2000

7 PM May 16 to 7 AM May 17, 2000

7 PM May 21 to 7 AM May 22, 2000

7 PM May 23 to 7 AM May 24, 2000

7 PM May 28 to 7 AM May 29, 2000

7 PM May 30 to 7 AM May 31, 2000

7 PM June 4 to 7 AM June 5, 2000

7 PM June 6 to 7 AM June 7, 2000

7 PM June 11 to 7 AM June 12, 2000

7 PM June 13 to 7 AM June 14, 2000

Gear: 8 inch minimum mesh restriction from February 27 through March 13, 2000 and 8 inch maximum mesh restriction from April 23 through June 14, 2000.

Nets restricted to 100 fathoms in length with no weight restriction on leadline.

Allowable Sale: salmon, sturgeon, shad

Miscellaneous Rules: Transportation or possession of fish outside of the fishing area when the mainstem Columbia is closed is unlawful unless by a licensed buyer. An exception to the rule would allow fishers to transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch or by a self-issued permit in the absence of an authorized employee. One copy of the permit is to be retained by the fisher while the original must be deposited in a box located in or adjacent to the fishing area.

3) Tongue Point/South Channel Select Area

Area: Tongue Point Basin is open to fishing in all waters bounded by a line from the red light at Tongue Point to the flashing green light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank.

South Channel is open to fishing in all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10".

All open waters are under concurrent jurisdiction.

Dates: 7 AM to 7 PM February 29, 2000

7 AM to 7 PM March 7, 2000

7 AM to 7 PM March 14, 2000

7 PM April 24 to 5 AM April 25, 2000

7 PM May 1 to 5 AM May 2, 2000

7 PM May 3 to 5 AM May 4, 2000

7 PM May 8 to 5 AM May 9, 2000

7 PM May 10 to 5 AM May 11, 2000

7 PM May 15 to 5 AM May 16, 2000

7 PM May 17 to 5 AM May 18, 2000

7 PM May 22 to 5 AM May 23, 2000

7 PM May 24 to 5 AM May 25, 2000

7 PM May 29 to 5 AM May 30, 2000

7 PM May 31 to 5 AM June 1, 2000

7 PM June 5 to 5 AM June 6, 2000

7 PM June 7 to 5 AM June 8, 2000

7 PM June 12 to 5 AM June 13, 2000

7 PM June 14 to 5 AM June 15, 2000

Gear: 8 inch minimum mesh restriction from February 29 through March 14, 2000.

8 inch maximum mesh restriction from April 24 through June 15, 2000.

In South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the leadline. Fishers

participating in the Tongue Point Basin fishery may have stored on board their boats, gill nets with leadline in excess of 2 pounds per fathom.

Allowable Sale: Salmon, sturgeon and shad.

Miscellaneous Rules: Transportation or possession of fish outside of the fishing area when the mainstem Columbia is closed is unlawful unless by a licensed buyer. An exception to the rule would allow fishers to transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch or by a self-issued permit in the absence of an authorized employee. One copy of the permit is to be retained by the fisher while the original must be deposited in a box located in or adjacent to the fishing area.

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.

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 section of the Washington Administrative Code is repealed:

WAC 220-33-01000B Columbia River gillnet seasons below Bonneville. (00-16)

WSR 00-06-017 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 00-23—Filed February 22, 2000, 4:56 p.m., effective February 25, 2000, 12:01 a.m.]

Date of Adoption: February 22, 2000.

Purpose: Commercial and personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-04000I, 220-33-04000J and 220-56-27000G; and amending WAC 220-33-040 and 220-56-270.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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 smelt return to the Columbia River is better than the preseason expectations and landings to date and test fishery CPUE justifies a one day extension of the test fishery. The fishery is similar to the standard test fishery adopted in 1998 and is designed to limit impact on broodstock while providing important stock status and biological information. The fishery is very conservative and limits freshwater impact rate to less than 5% of the run entering the Columbia River. Harvestable numbers of smelt are projected to be available for a two day extension of the sport

test fishery. The Washington tributaries will remain closed with the exception of the Cowlitz River. The rule is consistent with actions of the Columbia River Compact of February 18, 2000. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: February 25, 2000, 12:01 a.m.

February 22, 2000

J. P. Koenigs

Director

by Larry Peck

NEW SECTION

WAC 220-33-04000J Smelt—Areas and seasons Notwithstanding the provisions of WAC 220-33-040, effective immediately through March 31, 2000, the Columbia River and Washington tributaries are closed to fishing for smelt except under the following provisions:

Dates: Wednesday, from 7:00 a.m. to 7:00 p.m.

February 23, 2000.

Area: Columbia River only in SMCRA 1A, 1B, 1C, 1D, 1E.

Gear: Gillnets, dipnets and trawl nets.

Allowable sales: Smelt.

Sanctuaries: Standard river mouth sanctuaries.

Other: Notwithstanding the provisions of WAC 220-20-010, during open salmon and/or sturgeon seasons fishers may have stored onboard their boats, while fishing, smelt gill nets; and while smelt fishing, fishers may have stored onboard their boats, gill nets of a size that meets the commercial salmon/sturgeon mesh size, weight, and length restrictions for the open salmon/sturgeon season.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-04000I Smelt—Areas and seasons.
(99-224)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 1, 2000:

WAC 220-33-04000J Smelt—Areas and seasons.

NEW SECTION

WAC 220-56-27000G Smelt—Area and seasons Notwithstanding the provisions of WAC 220-56-270, effective immediately, the Washington Columbia River tributaries are closed to fishing for smelt except under the following provisions:

The Cowlitz River is open to smelt fishing from 12:01 a.m. February 25 through 11:59 p.m. February 26, 2000.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. February 27, 2000:

WAC 220-56-27000G Smelt—Areas and seasons.

WSR 00-06-023

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

(Division of Assistance Programs)

[Filed February 23, 2000, 3:32 p.m.]

Date of Adoption: February 23, 2000.

Purpose: Amend WAC 388-450-0015 to allow income earned as a temporary employee of the United States Census Bureau to be excluded for all cash, medical, and food assistance programs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0015 Excluded and disregarded income.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Other Authority: USDA Memo FS-6-1-HI.

Under 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 United States census is an integral part of ensuring that residents of the state of Washington are adequately represented in the federal government. The population as measured by the United States Census Bureau determines the allotment of many federal funds received by the state. In order to ensure accurate representation and maximize federal funds received by the state, it is critical that the census bureau has adequate staffing.

Food and Nutrition Services has indicated that food stamp participation rates have been dropping and they are concerned with the food security of persons eligible for ben-

efits. FNS has agreed to allow the exclusion of income for temporary employees of the United States Census Bureau for the duration of Census 2000. In the interest of program simplification, encouraging clients to obtain transferable job skills, and maximizing the federal funds available to residents of the state, the department has elected to exclude this income for all cash, medical and food assistance programs. As Food and Nutrition Services had just informed the state of their willingness to exclude this income, the department is not able to both observe the time requirements of notice and opportunity to comment upon adoption of a rule and serve the public interest.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

February 23, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-17-025, filed 8/10/99, effective 10/1/99)

WAC 388-450-0015 Excluded and disregarded income. This section applies to TANF/SFA, RCA, GA, TANF/SFA-related medical and food assistance programs.

(1) Excluded income is income that is not counted when determining a client's eligibility and benefit level. Types of excluded income include but are not limited to:

(a) Bona fide loans as defined in WAC 388-470-0025, except certain student loans as specified under WAC 388-450-0035.

(b) Federal earned income tax credit (EITC) payments;

(c) Title IV-E and state foster care maintenance payments if the foster child is not included in the assistance unit;

(d) Energy assistance payments;

(e) Educational assistance as specified in WAC 388-450-0035;

(f) Native American benefits and payments as specified in WAC 388-450-0040;

(g) Income from employment and training programs as specified in WAC 388-450-0045;

(h) Money withheld from a client's benefit to repay an overpayment from the same income source. For food assistance, this exclusion does not apply when the money is withheld to recover an intentional noncompliance overpayment

from a federal, state, or local means tested program such as TANF/SFA, GA, and SSI; ((and))

(i) Child support payments received by TANF/SFA recipients; and

(j) Income earned from the U.S. Census Bureau as a temporary employee between February 1, 2000 and December 31, 2000.

(2) For food assistance programs, the following income types are excluded:

(a) Emergency additional requirements authorized to TANF/SFA and RCA clients under WAC 388-436-0001 and paid directly to a third party;

(b) Cash donations based on need received directly by the household if the donations are:

(i) Made by one or more private, nonprofit, charitable organizations; and

(ii) Do not exceed three hundred dollars in any federal fiscal year quarter.

(c) Infrequent or irregular income, received during a three-month period by a prospectively budgeted assistance unit, that:

(i) Cannot be reasonably anticipated as available; and

(ii) Does not exceed thirty dollars for all household members.

(3) All income that is not excluded is considered to be part of an assistance unit's gross income.

(4) For food assistance households not containing an elderly or disabled member, the assistance unit is ineligible if its gross income exceeds one hundred thirty percent of the federal poverty level as specified in WAC 388-478-0060.

(5) Disregarded income is income that is counted when determining an assistance unit's gross income but is not used when determining an assistance unit's countable income. Types of disregarded income include but are not limited to:

(a) Earned income incentives and disregards for cash assistance; and

(b) Earned income disregard and income deductions for food assistance.

WSR 00-06-026

EMERGENCY RULES

FOREST PRACTICES BOARD

[Filed February 24, 2000, 8:36 a.m., effective March 20, 2000]

Date of Adoption: January 20, 2000.

Purpose: To modify forest practices rules to provide greater protection for aquatic and riparian dependent resources in response to federal listings under the Endangered Species Act.

The Forest Practices Board has adopted the following goals for new rules:

1. To provide compliance with the Endangered Species Act for aquatic and riparian-dependent species on state and private forest lands;

2. To restore and maintain riparian habitat on state and private forest lands to support a harvestable supply of fish;

3. To meet the requirements of the Clean Water Act for water quality on state and private forest lands; and

4. To keep the timber industry economically viable in the state of Washington.

Adoption of these emergency rules is a significant step toward achieving these goals. The Forest Practices Board is also developing permanent rules and preparing an environmental impact statement on three alternatives. For more information and the proposed schedule, log on to the Forest Practices Board website at www.wa.gov/dnr and click on "regulation."

Citation of Existing Rules Affected by this Order: Amending WAC 222-08-035 Continuing review of forest practices rules, 222-10-010 Policies and authorities, 222-12-010 Authority, 222-12-045 Adaptive management, 222-12-090 Forest practices board manual, 222-16-010 General definitions, 222-16-030 Water typing system, 222-16-035 Wetland typing system, 222-16-050 Classes of forest practices, 222-16-080 Critical wildlife habitats (state) and critical habitat (federal) of threatened and endangered species, 222-20-010 Applications and notifications—Policy, 222-20-020 Application time limits, 222-20-080 Application and notification expiration, 222-22-070 Prescription recommendation, 222-22-080 Approval of watershed analysis, 222-22-090 Use and review of watershed analysis, 222-24-010 Policy, 222-24-020 Road location and design, 222-24-030 Road construction, 222-24-035 Landing location and construction, 222-24-040 Water crossing structures, 222-24-050 Road maintenance, 222-24-060 Rock quarries, gravel pits, borrow

pits, and spoil disposal areas, 222-30-010 Policy-timber harvesting, 222-30-020 Harvest unit planning and design, 222-30-040 Shade requirements to maintain water temperature, 222-30-060 Cable yarding, 222-30-070 Tractor and wheeled skidding systems, 222-38-010 Policy-forest chemicals, 222-38-020 Handling, storage, and application of pesticides, 222-38-030 Handling, storage, and application of fertilizers, 222-38-040 Handling, storage, and application of other forest chemicals, 222-46-060 Civil penalties and 222-46-070 Injunctions, civil suits, disapprovals; new sections WAC 222-10-030 SEPA policies for potentially unstable slopes and landforms, 222-10-035 Watershed analysis SEPA policies, 222-12-041 Use of approved state and federal conservation agreements, 222-12-044 Cooperative opportunities, 222-16-036 Wetland mapping, 222-20-015 Multiyear permits, 222-20-055 Continuing forest land obligations, 222-22-075 Monitoring, 222-22-076 Restoration, 222-24-015 Construction in wetlands, 222-24-026 Temporary roads, 222-24-051 Road maintenance schedule, 222-24-052 Maintenance for specific roads and structures, 222-30-021 Western Washington riparian management zones, 222-30-022 Eastern Washington riparian management zones, 222-30-023 Riparian management zones for exempt 20-acre parcels, 222-30-045 Salvage logging within riparian management zones and 222-46-012 Representatives on inspections; and repealing WAC 222-24-025 Road design.

Rule Category	WAC 222	Current Permanent Rules	Emergency Rules Effective March 20, 2000 - Summary of Additions and Revisions
Water typing	16-030	Types 1 through 5 Waters	System is based on presence or absence of fish. Criteria for identifying Type 4 (perennial) and Type 5 (seasonal) waters is revised. Definitions include bankfull width, channel migration zone. Section 2 of FPB Manual revised and expanded.
Riparian management zones	30-010 to 30-070	W. Wash: 25' to 100' E. Wash: 30'-300' + leave tree requirements	RMZ core, inner and outer zones defined for Western and Eastern Washington to provide improved riparian functions. RMZ dimensions based on site class (W.WA), timber type (E.WA), management options, and stream size. Sensitive sites on Type 4 waters are protected. Exemption provided for certain 20-acre parcels. Salvage logging within RMZ is restricted. Shade requirements expanded. Definitions include aquatic resources, bull trout habitat overlay (map), E. Wash. timber habitat types, site class, sensitive sites, stream-adjacent parallel roads. Section 7 of FPB Manual revised and expanded.
Unstable slopes	10-030 16-050(1)(d)	SEPA trigger only	SEPA guidance added. Class IV-Special SEPA trigger based on potential to deliver sediment or debris to a public resource or potential to threaten public safety. Snow avalanche trigger also revised. Definition of "threaten public safety" included. New section 16 added to FPB Manual.
Roads and wetlands	24-010 to 24-060 16-035, -036	Road plans required upon DNR request.	Policy: To protect water quality, aquatic and riparian habitat, forest roads must be constructed and maintained in a manner that will prevent potential or actual damage to public resources. Road location and design sections revised and combined. New sections: Construction in wetlands, temporary roads, road maintenance schedule, maintenance for specific roads and structures, wetland mapping. Section on water crossing structures revised to include HPA permits and 100-year flood events. Owners of more than 500 acres have five years to submit road maintenance plans to the department according to DNR's schedule. Owners of less than 500 acres submit plan with application. Section 3 of FPB Manual revised and expanded.

EMERGENCY

Rule Category	WAC 222	Current Permanent Rules	Emergency Rules Effective March 20, 2000 - Summary of Additions and Revisions
Watershed Analysis	10-035 22-070 to 22-090	Process and requirements for watershed analysis are prescribed	SEPA guidance added: All watershed analyses will receive SEPA review as nonproject proposals. New sections added for monitoring and restoration. New emergency rules supercede existing riparian prescriptions in effect before January 1, 1999. Multiyear permit available for up to five years.
Adaptive Management	08-035 12-044,045	DNR to report to FPB on opportunities to modify rules based on adaptive management	Expands adaptive management by officially establishing CMER to report results to the board. New section on cooperative opportunities encourages collaborative efforts to address issues. FPB to establish resource objectives. CMER to conduct validation and effectiveness monitoring. CMER membership, administration and reports to the board spelled out. Scientific review committee established to provide peer review of CMER's work.
Enforcement	20-010 46-012 46-060 to 46-070	Operator name not required. Representatives on inspections not always allowed. Civil penalties reviewed by region manager then department supervisor.	Operator's name must be included on fp app, and land or timber owner must inform DNR notice of hiring or change of operator. New section allow DNR to invite representative of other agencies/groups to accompany DNR on certain inspections. Region manager review of civil penalties eliminated. Interest, costs and attorneys' fees can be added to unpaid civil penalties. Failure to pay civil penalty can result in department disapproval of future applications.
Pesticides	38-010 to 38-040	50 foot buffers	Emphasis added to protect RMZ and wetland vegetation. Rules designed to eliminate direct entry of pesticides to water. "No application buffer" required on Type A and B Wetlands. Wind added as a factor in determining buffers and offsets. Ground application with power equipment prohibited in RMZ core and inner zones on Type 1, 2, and 3 Waters. Section 12 of FPB Manual revised and expanded.
Multiyear permits	16-050 20-015	Permits are for two years	Multiyear permits are Class III forest practices and are effective for longer than two years but no longer than five years. For watershed analysis multiyear permits, the required five year review must be completed. The department has forty-five days to review a multi-year permit.
Other rules	20-055 10-010 12-041 16-080 16-080	These elements not in current rules.	Continuing obligations: Certain obligations continue with the land when it changes ownership. SEPA: Some forest practices that are not Class IV-Special may be required to go through SEPA. HCP Exemption: Some approved state and federal conservation agreements may provide an exemption from some rules in chapters 222-22 through 222-38 WAC. Recognition of the United States Department of Commerce.

Statutory Authority for Adoption: RCW 76.09.040, [76.09.]050, and [76.09.]055, and chapter 34.05 RCW.

Other Authority: Chapter 43.21C RCW.

Under 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; and 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: Legislative declaration that declines of fish stocks require immediate action (RCW 76.09.055(1)).

These emergency rules were adopted under RCW 76.09.055(2). They were published as WSR 99-20-144 and a public hearing was held on November 9, 1999. Another section, WAC 222-30-070 was published as WSR 99-24-087 and a public hearing was held on January 20, 2000. This filing supercedes emergency rules filed under WSR 99-24-089 and WSR 99-24-090. These emergency rules may remain in

effect until permanent rules are adopted, or until June 30, 2001, whichever is sooner.

Number of Sections Adopted in Order to Comply with Federal Statute: New 18, Amended 34, Repealed 1; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 18, Amended 34, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 18, Amended 34, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 18, Amended 34, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 18, Amended 34, Repealed 1.

Effective Date of Rule: March 20, 2000.

February 22, 2000
John Daly
Chair

EMERGENCY

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-08-035 Continuing review of forest practices ((regulations)) rules. *(1) Annual evaluations. The department, after consulting with affected state agencies, Indian tribes, forest landowners, fish and wildlife, natural resources, and environmental interest groups, shall beginning July 1, 1988, report annually to the forest practices board an assessment of how ((regulations)) the rules and voluntary processes are working.

*(2) Adaptive management. The cooperative monitoring, evaluation and research committee (CMER) will provide results of research and monitoring projects for covered resources (see WAC 222-16-010) to the TFW policy group or similar collaborative forum in the form of technical recommendations. In the event that CMER cannot agree on a recommendation within six months of submittal of a scientific report, the report will be forwarded to the TFW policy group for review and recommendation to the forest practices board. In the event that the TFW policy group cannot agree on a recommendation to the forest practices board within six months, mediation or arbitration may be used to reach agreement. The decision by the TFW policy group to use either arbitration or mediation must be made within one month and the results must be completed within three months, including the one month used to decide on either arbitration or mediation. When the forest practices board receives results of mediation or arbitration, all information generated should be forwarded to the forest practices board. In addition, the department is directed to report to the board on opportunities to modify these ((regulations)) rules when baseline data, monitoring, evaluation or the use of interdisciplinary teams show that such adaptive management will better meet the purposes and policies of the Forest Practices Act.

(3) Resource management plans. The department is directed to develop a method for cooperative voluntary resource management planning among forest landowners, governmental agencies, affected Indian tribes, and environmental groups which would result in the development of plans which might be used as an alternative to the forest practice regulations in achieving the purposes and policies set forth in the act. This should be done through pilot projects, at least one of which should be located on the east side of the Cascade summit and one on the west side of the Cascade summit.

AMENDATORY SECTION (Amending Order 429, Resolution No. 8-8-84, filed 8/29/84, effective 10/1/84)

WAC 222-10-010 Policies and authorities. (1) **This chapter** is promulgated pursuant to the authority granted in RCW 76.09.010, 43.21C.120 and chapter 197-11 WAC.

(2) **The forest practices board**, according to RCW 76.09.040, possesses the authority to promulgate forest practices ((regulations)) rules establishing minimum standards for forest practices and setting forth necessary administrative provisions.

(3) **The forest practices board** adopts by reference the policies of SEPA as set forth in RCW 43.21C.020.

(4) A ~~((Class IV Special))~~ forest practices ~~((approval))~~ application or notification which requires a threshold determination will be conditioned when necessary to mitigate specific adverse impacts which are identified in the environmental documents prepared under SEPA. An application ~~((for a Class IV Special forest practice))~~ or notification will be denied when the proposal would result in significant adverse impacts identified in a final or supplemental environmental impact statement prepared under SEPA, and reasonable mitigation measures are insufficient to mitigate the identified impacts and denial is consistent with all provisions of the acts cited in subsection (1) of this section.

(5) **SEPA policies** and procedures ~~((required for administration of Class IV Special forest practices))~~ shall be implemented by the department of natural resources.

NEW SECTION

WAC 222-10-030 *SEPA policies for potentially unstable slopes and landforms. In addition to SEPA policies established elsewhere in this chapter, the following policies apply to forest practices described in WAC 222-16-050 (1)(d) relating to construction or harvest on potentially unstable slopes or landforms.

(1) In order to determine whether such forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the applicant must submit the following additional information, prepared by a qualified expert. The expert must describe the potentially unstable landforms in and around the application site, and analyze:

(a) The likelihood that the proposed forest practices will cause movement on the potentially unstable slopes or landforms, or contribute to further movement of a potentially unstable slope or landform;

(b) The likelihood of delivery of sediment or debris to any public resources, or in a manner that would threaten public safety; and

(c) Any possible mitigation for the identified hazards and risks.

(2) The department's threshold determination will include an evaluation of whether the proposed forest practices:

(a) Are likely to increase the probability of a mass movement on or near the site;

(b) Would deliver sediment or debris to a public resource or would deliver sediment or debris in a manner that would threaten public safety; and

(c) Such movement and delivery are likely to cause significant adverse impacts.

If the department determines that (a), (b) and (c) of this subsection are likely to occur, then the forest practice is likely to have a probable significant adverse impact.

(3) The department will evaluate the proposal, using appropriate expertise and in consultation with other affected agencies and Indian tribes.

(4) Specific mitigation measures or conditions must be designed to avoid accelerating rates and magnitudes of mass wasting that could deliver sediment or debris to a public

resource or could deliver sediment or debris in a manner that would threaten public safety.

(5) Qualified expert for the purposes of this section means a person with a master's degree in geology or geomorphology or a related field, or a significant amount of post-graduate course or thesis work or other training in geomorphology or mass movement, and an additional 5 years of field experience in the evaluation of relevant problems in forested lands.

NEW SECTION

WAC 222-10-035 *Watershed analysis SEPA policies. When the department considers a watershed analysis for approval as in WAC 222-22-080, the department will perform a review under SEPA as a nonproject proposal. When making the threshold determination for a watershed analysis, the department shall only make a determination of significance if, when compared to rules or prescriptions in place at the time of the analysis or the 5-year review, the prescriptions will cause a probable significant adverse impact on elements of the environment other than those addressed in the watershed analysis process.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-12-010 Authority. These forest practices ~~((regulations))~~ rules are adopted pursuant to chapter 76.09 RCW. Where necessary to accomplish the purposes and policies stated in the act, the board is authorized to promulgate forest practices ~~((regulations))~~ rules establishing minimum standards for forest practices and setting forth necessary administrative provisions, pursuant to chapter 34.04 RCW and in accordance with the procedures enumerated in the act.

Promulgation of all forest practices ~~((regulations))~~ rules shall be accomplished so that compliance with such forest practices ~~((regulations))~~ rules will achieve compliance with the water quality laws.

Those ~~((regulations))~~ rules marked with an asterisk (*) pertain to water quality protection; pursuant to RCW 76.09.040 they ~~((will also be adopted by the department of ecology and))~~ can be amended only by agreement between the board and the department of ecology.

Forest practices ~~((regulations))~~ rules shall be administered and enforced by the department except as otherwise provided in the act. Such ~~((regulations))~~ rules shall be administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

NEW SECTION

WAC 222-12-041 Use of approved state and federal conservation agreements. (1) Forest practices shall not be subject to forest practices rules in chapters 222-22 through 222-38 WAC pertaining to any species included within "aquatic resources" (as defined in WAC 222-16-010) if:

(a) The species is covered by an agreement listed below; and

(b) The issues covered by the forest practice rules are addressed in the agreement; and

(c) The forest practices are consistent with the agreement; and

(d) For an agreement listed in subsection (2)(a) or (b) of this section with a formal application date after July 1, 2001, the landowner has developed the related federal plan or management strategy in consultation with the department of fish and wildlife, the department of ecology, and affected Indian tribes.

(2) When a landowner submits a forest practice application or notification for an activity that is covered by one of the following agreements, the specific rules replaced will be identified by the landowner which the department will confirm at the time of approval. The agreements are:

(a) A habitat conservation plan and incidental take permit or an incidental take statement covering such species approved by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. section 1536(b) or 1539(a) and reviewed under the National Environmental Policy Act, 42 U.S.C. section 4321 et seq.;

(b) An "unlisted species agreement" covering such species approved by the U.S. Fish and Wildlife Service or National Marine Fisheries Service which has been reviewed under the National Environmental Policy Act, 42 U.S.C. section 4321 et seq.; or

(c) Another cooperative or conservation agreement entered into with a state resource agency pursuant to its statutory authority for fish and wildlife protection, such as a landowner option plan, cooperative habitat enhancement agreement or a landscape management plan that addresses the needs of the aquatic resources and that is subject to review under the State Environmental Policy Act, chapter 43.21C RCW.

NEW SECTION

WAC 222-12-044 Cooperative opportunities. The forest practices board recognizes and encourages collaborative efforts to build solutions to pressing forest practices issues. The forest practices board may at any time use this method to assist in assessing and recommending solutions to issues. The benefits of this method lie in the ability of disparate groups to use consensus processes to bring recommendations to the forest practices board. The board will continue to utilize collaborative efforts, such as the Timber, Fish, and Wildlife (TFW) forum. Participants would ideally consist of representation by timber interests, environmental interests, state agencies, local government, federal agencies, tribal governments and other interested parties so long as the collaborative effort utilizes a consensus approach to resolving or addressing issues.

AMENDATORY SECTION (Amending Order 535, filed 11/16/87, effective 1/1/88)

WAC 222-12-045 *Adaptive management. In order to further the purposes of chapter 76.09 RCW the board has adopted a policy of adaptive management designed to modify these ~~((regulations))~~ rules and their application based on

cooperative research, monitoring, and evaluation. Such adaptive management shall include the measures set out in WAC 222-08-035. The forest practices board, in consultation with Timber, Fish, and Wildlife or a similar collaborative forum, will establish resource objectives for "aquatic resources." (See definition in WAC 222-16-010.) The forest practices board will establish the cooperative monitoring, evaluation, and research (CMER) committee, and will, in consultation with TFW or a similar collaborative forum, designate a scientific review committee.

(1) CMER. The CMER committee will conduct validation and effectiveness monitoring and research to facilitate achieving the resource objectives. Each funded project will have an independent scientific peer review performed or facilitated by the scientific review committee.

(a) Membership. The CMER committee will be made up of members representing timber interests, environmental interests, state agencies, local government, federal agencies and tribal governments who have expertise in the interaction of forest practices with public resources. CMER members will serve voluntarily without compensation or per diem.

(b) Administration. If funding is available, the department will employ an administrator to oversee the adaptive management program. The adaptive management program administrator will be selected in consultation with TFW or similar collaborative forum. The administrator will be responsible for managing the research and monitoring projects, including budget preparation and work plans, set time frames for products, and resolve disputes within the committee. In addition, the administrator will select peer reviewers in consultation with the scientific review committee.

(c) Reports to the board. The administrator will report to the forest practices board, at a minimum annually, on the membership of the CMER committee and on progress of funded projects. Each biennium, the administrator will submit the following for forest practices board approval: A budget proposal and a prioritized projects list that includes time frames for accomplishing the work. Both the budget and the projects list will have been developed in consultation with TFW or similar collaborative forum. This will be the basis for the department's biennial CMER budget request to the legislature. The department will conduct a performance audit of the expenditure of legislatively appropriated funds for CMER projects.

(2) Scientific review committee. A scientific review committee, chosen in consultation with TFW or similar collaborative forum, will be designated by the forest practices board to provide peer review of CMER's work. Together, the CMER and the scientific review committees will establish protocols and standards governing adaptive management including the review of pertinent external research and monitoring. The SRC will review or facilitate review of all studies, including design, methodology, data and results, presented to CMER in support of requests for changes to existing rules or suggestions for new rules.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-12-090 Forest practices board manual. When approved by the board the manual serves as an advisory technical supplement to these forest practices regulations. The department, in cooperation with the departments of fish and wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

(1) **Method for determination of adequate shade requirements on streams** needed for use with WAC 222-30-040.

(2) **The standard methods** for measuring (~~channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030~~) physical parameters of streams and channel migration zones.

(3) (~~A chart for establishing recommended permanent culvert sizes and associated data.~~) **Guidelines** for forest roads.

(4) **Guidelines** for clearing slash and debris from Type 4 and 5 Waters.

(5) **Guidelines** for landing location and construction.

(6) **Guidelines** for determining acceptable stocking levels.

(7) **Guidelines** for (~~calculating average widths of~~) riparian management zones.

(8) **Guidelines** for wetland delineation.

(9) **Guidelines** for wetland replacement or substitution.

(10) A list of nonnative wetland plant species.

(11) The standard methodology, which shall specify the quantitative methods, indices of resource conditions, and definitions, for conducting watershed analysis under chapter 222-22 WAC. The department, in consultation with Timber/Fish/Wildlife's Cooperative Monitoring, Evaluation and Research Committee (CMER), may make minor modifications to the version of the standard methodology approved by the board. Substantial amendments to the standard methodology requires approval by the board.

(12) **Guidelines** for forest chemicals.

(a) A list of special concerns related to aerial application of pesticides developed under WAC 222-16-070(3).

(b) **Guidelines** for aerial applications of pesticides and other forest chemicals under chapter 222-38 WAC.

(13) **Guidelines** for determining fish use for the purpose of typing waters under WAC 222-16-030.

(14) **Survey protocol for marbled murrelets.** The Pacific seabird survey protocol in effect March 1, 1997, shall be used when surveying for marbled murrelets in a stand. Surveys conducted before the effective date of this rule are valid if they were conducted in substantial compliance with generally accepted survey protocols in effect at the beginning of the season in which they were conducted.

(15) The department shall, in consultation with the department of fish and wildlife, develop **platform protocols** for use by applicants in estimating the number of platforms, and by the department in reviewing and classifying forest

practices under WAC 222-16-050. These protocols shall include:

(a) A sampling method to determine platforms per acre in the field;

(b) A method to predict the number of platforms per acre based on information measurable from typical forest inventories. The method shall be derived from regression models or other accepted statistical methodology, and incorporate the best available data; and

(c) Other methods determined to be reliable by the department, in consultation with the department of fish and wildlife.

(16) Guidelines for evaluating potentially unstable slopes and landforms.

AMENDATORY SECTION (Amending WSR 98-07-047, filed 3/13/98, effective 5/1/98)

WAC 222-16-010 General definitions.* Unless otherwise required by context, as used in these ((~~regulations~~)) rules:

"**Act**" means the Forest Practices Act, chapter 76.09 RCW.

"**Affected Indian tribe**" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"**Alluvial fan**" see "sensitive sites" definition.

"**Appeals board**" means the forest practices appeals board established in the act.

"**Aquatic resources**" means water quality, fish, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunnii*), the Van Dyke's salamander (*Plethodon vandyke*), the Tailed frog (*Ascaphus truei*) and their respective habitats.

"**Area of resource sensitivity**" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"**Bankfull depth**" means the elevation of the water surface of a stream flow having a return period of approximately 1.5 years measured from the line of maximum depth of the stream or thalweg. (See board manual for measuring guidelines.)

"**Bankfull width**" means the horizontal projection of bankfull depth to the stream bank. (See board manual for measuring guidelines.)

"**Basal area**" means the area in square feet of the cross section of a tree bole measured at 4 1/2 feet above the ground.

"**Bedrock hollows**" (colluvium-filled bedrock hollows, or hollows; also referred to as zero-order basins, swales, or bedrock depressions) means landforms that are commonly spoon-shaped areas of convergent topography within unchannelled valleys on hillslopes. (See board manual section 16 for identification criteria.)

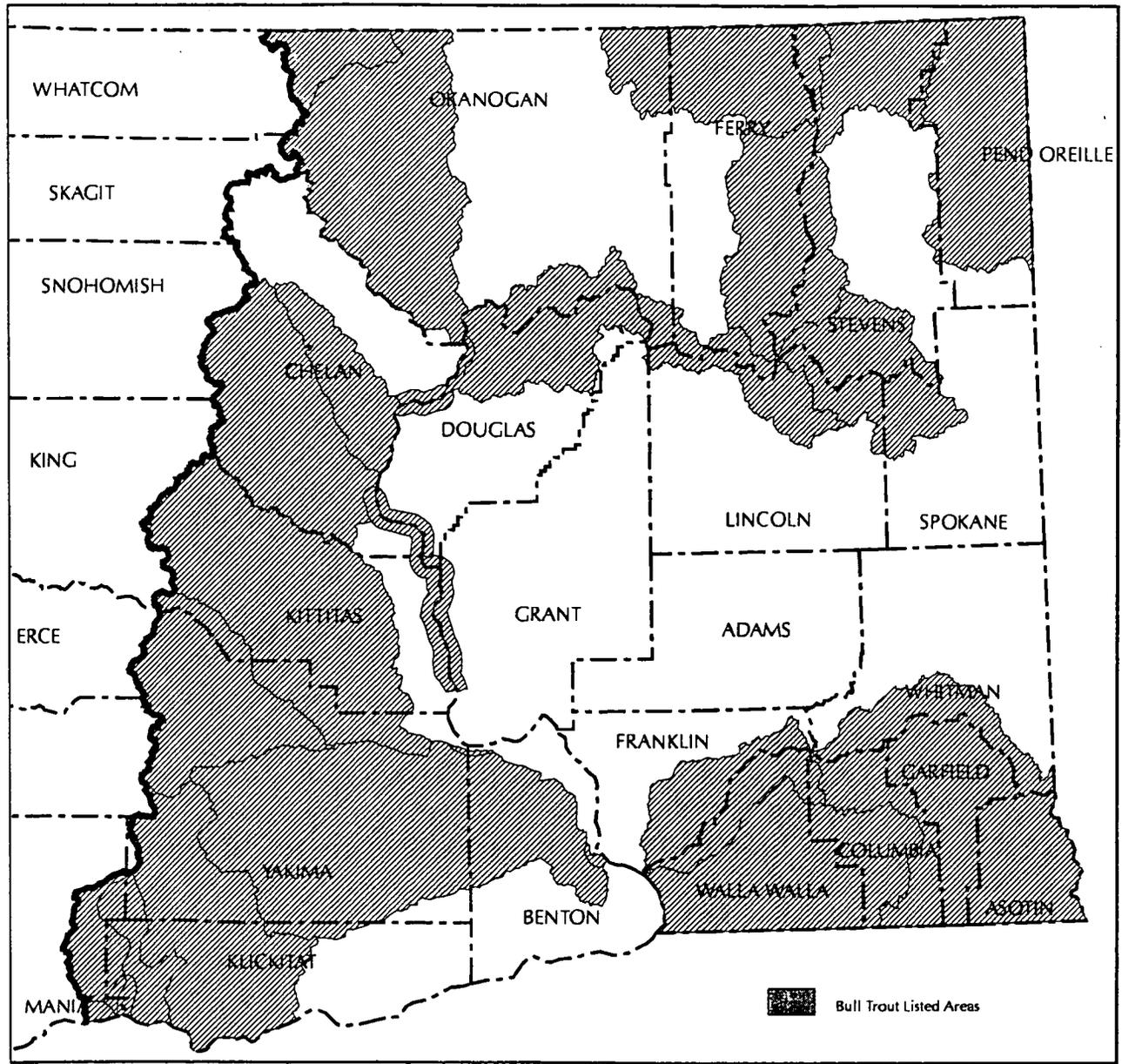
"**Board**" means the forest practices board established by the act.

"**Bog**" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western Hemlock, lodgepole pine, cedar, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. See the *Forest Practices Board Manual*.

"**Borrow pit**" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"**Bull trout habitat overlay**" means those portions of Eastern Washington streams containing bull trout habitat as identified in the department of fish and wildlife's bull trout map. Prior to the development of a bull trout field protocol and of the habitat-based predictive model, the "bull trout habitat overlay" map may be modified to allow for locally-based corrections using current data, field knowledge, and best professional judgment. A landowner may meet with the departments of natural resources and fish and wildlife and, in consultation with affected tribes and federal biologists, determine whether certain stream reaches have habitat conditions that are unsuitable for supporting bull trout. If such a determination is mutually agreed upon, documentation submitted to the department will result in the applicable stream reaches no longer being included within the definition of bull trout habitat overlay. Conversely, if suitable bull trout habitat is discovered outside the current mapped range, those waters will be included within the definition of "bull trout habitat overlay" by a similar process.

Bull trout overlay map



"Channel migration zone (CMZ)" means the area where the active channel of a stream is prone to move and this results in a potential near-term loss of riparian habitat adjacent to the stream. (See the board manual for descriptions and illustrations of CMZs, delineation guidelines, except as modified by a permanent levee or dike. CMZs.)

"Chemicals" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"Clearcut" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Columbia River Gorge National Scenic Area or CRGNSA" means the area established pursuant to the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(a).

"CRGNSA special management area" means the areas designated in the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(b) or revised pursuant to 16 U.S.C. §544b(c). For purposes of this rule, the special management area shall not include any parcels excluded by 16 U.S.C. §544f(o).

"CRGNSA special management area guidelines" means the guidelines and land use designations for forest

practices developed pursuant to 16 U.S.C. §544f contained in the CRGNSA management plan developed pursuant to 15 U.S.C. §544d.

"Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"Completion of harvest" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: Provided, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"Constructed wetlands" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"Contamination" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"Convergent headwalls" (or headwalls) means tear-drop-shaped landforms, broad at the ridgetop and terminating where headwaters converge into a single channel; they are broadly concave both longitudinally and across the slope, but may contain sharp ridges separating the headwater channels. (See board manual section 16 for identification criteria.)

"Conversion option harvest plan" means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

"Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"Cooperative habitat enhancement agreement (CHEA)" see WAC 222-16-105.

"Critical habitat (federal)" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior or Commerce under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

"Critical nesting season" means for marbled murrelets - April 1 to August 31.

"Critical wildlife habitat (state)" means those habitats designated by the board in accordance with WAC 222-16-080.

"Cultural resources" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"Cumulative effects" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

"Daily peak activity" means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

"Debris" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

"Deep-seated landslides" means landslides in which most of the area of the slide plane or zone lies below the maximum rooting depth of forest trees, to depths of tens to hundreds of feet. (See board manual section 16 for identification criteria.)

"Demographic support" means providing sufficient suitable spotted owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

"Department" means the department of natural resources.

"Desired future condition (DFC)" means the stand conditions of a mature riparian forest at 140 years of age.

"Diameter at breast height (dbh)" means the diameter of a tree at 4 1/2 feet above the ground.

"Dispersal habitat" see WAC 222-16-085(2).

"Dispersal support" means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of higher quality habitat, such as suitable spotted owl habitat found within RMZs, WMZs or other required and voluntary leave areas.

"Eastern Washington" means ~~((the lands of the state lying east of an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:~~

~~Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,~~

~~Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,~~

~~Thence south and east along the eastern wilderness boundary of Lake Chelan Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan;~~

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.;

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.;

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.;

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.;

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.;

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.;

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.;

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.;

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.;

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.;

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.;

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.;

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.;

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.;

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.;

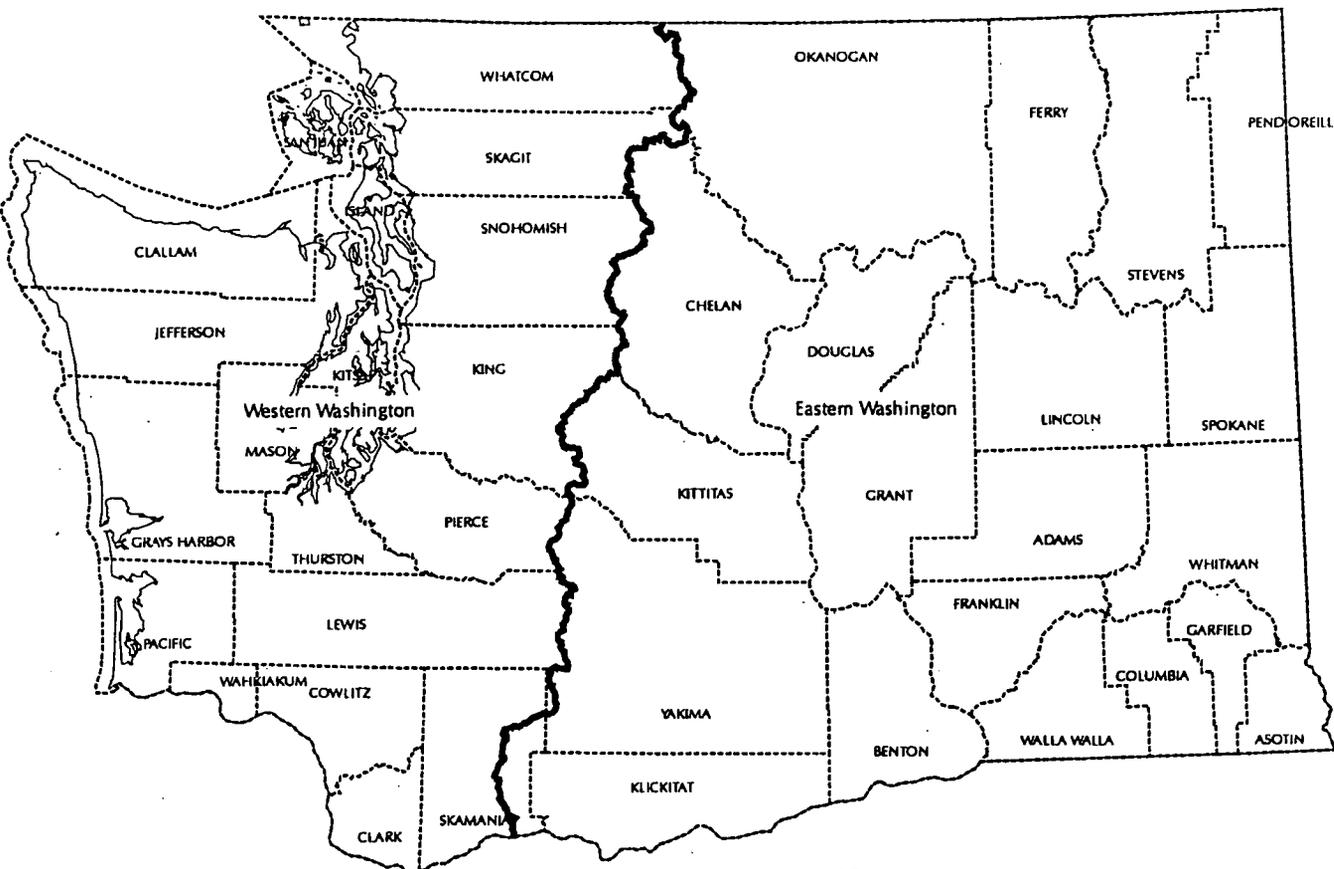
Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary;

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.;

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.;

Thence south along Skamania Klickitat County line to Oregon-Washington)) the geographic area in Washington east of the crest of the Cascade Mountains from the international border to the top of Mt. Adams, then east of the ridge line dividing the White Salmon River drainage from the Lewis River drainage and east of the ridge line dividing the Little White Salmon River drainage from the Wind River drainage to the Washington-Oregon state line.

Eastern Washington definition map



EMERGENCY

"Eastern Washington timber habitat types" means:

<u>Tree species zone</u>	<u>Elevation</u>
<u>Ponderosa Pine</u>	<u>0 - 2500 feet</u>
<u>Mixed Conifer</u>	<u>2501 - 5000 feet</u>
<u>High Elevation</u>	<u>Above 5000 feet</u>

"End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

"Erodible soils" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

"Even-aged harvest methods" means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Fen" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

"Fertilizers" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

"Fill" means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, intermediate or final harvesting, salvage of trees, brush control, or fertilization.

"Fish" means for purposes of these rules, species of the vertebrate taxonomic groups of *Cephalospidomorphi* and *Osteichthyes*.

~~(("Flood level - 50 year." For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.))~~ **"Flood level - 100 year."** Is a calculated flood event flow based on an engineering computation of flood magnitude that has a 1 percent chance of occurring in any given year. For purposes of field interpretation, landowners may use the following methods:

- Flow information from gauging stations;
- Field estimate of water level based on guidance for "Determining the 100-Year Flood Level" in the forest practices board manual.

The 100-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

"Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

"Forest land owner" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: Provided, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or

EMERGENCY

preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"Forest trees" excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: Provided, That Christmas trees are forest trees and: Provided further, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

"Full bench road" means a road constructed on a side hill without using any of the material removed from the hillside as a part of the road. This construction technique is usually used on steep or unstable slopes.

"Green recruitment trees" means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

"Groundwater recharge areas for glacial deep-seated slides" means the area upgradient that can contribute water to the landslide, assuming that there is an impermeable perching layer in or under a deep-seated landslide in glacial deposits. (See board manual section 16 for identification criteria.)

"Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"Historic site" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"Horizontal distance" means the distance on a line parallel to the horizon (not parallel to the slope).

"Hyporheic" means an area adjacent to and below channels where interstitial water is exchanged with channel water and water movement is mainly in the downstream direction.

"Identified watershed processes" means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

Mass wasting;

Surface and road erosion;

Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);

Large organic debris;

Shading; and

Stream bank and bed stability.

"Inner gorges" means canyons created by a combination of the downcutting action of a stream and mass movement on the slope walls; they commonly show evidence of recent movement, such as obvious landslides, vertical tracks of disturbance vegetation, or areas that are concave in con-

tour and/or profile. (See board manual section 16 for identification criteria.)

"Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"Interdisciplinary team" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

"Islands" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

"Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

"Local government entity" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"Low impact harvest" means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

"Marbled murrelet detection area" means an area of land associated with a visual or audible detection of a marbled murrelet, made by a qualified surveyor which is documented and recorded in the department of fish and wildlife data base. The marbled murrelet detection area shall be comprised of the section of land in which the marbled murrelet detection was made and the eight sections of land immediately adjacent to that section.

"Marbled murrelet nesting platform" means any horizontal tree structure such as a limb, an area where a limb branches, a surface created by multiple leaders, a deformity, or a debris/moss platform or stick nest equal to or greater than 7 inches in diameter including associated moss if present, that is 50 feet or more above the ground in trees 32 inches dbh and greater (generally over 90 years of age) and is capable of supporting nesting by marbled murrelets.

"Median home range circle" means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

"Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

"Multiyear permit" means a permit to conduct forest practices which is effective for longer than two years but no longer than five years.

"Northern spotted owl site center" means the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

- Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.
- Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.
- Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"Occupied marbled murrelet site" means:

(1) A contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occur:

- (a) A nest is located; or
- (b) Downy chicks or eggs or egg shells are found; or
- (c) Marbled murrelets are detected flying below, through, into or out of the forest canopy; or
- (d) Birds calling from a stationary location within the area; or
- (e) Birds circling above a timber stand within one tree height of the top of the canopy; or

(2) A contiguous forested area, which does not meet the definition of suitable marbled murrelet habitat, in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

(3) For sites defined in (1) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat"; or

(c) The beginning of any narrow area of "suitable marbled murrelet habitat" less than 300 feet in width and more than 300 feet in length.

(4) For sites defined under (2) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the distinguishing vegetative characteristics important to murrelets; or

(c) The beginning of any narrow area of suitable marbled murrelet habitat, comparable to the area where the observed behaviors or conditions listed in (1) above occurred, less than 300 feet in width and more than 300 feet in length.

(5) In determining the existence, location and status of occupied marbled murrelet sites, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Old forest habitat" see WAC 222-16-085 (1)(a).

"Operator" shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: Provided, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Other forest chemicals" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"Perennial initiation point" means the place where perennial flow begins on a Type 4 Water. If the point of ini-

tiation of perennial flow using indicators such as nonmigrating seeps or springs cannot be identified with simple, non-technical observations, then the following shall apply:

(a) Western Washington Type 4 Waters are perennial streams if their basin size is greater than the following minimums:

(i) 13 acres in the coastal zone (which corresponds to the Sitka spruce zone defined in Franklin and Dyrness, 1973); or

(ii) 52 acres for all other Western Washington locations.
 (b) Eastern Washington Type 4 Waters are perennial streams if their basin size is greater than 300 acres.

"Perennial streams." See WAC 222-16-030*(4).

"Pesticide" means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

"Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"Preferred tree species" means the following species listed in descending order of priority for each timber habitat type:

Ponderosa pine habitat type	Mixed conifer habitat type
<u>all hardwoods</u>	<u>all hardwoods</u>
<u>ponderosa pine</u>	<u>western larch</u>
<u>western larch</u>	<u>ponderosa pine</u>
<u>Douglas-fir</u>	<u>western red cedar</u>
<u>western red cedar</u>	<u>white pine</u>
	<u>Douglas-fir</u>
	<u>lodgepole pine</u>

"Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"Qualified surveyor" means an individual who has successfully completed the marbled murrelet field training course offered by the department of fish and wildlife or its equivalent.

"Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

"Resource characteristics" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and
 Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"Riparian management zone (RMZ)" means:

(1) For Western Washington

(a) The area protected on each side of a Type 1, 2 or 3 Water measured horizontally from the bankfull width or the CMZ, whichever is greater; and

<u>Site Class</u>	<u>Western Washington Total RMZ Width</u>
<u>I</u>	<u>200'</u>
<u>II</u>	<u>170'</u>
<u>III</u>	<u>140'</u>
<u>IV</u>	<u>110'</u>
<u>V</u>	<u>90'</u>

(b) The area protected on both sides of Type 4 Waters, measured horizontally from the bankfull width. (See WAC 222-30-021(2).)

(2) In Eastern Washington

(a) The area protected on each side of a Type 1, 2 or 3 Water measured horizontally from the bankfull width or the CMZ, whichever is greater (see table below); and

<u>Site Class</u>	<u>Eastern Washington Total RMZ Width</u>
<u>I</u>	<u>130'</u>
<u>II</u>	<u>110'</u>
<u>III</u>	<u>90' or 110*</u>
<u>IV</u>	<u>75' or 100*</u>
<u>V</u>	<u>75' or 100*</u>

* Dependent upon stream size. (See WAC 222-30-022.)

(b) The area protected on both sides of Type 4 Waters, measured horizontally from the bankfull width. (See WAC 222-30-022(2).)

(3) For both Western and Eastern Washington, the area within the equipment limitation zone on Type 4 and Type 5 Waters.

(4) For exempt 20 acre parcels, a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"RMZ core zone" means:

(1) For Western Washington, the 50 foot buffer measured horizontally outside of the bankfull width or the channel migration zone, whichever is greater, of a Type 1, 2 or 3 Water. (See WAC 222-30-021.)

EMERGENCY

(2) For Eastern Washington, the 30 foot buffer measured horizontally outside of the bankfull width or the channel migration zone, whichever is greater, of a Type 1, 2 or 3 Water. (See WAC 222-30-022.)

"RMZ inner zone" means:

(1) For Western Washington, the area measured horizontally from the outside boundary of the core zone of a Type 1, 2 or 3 Water to the outer limit of the inner zone. The outer limit of the inner zone is determined based on the width of the affected water, site class and the management option chosen for timber harvest within the inner zone. (See WAC 222-30-021.)

(2) For Eastern Washington, the area measured horizontally between the outer boundary of the core zone and a line 45 feet (for streams less than 15 feet wide) or 70 feet (for streams more than 15 feet wide) from the bankfull width or the channel migration zone, whichever is greater. (See WAC 222-30-022.)

"RMZ outer zone" means the area measured horizontally between the outer extent of the inner zone and the RMZ width as specified in the riparian management zone definition above. Width is measured from the bankfull width or the channel migration zone, whichever is greater. (See WAC 222-30-021 and 222-30-022.)

"Road construction" means any new road construction or reconstruction of existing roads.

"Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

"Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"Seasonal streams." See WAC 222-16-030*(5).

"Sensitive sites" means one of the following:

(1) Headwall seep is a seep located at the toe of a cliff or other steep topographical feature and at the head of a Type 4 Water which connects to the stream channel network via overland flow, and is characterized by loose substrate and fractured bedrock with perennial water at or near the surface throughout the year.

(2) Side-slope seep is a seep within 100 feet of a Type 4 Water located on side-slopes which are greater than 20 percent, connected to the stream channel network via overland flow, and characterized by loose substrate and fractured bedrock with perennial water at or near the surface throughout the year. Water delivery to the Type 4 channel is visible by someone standing in or near the stream.

(3) Side-slope spring is an identified spring within 100 feet of a Type 4 Water which is the initiation point for a stream and is connected to the stream's channel network via a perennial channelized flow.

(4) Perennial initiation points. See separate definition in WAC 222-16-010.

(5) Alluvial fan means an erosional land form consisting of cone-shaped deposit of water-borne, often coarse-sized sediments.

(a) The upstream end of the fan (cone apex) is typically characterized by a distinct increase in channel width where a stream emerges from a narrow valley;

(b) The downstream edge of the fan is defined as the sediment confluence with a Type 1, 2 or 3 Water; and

(c) The lateral margins of a fan are characterized by distinct local changes in sediment elevation and often show disturbed vegetation.

Alluvial fan does not include features that were formed under climatic or geologic conditions which are not currently present or that are no longer dynamic.

"Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"Site class" means a grouping of site indices that are used to determine the 100-year site class. In order to determine site class, the landowner will obtain the site class index from the state soil survey, place it in the correct index range shown in the two tables provided in this definition, and select the corresponding site class. The site class will then drive the RMZ width. (See WAC 222-30-021 and 222-30-022.)

(1) For Western Washington

<u>Site class</u>	<u>50-year site index range</u> (state soil survey)
<u>I</u>	<u>137+</u>
<u>II</u>	<u>119-136</u>
<u>III</u>	<u>97-118</u>
<u>IV</u>	<u>76-96</u>
<u>V</u>	<u><75</u>

(2) For Eastern Washington

<u>Site class</u>	<u>100-year site index range</u> (state soil survey)	<u>50-year site index range</u> (state soil survey)
<u>I</u>	<u>120+</u>	<u>86+</u>
<u>II</u>	<u>101-120</u>	<u>72-85</u>
<u>III</u>	<u>81-100</u>	<u>58-71</u>
<u>IV</u>	<u>61-80</u>	<u>44-57</u>
<u>V</u>	<u>= <60</u>	<u><44</u>

For purposes of this definition, the site index at any location will be the site index reported by the Washington State Department of Natural Resources State Soil Survey, and detailed in the associated forest soil summary sheets. If the site index reported by the Washington State Department of Natural Resources State Soil Survey is nonexistent or indicates noncommercial or marginal commercial species, or the major species table indicates red alder, the following apply:

EMERGENCY

(a) If the site index in the soil survey is for red alder, and the whole RMZ width is within that site index, then use site class V. If the red alder site index is only for a portion of the RMZ width, then use the site class for conifer in the adjacent soil polygon.

(b) If there is no data on site index, use same procedure as for red alder.

(c) If the site index is noncommercial or marginally commercial, then use the same procedure as for red alder.

See also section 7 of the board manual.

"**Site preparation**" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

"**Skid trail**" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"**Slash**" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"**SOSEA goals**" means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps (see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

"**Spoil**" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"**Spotted owl dispersal habitat**" see WAC 222-16-085(2).

"**Spotted owl special emphasis areas (SOSEA)**" means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

"**Stop work order**" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"Stream-adjacent parallel roads" means roads in a riparian management zone on a property that have an alignment that is parallel to the general alignment of the stream, including roads used by others under easements or cooperative road agreements. Also included are stream crossings where the alignment of the road continues to parallel the stream for more than 250 feet on either side of the stream. Not included are federal, state, county or municipal roads that are not subject to forest practices rules, or roads of another adjacent landowner.

"**Sub-mature habitat**" see WAC 222-16-085 (1)(b).

"**Suitable marbled murrelet habitat**" means a contiguous forested area containing trees capable of providing nesting opportunities:

(1) With all of the following indicators unless the department, in consultation with the department of fish and wildlife, has determined that the habitat is not likely to be occupied by marbled murrelets:

(a) Within 50 miles of marine waters;

(b) At least 40% of the dominant and codominant trees are Douglas-fir, western hemlock, western red cedar or sitka spruce;

(c) Two or more nesting platforms per acre;

(d) At least 7 acres in size, including the contiguous forested area within 300 feet of nesting platforms, with similar forest stand characteristics (age, species composition, forest structure) to the forested area in which the nesting platforms occur.

"**Suitable spotted owl habitat**" see WAC 222-16-085(1).

"Threaten public safety" means to increase the risk to the public at large from snow avalanches, identified in consultation with the department of transportation or a local government, or landslides or debris torrents caused or triggered by forest practices.

"**Threatened or endangered species**" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior or Commerce, and all species of wildlife designated as "threatened" or "endangered" by the Washington fish and wildlife commission.

"**Timber**" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"**Water bar**" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"**Watershed administrative unit (WAU)**" means an area shown on the map specified in WAC 222-22-020(1).

"**Watershed analysis**" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"**Weed**" is any plant which tends to overgrow or choke out more desirable vegetation.

"Western Washington" means the ((lands of the state lying west of the administrative line described in the definition of)) geographic area of Washington west of the Cascade crest and the drainages defined in Eastern Washington.

"**Wetland**" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"**Wetland functions**" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

"**Wetland management zone**" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"**Wildlife**" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

"**Wildlife reserve trees**" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"**Windthrow**" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

"**Yarding corridor**" means a narrow, linear path through a riparian management zone to allow suspended cables necessary to support cable logging methods or suspended or partially suspended logs to be transported through these areas by cable logging methods.

"**Young forest marginal habitat**" see WAC 222-16-085 (1)(b).

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-16-030 Water typing system. *The department in cooperation with the departments of fish and wildlife, and ecology, and in consultation with affected Indian tribes ~~((shall))~~ will classify streams, lakes and ponds and prepare ~~((stream classification))~~ water type maps showing the location of ~~((Type 1, 2, 3 and 4 Waters))~~ waters within the ~~((var-~~

~~ious))~~ forested areas of the state. ~~((Such))~~ The maps will be based on a multiparameter, field-verified geographic information system (GIS) logistic regression model. The multiparameter model will be "habitat driven" and will use geographic parameters such as basin size, gradient, elevation and other indicators.

Until the habitat-driven water type maps mentioned above are available, the current maps will continue to be used. These maps shall be available for public inspection at region offices of the department. The waters will be classified using the following criteria. If a dispute arises concerning a water type the department shall make available informal conferences, which shall include the departments of fish and wildlife, and ecology, and affected Indian tribes and those contesting the adopted water types. These conferences shall be established under procedures established in WAC 222-46-020.

***(1) "Type 1 Water"** means all waters, within their ordinary high-water mark, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW, but not including those waters' associated wetlands as defined in chapter 90.58 RCW.

***(2) "Type 2 Water"** ~~((shall))~~ means segments of natural waters which are not classified as Type 1 Water and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:

(a) Are diverted for domestic use by more than 100 residential or camping units or by a public accommodation facility licensed to serve more than 100 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 2 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type 2 Water upstream from the point of diversion for 1,500 feet, including tributaries if highly significant for protection of downstream water quality. The department may allow additional harvest beyond the requirements of Type 2 Water designation provided the department determines after a landowner-requested on-site assessment by the department of fish and wildlife, department of ecology, the affected tribes and interested parties that:

(i) The management practices proposed by the landowner will adequately protect water quality for the fish hatchery; and

(ii) Such additional harvest meets the requirements of the water type designation that would apply in the absence of the hatchery;

(c) Are within a federal, state, local, or private campground having more than 30 camping units: Provided, That the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;

~~((e))~~ (d) Are used by substantial numbers of ~~((anadromous or resident game))~~ fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:

(i) Stream segments having a defined channel 20 feet or greater ~~((in width between the ordinary high water marks))~~ within the bankfull width and having a gradient of less than 4 percent.

(ii) Lakes, ponds, or impoundments having a surface area of 1 acre or greater at seasonal low water; or

~~((d))~~ (e) Are used by salmonids for off-channel habitat. These areas are critical to the maintenance of optimum survival of juvenile salmonids. This habitat shall be identified based on the following criteria:

(i) The site must be connected to a stream bearing salmonids and accessible during some period of the year; and

(ii) The off-channel water must be accessible to juvenile salmonids through a drainage with less than a 5% gradient.

*~~(3)~~ **"Type 3 Water"** ~~((shall))~~ means segments of natural waters which are not classified as Type 1 or 2 Water and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:

(a) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are used by significant numbers of ~~((anadromous))~~ fish for spawning, rearing or migration. ~~((Waters having the following characteristics are presumed to have significant anadromous fish use:))~~

~~((i))~~ Stream segments having a defined channel of 5 feet or greater in width between the ordinary high water marks; and having a gradient of less than 12 percent and not upstream of a falls of more than 10 vertical feet.

~~((ii))~~ Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to an anadromous fish stream.

~~((c))~~ Are used by significant numbers of resident game fish. Waters with the following characteristics are presumed to have significant resident game fish use:))

The requirements for determining fish use are described in the board manual section 13. If fish use has not been determined:

(i) Waters having the following characteristics are presumed to have fish use:

(A) Stream segments having a defined channel of ~~((+0))~~ 2 feet or greater ~~((in width between the ordinary high water marks; and a summer low flow greater than 0.3 cubic feet per second;))~~ within the bankfull width in Western Washington; or 3 feet or greater in width within the bankfull width in Eastern Washington; and having a gradient of ~~((less than 12))~~ 16 percent or less.

~~((+i))~~ (B) Stream segments having a defined channel of 2 feet or greater within the bankfull width in Western Washington; or 3 feet or greater within the bankfull width in Eastern Washington, and having a gradient greater than 16 percent and less than or equal to 20 percent, and having greater than 50 acres in contributing basin size in Western Washington or greater than 175 acres contributing basin size in Eastern Washington, based on hydrographic boundaries;

(C) Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to a fish stream;

(D) Ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water~~((; or))~~.

~~((d))~~ Are highly significant for protection of downstream water quality. Tributaries which contribute greater than 20 percent of the flow to a Type 1 or 2 Water are presumed to be significant for 1,500 feet from their confluence with the Type 1 or 2 Water or until their drainage area is less than 50 percent of their drainage area at the point of confluence, whichever is less;)) (ii) The department shall waive or modify the characteristics in (i) of this subsection where:

(A) Waters have confirmed, long term, naturally occurring water quality parameters incapable of supporting fish;

(B) Snowmelt streams have short flow cycles that do not support successful life history phases of fish. These streams typically have no flow in the winter months and discontinue flow by June 1; or

(C) Sufficient information about a geographic region is available to support a departure from the characteristics in (i) of this subsection, as determined in consultation with the department of fish and wildlife, department of ecology, affected tribes and interested parties.

*~~(4)~~ **"Type 4 Water"** ~~((classification shall be applied to segments of natural waters which are not classified as Type 1, 2 or 3, and for the purpose of protecting water quality downstream are classified as Type 4 Water upstream until the channel width becomes less than 2 feet in width between the ordinary high water marks. Their significance lies in their influence on water quality downstream in Type 1, 2, and 3 Waters. These may be perennial or intermittent;))~~ means all segments of natural waters within the bankfull width of defined channels that are not Type 1, 2 or 3 Waters and which are perennial waters of nonfish-bearing streams. Perennial waters means waters downstream from a perennial initiation point. (See board manual, section 13, for the protocol for defining the upper extent of a perennial stream.)

*~~(5)~~ **"Type 5 Waters"** ~~((classification shall be applied to all natural waters not classified as Type 1, 2, 3 or 4; including streams with or without well defined channels, areas of perennial or intermittent seepage, ponds, natural sinks and drainageways having short periods of spring or storm runoff;))~~ include all segments of natural waters within the bankfull width of defined channels that are not Type 1, 2, 3 or 4 Waters and which are seasonal nonfish bearing streams. "Seasonal stream" means those streams that are not perennial but are physically connected by a defined channel system to downstream waters so that water or sediment initially delivered to these waters may eventually be delivered to a Type 1, 2, 3 or 4 Water.

*(6) For purposes of this section:

(a) "Residential unit" means a home, apartment, residential condominium unit or mobile home, serving as the principal place of residence.

(b) "Camping unit" means an area intended and used for:

(i) Overnight camping or picnicking by the public containing at least a fireplace, picnic table and access to water and sanitary facilities; or

(ii) A permanent home or condominium unit or mobile home not qualifying as a "residential unit" because of part time occupancy.

(c) "Resident game fish" means game fish as described in the Washington game code that spend their life cycle in fresh water. Steelhead, searun cutthroat and Dolly Varden trout are anadromous game fish and should not be confused with resident game fish.

(d) "Public accommodation facility" means a business establishment open to and licensed to serve the public, such as a restaurant, tavern, motel or hotel.

(e) "Natural waters" only excludes water conveyance systems which are artificially constructed and actively maintained for irrigation.

(f) "Seasonal low flow" and "seasonal low water" mean the conditions of the 7-day, 2-year low water situation, as measured or estimated by accepted hydrologic techniques recognized by the department.

(g) "Channel width and gradient" means a measurement over a representative section of at least 500 linear feet with at least 10 evenly spaced measurement points along the normal stream channel but excluding unusually wide areas of negligible gradient such as marshy or swampy areas, beaver ponds and impoundments. Channel gradient may be determined utilizing stream profiles plotted from United States geological survey topographic maps.

(h) "Intermittent streams" means those segments of streams that normally go dry.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-16-035 Wetland typing system. *The department in cooperation with the departments of fish and wildlife, and ecology, and affected Indian tribes shall classify wetlands. The wetlands will be classified in order to distinguish those which require wetland management zones and those which do not. Wetlands which require wetland management zones shall be identified using the following criteria. ~~((Accurate delineation of wetlands in accordance with the manual shall be required only where necessary to determine whether replacement by substitution or enhancement is required pursuant to WAC 222-24-025(10) and shall be limited to the area of wetland proposed to be filled. For the purposes of determining acreage to classify or type wetlands under this section, approximate determination using aerial photographs and maps, including the national wetlands inventory, shall be sufficient. In addition, the innermost boundary of the wetland management zone on Type A or B wetlands may be determined by either of two methods: Delineation of the wetland edge, or identifying the point where the crown cover changes from less than 30% to 30% or~~

~~more. Except where necessary to determine whether replacement by substitution or enhancement is required pursuant to WAC 222-24-025(10), accurate delineation shall not be required under this Title 222 WAC for activities regulated by these rules, including but not limited to the location of roads, landings, culverts, and cross drains. Landowners are encouraged to leave vegetation in these forested wetlands in undisturbed leave areas where possible. When so requested by any affected landowners, applicant or aggrieved person, the department shall make available informal conferences, which shall include the departments of fish and wildlife, and ecology, and affected Indian tribes and those contesting the adopted wetland types. These conferences shall be established under procedures established in WAC 222-46-020.))~~

*(1) "**Nonforested wetlands**" means any wetland or portion thereof that has, or if the trees were mature would have, a crown closure of less than 30 percent.

(a) "**Type A Wetland**" classification shall be applied to all nonforested wetlands which:

(i) Are greater than 0.5 acre in size, including any acreage of open water where the water is completely surrounded by the wetland; and

(ii) Are associated with at least 0.5 acre of ponded or standing open water. The open water must be present on the site for at least 7 consecutive days between April 1 and October 1 to be considered for the purposes of these rules; or

(b) "**Type B Wetland**" classification shall be applied to all other nonforested wetlands greater than 0.25 acre.

*(2) "**Forested wetland**" means any wetland or portion thereof that has, or if the trees were mature would have, a crown closure of 30 percent or more.

*(3) "**All forested and nonforested bogs**" greater than 0.25 acres shall be considered Type A Wetlands.

*(4) For the purposes of determining acreage to classify or type wetlands under this section, approximate determination using aerial photographs and maps, including the national wetlands inventory, shall be sufficient. In addition, the innermost boundary of the wetland management zone on Type A or B Wetlands may be determined by either of two methods: Delineation of the wetland edge, or identifying the point where the crown cover changes from less than 30 percent to 30 percent or more.

NEW SECTION

WAC 222-16-036 Wetland mapping. Wetlands mapping is required in connection with any forest practices application where the proposed activities relate to timber harvest or road construction.

*(1) Landowners must map all forested wetlands and Type A and B Wetlands where more than one-tenth (0.1) acre of such wetlands will be impacted by filling and where mitigation for such filling is required.

*(2) Landowners must make an approximate determination of the boundaries and map all forested wetlands (regardless of size) that are in a riparian management zone, including those parts of the forested wetlands that lie within the harvest unit but outside of the riparian management zone. Mapping

is not required if entry within the riparian management zone is not proposed as part of the harvest application.

* (3) Landowners must map all forested wetlands within the boundaries of the land to be covered by the application that are 3 acres or more in size.

* (4) All such mapping must be performed to the wetland delineation and mapping standards outlined in the board manual, section 8.

AMENDATORY SECTION (Amending WSR 98-07-047, filed 3/13/98, effective 5/1/98)

WAC 222-16-050 Classes of forest practices. There are 4 classes of forest practices created by the act. All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices regulations.

(1) "**Class IV - special.**" Application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

* (a) Aerial application of pesticides in a manner identified as having the potential for a substantial impact on the environment under WAC 222-16-070 or ground application of a pesticide within a Type A or B wetland.

(b) Specific forest practices listed in WAC 222-16-080 on lands designated as:

(i) Critical wildlife habitat (state) of threatened or endangered species; or

(ii) Critical habitat (federal) of threatened or endangered species except those excluded by the board under WAC 222-16-080(3).

(c) Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF within any developed park recreation area and park managed salvage of merchantable forest products.

* (d) ~~(Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on slide prone areas as defined in WAC 222-24-020(6) and field verified by the department, in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, when such slide prone areas occur on an uninterrupted slope above water typed pursuant to WAC 222-16-030, Type A or Type B Wetland, or capital improvement of the state or its political subdivisions where there is potential for a substantial debris flow or mass failure to cause significant impact to public resources.~~

* (e) ~~Timber harvest in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, on slide prone areas, field verified by the department, where soils, geologic structure, and local hydrology indicate that canopy removal has the potential for increasing slope instability, when such areas occur on an uninterrupted slope above any water typed pursuant to WAC 222-16-030, Type A or Type B Wetland, or a capital~~

~~improvement of the state or its political subdivisions where there is a potential for a substantial debris flow or mass failure to cause significant impact to public resources.~~

~~(f)) Timber harvest, or construction of roads, landings, gravel pits, rock quarries, or spoil disposal areas, on potentially unstable slopes or landforms described in (i) below that has the potential to deliver sediment or debris to a public resource or that has the potential to threaten public safety, and which has been field verified by the department.~~

~~(i) For the purpose of this rule, potentially unstable slopes or landforms are one of the following: (See the board manual section 16 for more descriptive definitions.)~~

~~(A) Inner gorges, convergent headwalls, or bedrock hollows with slopes steeper than 35° (70%);~~

~~(B) Toes of deep-seated landslides, with slopes steeper than 33° (65%);~~

~~(C) Ground water recharge areas for glacial deep-seated landslides;~~

~~(D) Outer edges of meander bends along valley walls or high terraces of an unconfined meandering stream; or~~

~~(E) Any areas containing features indicating the presence of potential slope instability which cumulatively indicate the presence of unstable slopes.~~

~~(ii) The department will base its classification of the application/notification on professional knowledge of the area, information such as soils, geologic or hazard zonation maps and reports or other information provided by the applicant.~~

~~(iii) An application would not be classified as Class IV-Special for potentially unstable slopes or landforms under this subsection if:~~

~~(A) The proposed forest practice is located within a WAU that is subject to an approved watershed analysis;~~

~~(B) The forest practices are to be conducted in accordance with an approved prescription from the watershed analysis (or as modified through the 5-year review process); and~~

~~(C) The applicable prescription is specific to the site or situation, as opposed to a prescription that calls for additional analysis. The need for an expert to determine whether the site contains specific landforms will not be considered "additional analysis," as long as specific prescriptions are established for such landforms.~~

* (e) Timber harvest, in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on snow avalanche slopes within those areas designated by the department, in consultation with department of transportation and local government, as high avalanche hazard where there is the potential to deliver sediment or debris to a public resource, or the potential to threaten public safety.

~~((g)) (f) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on archaeological or historic sites registered with the Washington state office of archaeology and historic preservation, or on sites containing evidence of Native American cairns, graves, or glyptic records, as provided for in chapters~~

27.44 and 27.53 RCW. The department shall consult with affected Indian tribes in identifying such sites.

~~(*)~~(h)) ~~(*)~~(g) Forest practices subject to a watershed analysis conducted under chapter 222-22 WAC in an area of resource sensitivity identified in that analysis which deviates from the prescriptions (which may include an alternate plan) in the watershed analysis.

~~(*)~~(+)) ~~(*)~~(h) Filling or draining of more than 0.5 acre of a wetland.

(2) "**Class IV - general.**" Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special." Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030 (2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with State Environmental Policy Act.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-16-060 and 222-34-050.)

(3) "**Class I.**" Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

~~(*)~~(b) Road maintenance except: (i) Replacement of bridges and culverts across Type 1, 2, 3 or flowing Type 4 Waters; or (ii) movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters or Type A or B Wetlands.

~~(*)~~(c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or 3 Water, the ordinary high-water mark of a Type 4 Water, a wetland management zone, a wetland, or the CRGNSA special management area.

~~(*)~~(d) Construction of less than 600 feet of road on a side-slope of 40 percent or less if the limits of construction are not within the shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or Type 3 Water, the ordinary high-water mark of a Type 4 Water, a wetland management zone, a wetland, or the CRGNSA special management area.

~~(*)~~(e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type 1 Water and does not involve disturbance of the beds or banks of any waters.

~~(*)~~(f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Precommercial thinning and pruning, if not within the CRGNSA special management area.

(j) Tree planting and seeding.

(k) Cutting and/or removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period, if not within the CRGNSA special management area.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 76.04.205).

~~(*)~~(n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type 1 Water, the riparian management zone of any Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water, a wetland management zone, a wetland, or the CRGNSA special management area.

~~(*)~~(o) Ground application of chemicals, if not within the CRGNSA special management area. (See WAC 222-38-020 and 222-38-030.)

~~(*)~~(p) Aerial application of chemicals (except insecticides), outside of the CRGNSA special management area when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

(q) Forestry research studies and evaluation tests by an established research organization.

~~(*)~~(r) Any of the following if none of the operation or limits of construction takes place within the shoreline area of a Type 1 Water or the riparian management zone of a Type 2 or 3 Water, the ordinary high-water mark of a Type 4 Water or flowing Type 5 Water, or within the CRGNSA special management area and the operation does not involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

(i) Any forest practices within the boundaries of existing golf courses.

(ii) Any forest practices within the boundaries of existing cemeteries which are approved by the cemetery board.

(iii) Any forest practices involving a single landowner where contiguous ownership is less than two acres in size.

(s) Removal of beaver structures from culverts on active and inactive roads. A hydraulics project approval from the Washington department of fish and wildlife may be required.

(4) "**Class II.**" Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: *Provided*, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 75.20.100) or is

within a "shorelines of the state," or involves a bond in lieu of landowners signature (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification where no change in the nature and extent of the forest practices is required under rules effective at the time of renewal.

(b) Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed;

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and

(iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal. Renewal of a previously approved multiyear permit for forest practices within a WAU with an approved watershed analysis requires completion of a necessary 5-year review of the watershed analysis.

* (c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone, within a wetland, or within the CRGNSA special management area:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

* (d) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone or within a wetland; and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

Salvage of logging residue.

* (e) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone, within a wetland, or within the CRGNSA special management area, and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent, and if none of the operations are located on lands with a likelihood of future conversion (see WAC 222-16-060):

(i) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

(ii) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

(iii) Salvage of dead, down, or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

(iv) Any harvest on less than 40 acres.

(v) Construction of 600 or more feet of road, provided that the department shall be notified at least 2 business days before commencement of the construction.

(5) "Class III." Forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 75.20.100).

* (b) Those within the shorelines of the state other than those in a Class I forest practice.

* (c) Aerial application of insecticides, except where classified as a Class IV forest practice.

* (d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

* (e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

* (f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

* (h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type 1, 2, 3, or flowing Type 4 Waters; or

(ii) Movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters or Type A or B Wetlands.

(i) Operations involving an applicant's bond in lieu of a landowner's signature.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

* (n) Any filling of wetlands, except where classified as Class IV forest practices.

* (o) Multiyear permits.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-16-080 Critical wildlife habitats (state) and critical habitat (federal) of threatened and endangered species. (1) Critical wildlife habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of fish and wildlife, between the dates of January 1 and August

15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of fish and wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of fish and wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain caribou - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of fish and wildlife.

(e) Oregon silverspot butterfly - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of fish and wildlife.

(f) Peregrine falcon - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of fish and wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of fish and wildlife.

(h) Northern spotted owl - the following shall apply through June 30, 1996: Harvesting, road construction, or aerial application of pesticides on the most suitable 500 acres of nesting, roosting, and foraging habitat surrounding the northern spotted owl site center. The most suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife, tribes, and others with applicable expertise. Consideration shall be given to habitat quality, proximity to the activity center and contiguity in selecting the most suitable 500 acres of habitat.

Beginning July 1, 1996, the following shall apply for the northern spotted owl:

(i) **Within a SOSEA boundary** (see maps in WAC 222-16-086), except as indicated in (h)(ii) of this subsection, harvesting, road construction, or aerial application of pesticides on suitable spotted owl habitat within a median home range circle that is centered within the SOSEA or on adjacent federal lands.

(ii) **Within the Entiat SOSEA**, harvesting, road construction, or aerial application of pesticides within the areas indicated for demographic support (see WAC 222-16-086(2)) on suitable spotted owl habitat located within a median home range circle that is centered within the demographic support area.

(iii) **Outside of a SOSEA**, harvesting, road construction, or aerial application of pesticides, between March 1 and August 31 on the seventy acres of highest quality suitable

spotted owl habitat surrounding a northern spotted owl site center located outside a SOSEA. The highest quality suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife. Consideration shall be given to habitat quality, proximity to the activity center and contiguity.

(iv) **Small parcel northern spotted owl exemption.** Forest practices proposed on the lands owned or controlled by a landowner whose forest land ownership within the SOSEA is less than or equal to 500 acres and where the forest practice is not within 0.7 mile of a northern spotted owl site center shall not be considered to be on lands designated as critical wildlife habitat (state) for northern spotted owls.

(i) Western pond turtle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.

(j) Marbled murrelet.

(i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site.

(ii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within suitable marbled murrelet habitat within a marbled murrelet detection area.

(iii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within suitable marbled murrelet habitat containing 7 platforms per acre outside a marbled murrelet detection area.

(iv) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction outside a marbled murrelet detection area within a marbled murrelet special landscape and within suitable marbled murrelet habitat with 5 or more platforms per acre.

(v) Harvesting within a 300 foot managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stand stem density of 75 trees per acre greater than 6 inches in dbh; provided that 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches in dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of 200 feet and extended to a maximum of 400 feet as long as the average of 300 feet is maintained.

(vi) Except that the following shall not be critical wildlife habitat (state):

(A) Where a landowner owns less than 500 acres of forest land within 50 miles of saltwater and the land does not contain an occupied marbled murrelet site; or

(B) Where a protocol survey (see WAC 222-12-090(14)) has been conducted and no murrelets were detected. The landowner is then relieved from further survey requirements. However, if an occupied marbled murrelet site is established, this exemption is void.

(2) The following critical habitats (federal) designated by the United States Secretary of the Interior or Commerce, or specific forest practices within those habitats, have been

determined to not have the potential for a substantial impact on the environment:

Marbled murrelet critical habitat 50 C.F.R. §17.95(b), 61 Fed. Reg. 26256 as a result of provisions of the state's marbled murrelet rule.

(3) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington fish and wildlife commission and/or the United States Secretary of the Interior or Commerce, the department shall after consultation with the department of fish and wildlife, prepare and submit to the board a proposed list of critical wildlife habitats (state) of threatened or endangered species. This list shall be submitted to the board within 15 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats essential to meeting the life requisites for each species listed as threatened or endangered. Those critical wildlife habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b)(i).

(4) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior or Commerce which do not have the potential for a substantial impact on the environment, the department shall, after consultation with the department of fish and wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for exclusion from Class IV - special forest practices. The department shall submit the list to the board within 120 days of the date the United States Secretary of the Interior or Commerce publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats excluded by the board from Class IV - Special shall be added to the list in subsection (2) of this section. See WAC 222-16-050 (1)(b)(ii).

(5)(a) Except for bald eagles under subsection (1)(a) of this section, the critical wildlife habitats (state) of threatened and endangered species and specific forest practices designated in subsection (1) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington fish and wildlife commission.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of fish and wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(6) Regardless of any other provision in this section, forest practices applications shall not be classified as Class IV-Special based on critical wildlife habitat (state) (WAC 222-16-080(1)) or critical habitat (federal) (WAC 222-16-050 (1)(b)(ii)) for a species, if the forest practices are consistent with one or more of the following (~~proposed for protection of the species~~):

(a) (~~A habitat conservation plan and permit or an incidental take statement covering such species approved by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. §1536 (b) or 1539 (a); an "unlisted species agreement" covering such species approved by the U.S. Fish and Wildlife Service or National Marine Fisheries Service; or a "no take letter" or other cooperative or conservation agreement entered into with a federal or state fish and wildlife agency pursuant to its statutory authority for fish and wildlife protection that addresses the needs of the affected species and that is subject to review under the National Environmental Protection Act, 42 U.S.C. §4321 et seq., or the State Environmental Policy Act, chapter 43.21C RCW, as applicable;~~) Documents addressing the needs of the affected species so long as the documents have been reviewed under the National Environmental Policy Act, 42 U.S.C. section 4321 et seq.:

(i) A habitat conservation plan and permit; or an incidental take statement covering such species approved by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. § 1536 (b) or 1539 (a); or

(ii) An "unlisted species agreement" covering such species approved by the U.S. Fish and Wildlife Service or National Marine Fisheries Service; or

(b) Documents addressing the needs of the affected species so long as they have been reviewed under the State Environmental Policy Act;

(i) A landscape management plan; or

(ii) Another cooperative or conservation agreement entered into with a state resource agency pursuant to its statutory authority for fish and wildlife protection;

(c) A rule adopted by the U.S. Fish and Wildlife Service for the conservation of a particular threatened species pursuant to 16 U.S.C. 1533(d);

~~((e))~~ (d) A special wildlife management plan (SWMP) developed by the landowner and approved by the department in consultation with the department of fish and wildlife;

~~((d))~~ (e) A bald eagle management plan approved under WAC 232-12-292;

~~((e))~~ (f) A landowner option plan (LOP) for northern spotted owls developed pursuant to WAC 222-16-100(1); ~~((e))~~

~~((f))~~ (g) A cooperative habitat enhancement agreement (CHEA) developed pursuant to WAC 222-16-105; or

(h) A take avoidance plan issued by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service prior to the effective date of this rule.

In those situations where one of the options above has been used, forest practices applications may still be classified as Class IV-Special based upon the presence of one or more

of the factors listed in WAC 222-16-050(1), other than critical wildlife habitat (state) or critical habitat (federal) for the species covered by the existing plan.

(7) The department, in consultation with the department of fish and wildlife, shall review each SOSEA to determine whether the goals for that SOSEA are being met through approved plans, permits, statements, letters, or agreements referred to in subsection (6) of this section. Based on the consultation, the department shall recommend to the board the suspension, deletion, modification or reestablishment of the applicable SOSEA from the rules. The department shall conduct a review for a particular SOSEA upon approval of a landowner option plan, a petition from a landowner in the SOSEA, or under its own initiative.

(8) The department, in consultation with the department of fish and wildlife, shall report annually to the board on the status of the northern spotted owl to determine whether circumstances exist that substantially interfere with meeting the goals of the SOSEAs.

AMENDATORY SECTION (Amending WSR 98-07-047, filed 3/13/98, effective 5/1/98)

WAC 222-20-010 Applications and notifications—Policy. (1) **No Class II, III or IV forest practices** shall be commenced or continued unless the department has received a notification for Class II forest practices, or approved an application for Class III or IV forest practices pursuant to the act. Where the time limit for the department to act on the application has expired, and none of the conditions in WAC 222-20-020(1) exist, the operation may commence. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

(2) **The department shall** prescribe the form and contents of the notification and application, which shall specify what information is needed for a notification, and the information required for the department to approve or disapprove the application.

(3) **Applications and notifications** for operations not converting to another use shall be signed by the landowner, the timber owner and the operator, or the operator and accompanied by a consent form signed by the timber owner and the landowner. A consent form may be another document if it is signed by the landowner(s) and it contains a statement acknowledging that he/she is familiar with the Forest Practices Act, including the provisions dealing with conversion to another use (RCW 76.09.060(3)). Where the application is not signed by the landowner, the department shall, provided all the other requirements contained in chapter 222-20 WAC are met, approve the application without the signature of the landowner if:

(a) The operator or timber owner provides legal evidence of timber rights, ownership, or other legal rights;

(b) The timber owner or operator posts a bond, in an amount determined by and a form acceptable to the department, securing compliance with the requirements of the forest practices regulations; and

(c) The operator or timber owner provides evidence of reasonably advance notification to the landowner of the proposed forest practice and that the landowner has been

requested to sign the application, a copy of which has been made available to the landowner: Provided, That in lieu of such evidence the applicant may submit a sworn statement indicating inability to locate the landowner after a reasonable good faith attempt to locate and notify the landowner of the proposed forest practice.

(4) **Where an application** for a conversion is not signed by the landowner or accompanied by a consent form, as outlined in subsection (3) of this section, the department shall not approve the application. Applications and notifications for the development or maintenance of utility rights of way shall not be considered to be conversions.

(5) **Transfer of the approved application or notification** to a new landowner, timber owner or operator requires written notice by the original landowner or applicant to the department and should include the original application or notification number. This written notice shall be in a form acceptable to the department and shall contain an affirmation signed by the new landowner, timber owner, or operator, as applicable, that he/she agrees to be bound by all conditions on the approved application or notification. In the case of a transfer of an application previously approved without the landowner's signature the new timber owner or operator must submit a bond securing compliance with the requirements of the forest practices regulations as determined necessary by the department. If an application or notification indicates that the landowner or timber owner is also the operator, or an operator signed the application, no notice need be given regarding any change in subcontractors or similar independent contractors working under the supervision of the operator of record.

(6) **Applications and notifications** must be delivered to the department at the appropriate region office. Delivery should be in person or by registered or certified mail.

(7) **Applications and notifications** shall be considered received on the date and time shown on any registered or certified mail receipt, or the written receipt given at the time of personal delivery, or at the time of receipt by general mail delivery. Applications or notifications that are not complete, or are inaccurate will not be considered officially received until the applicant furnishes the necessary information to complete the application. A review statement from the U.S. Forest Service that evaluates compliance of the forest practices with the CRGNSA special management area guidelines is necessary information for an application or notification within the CRGNSA special management area. The review statement requirement shall be waived if the applicant can demonstrate the U.S. Forest Service received a complete plan application and failed to act within 45 days. An environmental checklist (WAC 197-11-315) is necessary information for all Class IV applications. A local government entity clearing and/or grading permit is necessary information for all Class IV applications on lands that will be converted to a use other than commercial timber production or on lands which have been platted after January 1, 1960, if the local government entity has jurisdiction and has an ordinance requiring such permit. If a notification or application is delivered in person to the department by the operator or the operator's authorized agent, the department shall immediately provide a dated

receipt. In all other cases, the department shall immediately mail a dated receipt to the applicant.

(8) An operator's name, if known, must be included on any forest practices application or notification. The landowner or timber owner must provide notice of hiring or change of operator to the department within 48 hours. The department shall promptly notify the landowner if the operator is subject to a notice of intent to disapprove under WAC 222-46-070(1). Once notified, the landowner will not permit the operator, who is subject to a notice of intent to disapprove, to conduct the forest practices specified in the application or notification, or any other forest practices until such notice of intent to disapprove is removed by the department.

NEW SECTION

WAC 222-20-015 Multiyear permits. (1) Where a watershed analysis has been approved for a WAU under WAC 222-22-080, landowner(s) may apply for a multiyear permit. The information provided and level of detail must be comparable to that required for a two-year permit. At a minimum, the application must include:

(a) A description of the forest practices to be conducted during the period requested for the permit, and a map(s) showing their locations; and

(b) Prescriptions must be identified where operations are proposed within or include areas of resource sensitivity.

(2) A landowner may apply for a multiyear permit to perform road maintenance or abandonment if the landowner has an approved road maintenance and abandonment plan where the schedule for implementing the plan is longer than two years. The information provided and level of detail must be comparable to that required for two-year permits under WAC 222-24-050.

AMENDATORY SECTION (Amending Order 535, filed 11/16/87, effective 1/1/88)

WAC 222-20-020 Application time limits. (1) A properly completed application shall be approved, conditioned or disapproved within 30 calendar days for Class III and Class IV forest practices, except:

(a) To the extent the department is prohibited from approving the application by the act.

(b) For "Class IV" applications when the department or the lead agency has determined that a detailed environmental statement must be made, the application must be approved, conditioned or disapproved within 60 days, unless the commissioner of public lands promulgates a formal order specifying a later date for completion of the detailed environmental statement and final action on the application. At least 10 days before promulgation of such an order extending the time, the applicant shall be given written notice that the department is requesting such extension; giving the reasons the process cannot be completed within such period; and stating that the applicant may comment in writing to the commissioner of public lands or obtain an informal conference with the department regarding the proposed extension.

(c) When they involve lands platted after January 1, 1960, or lands to be converted, the applicable time limit shall

be no less than 14 business days from transmittal to the county unless the county has waived its right to object or has consented to approval of the application.

(2) Unless the county has waived its rights under the act or consents to approval, the department shall not approve an application involving lands platted after January 1, 1960, in the process of being platted or proposed to be converted to another use until at least 14 business days from the date of transmittal to the county.

(3) Where a notification is submitted for operations which the department determines involve Class III or IV forest practices, the department shall issue a stop work order or take other appropriate action. If the operations were otherwise in compliance with the act and forest practices regulations, no penalty should be imposed for those operations which occurred prior to the enforcement action: Provided, That no damage to a public resource resulted from such operations, and the operations commenced more than 5 days from receipt by the department of the notification.

(4) If the department fails to approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may commence: Provided, That this provision shall not apply where:

(a) The county objects and the application involves lands platted after January 1, 1960, or lands to be converted where the county's right of objection is 14 business days which may be longer than the approval time limit.

(b) The department is prohibited from approving the application by the act.

(c) Compliance with the State Environmental Policy Act requires additional time.

(5) If seasonal field conditions prevent the department from being able to properly evaluate the application, the department may disapprove the application until field conditions allow for an on-site review.

(6) An application for a multiyear permit must be approved, conditioned or disapproved by the department within 45 days of receiving a complete application.

NEW SECTION

WAC 222-20-055 Continuing forest land obligations. Continuing forest land obligations include reforestation, road maintenance and abandonment plans, and harvest strategies on perennial nonfish habitat waters in Eastern Washington.

(1) Prior to the sale or transfer of land or perpetual timber rights subject to continuing forest land obligations under the Forest Practices Act and rules, the seller must notify the buyer of the existence and nature of such a continuing obligation and the buyer must sign a notice of continuing forest land obligation indicating the buyer's knowledge of the obligations. The notice must be:

(a) On a form prepared by the department;

(b) Sent to the department by the seller at the time of sale or transfer of land or perpetual timber rights; and

(c) Retained by the department.

(2) If the seller fails to notify the buyer about the continuing forest land obligation, the seller must pay the buyer's

costs related to continuing forest land obligations, including all legal costs and reasonable attorneys' fees incurred by the buyer in enforcing the continuing forest land obligation against the seller.

(3) Failure by the seller to send the required notice to the department at the time of sale will be prima facie evidence in an action by the buyer against the seller for costs related to the continuing forest land obligation prior to sale.

AMENDATORY SECTION (Amending WSR 92-23-056, filed 11/17/92, effective 12/18/92)

WAC 222-20-080 Application and notification expiration. The approval given by the department to an application to conduct a forest practice shall be effective for a term of two years from the date of approval, with the exception of multiyear permits. Multiyear permits are effective for up to five years. The multiyear permit is not renewable if a five-year watershed analysis review is found necessary by the department and has not been completed. A notification is also effective for a term of two years from the date of receipt.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

WAC 222-22-070 Prescription recommendation. *(1) For each WAU for which a watershed analysis is undertaken, the department, or forest land owner acting under WAC 222-22-040(3), shall assemble a team of field managers qualified under WAC 222-22-030(1). The team shall include persons qualified in the disciplines indicated as necessary in ~~((the methodology))~~ watershed analysis methods, and shall generally include persons qualified in:

- (a) Forest resource management;
- (b) Forest harvest and road systems engineering;
- (c) Forest hydrology; and
- (d) Fisheries science or management.

Any owner, and any cooperating group of owners, of ten percent or more of the nonfederal forest land acreage in the WAU and any affected Indian tribe shall be entitled to include one qualified individual to participate on the team at its own expense.

*(2) Each forest land owner in a WAU shall have the right to submit to the department or the forest land owner conducting the watershed analysis prescriptions for areas of resource sensitivity on its land. If these prescriptions are received within the time period described in subsection (4) of this section, they shall be considered for inclusion in the watershed analysis.

*(3) For each identified area of resource sensitivity, the field managers' team shall, in consultation with the level 1 and level 2 teams, if any, select and recommend to the department prescriptions. These prescriptions shall be reasonably designed to minimize, or to prevent or avoid, as set forth in table 1 in WAC 222-22-050 (2)(d), the likelihood of adverse change and deliverability that has the potential to cause a material, adverse effect to resource characteristics in accordance with the following:

(a) The prescriptions shall be designed to provide forest land owners and operators with as much flexibility as is rea-

sonably possible while addressing the area of resource sensitivity. The prescriptions should, where appropriate, include, but not be limited to, plans for road abandonment, orphaned roads, and road maintenance and plans for applying prescriptions to recognized land features identified in the WAU as areas of resource sensitivity but not fully mapped;

(b) Restoration opportunities may be included as voluntary prescriptions where appropriate;

(c) Each set of prescriptions shall provide for an option for an alternate plan under WAC 222-12-040, which the applicant shows meets or exceeds the protection provided by the other prescriptions approved for a given area of resource sensitivity; and

~~((e))~~ (d) The regulation of forest practices and cumulative effects under this chapter shall not require mitigation for activities or events not regulated under chapter 76.09 RCW. Any hazardous condition subject to forest practices identified in a watershed analysis requiring corrective action shall be referred to the department for consideration under RCW 76.09.300 et seq.

(e) The forests and fish riparian emergency rules, when effective, supersede all existing watershed analysis riparian prescriptions with the exception of riparian management zones for exempt 20-acre parcels, when watershed analysis prescriptions were in effect before January 1, 1999. (See WAC 222-30-021, 222-30-022, and 222-30-023.) No new riparian prescriptions will be written after completion of the riparian management zone assessment report during a watershed analysis.

*(4) The field managers' team shall submit the recommended prescriptions to the department within 30 days of the submission to the department of the level 2 assessment under WAC 222-22-060 or within 21 days of the submission to the department of the level 1 assessment under WAC 222-22-050.

NEW SECTION

WAC 222-22-075 Monitoring. *In connection with any watershed analysis that is not a revision (WAC 222-22-090(4)), monitoring will be required to be completed but implementation of this module would be voluntary unless otherwise required by existing laws and regulations, or required by an HCP implementation agreement. Implementation of the monitoring module will be encouraged when needed as part of the state-wide effectiveness monitoring program.

NEW SECTION

WAC 222-22-076 *Restoration. Restoration opportunities will also be identified based on the watershed resource assessment. Implementation of restoration opportunities will be voluntary.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-22-080 *Approval of watershed analysis.

(1) Upon receipt of the recommended prescriptions resulting

EMERGENCY

from a level 2 assessment under WAC 222-22-060 or a level 1 assessment under WAC 222-22-050 where a level 2 assessment will not be conducted, the department shall select prescriptions. The department shall circulate the draft watershed analysis to the departments of ecology, fish and wildlife, affected Indian tribes, local government entities, forest land owners in the WAU, and the public for review and comment. The prescriptions recommended by the field managers' team shall be given substantial weight. Within thirty days of receipt of the prescriptions, the department shall review comments, revise the watershed analysis as appropriate, and approve or disapprove the watershed analysis for the WAU.

(2) The department should notify any governmental agency or Indian tribe having jurisdiction over activities which are not regulated under chapter 76.09 RCW but which are identified in the draft analysis as having a potential for an adverse impact on identified fish, water, and capital improvements of the state or its political subdivisions.

(3) The department shall approve the draft watershed analysis unless it finds:

(a) For any level 1 assessment or level 2 assessment, that:

(i) The team failed in a material respect to apply the methodology, indices of resource condition, or checklists set forth in the manual; or

(ii) A team meeting the criteria promulgated by the department and using the defined methodologies, indices of resource conditions, and checklists set forth in the manual could not reasonably have come to the conclusions identified in the draft level 1 or level 2 assessment; and

(b) For the prescriptions, that they will not accomplish the purposes and policies of this chapter and of the Forest Practices Act, chapter 76.09 RCW.

(c) In making its findings under this subsection, the department shall take into account its ability to revise assessments under WAC 222-22-090(3).

(4) If the department does not approve the draft watershed analysis, it shall set forth in writing a detailed explanation of the reasons for its disapproval.

(5) All watershed analyses must be reviewed under SEPA on a nonproject basis. SEPA review may take place concurrently with the public review in subsection (1) of this section. (See WAC 222-10-035.)

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-22-090 Use and review of watershed analysis. *(1)* Where a watershed analysis has been completed for a WAU under this chapter:

(a) Any landowner within the WAU may apply for a multiyear permit to conduct forest practices according to the watershed analysis prescriptions. This permit is not renewable if a five-year review is found necessary by the department and has not been completed.

(b) Nonmultiyear forest practices applications and notifications submitted to the department shall indicate whether an area of resource sensitivity will be affected and, if so, which prescription the operator, timber owner, or forest land owner

shall use in conducting the forest practice in the area of resource sensitivity;

~~((b))~~ (c) The department shall assist operators, timber owners, and forest land owners in obtaining governmental permits required for the prescription (see WAC 222-50-020 and 222-50-030);

~~((e))~~ (d) The department shall confirm that the prescription selected under (a) of this subsection was one of the prescriptions approved for the area of resource sensitivity under WAC 222-22-080 and shall require the use of the prescription; and

~~((d))~~ (e) The department shall not further condition forest practice applications and notifications in an area of resource sensitivity in a WAU where the applicant will use a prescription contained in the watershed analysis nor shall the department further condition forest practice applications and notifications outside an area of resource sensitivity in a WAU, except for reasons other than the watershed processes and fish, water, and capital improvements of the state or its political subdivisions analyzed in the watershed analysis in the WAU, and except to correct mapping errors, misidentification of soils, landforms, vegetation, or stream features, or other similar factual errors.

(2) Pending completion of a watershed analysis for a WAU, the department shall process forest practices notifications and applications in accordance with the other chapters of this title, except that applications and notifications received for forest practices on a WAU after the date notice is mailed under WAC 222-22-040(4) commencing a watershed analysis on the WAU shall be conditioned to require compliance with interim, draft, and final prescriptions, as available.

Processing and approval of applications and notifications shall not be delayed by reason of review, approval, or appeal of a watershed analysis.

(3) The board encourages cooperative and voluntary monitoring. Evaluation of resource conditions may be conducted by qualified specialists, analysts, and field managers as determined under WAC 222-22-030. Subsequent watershed analysis and management strategies in response to areas where recovery is not occurring shall be conducted in accordance with this chapter.

(4) Where the condition of resource characteristics in a WAU are fair or poor, the department shall evaluate the effectiveness of the prescriptions applied under this chapter to the WAU in providing for the protection and recovery of the resource characteristic. If the department finds that the prescriptions are not providing for such protection and recovery over a period of 3 years, the department shall repeat the watershed analysis in the WAU. Aside from the foregoing, once a watershed analysis is completed on a WAU, it shall be revised in whole or in part upon the earliest of the following to occur:

(a) Five years after the date the watershed analysis is final, if necessary;

(b) The occurrence of a natural disaster having a material adverse effect on the resource characteristics of the WAU;

(c) Deterioration in the condition of a resource characteristic in the WAU measured over a 12-month period or no improvement in a resource characteristic in fair or poor condition in the WAU measured over a 12-month period unless

the department determines, in cooperation with the departments of ecology, fish and wildlife, affected Indian tribes, forest land owners, and the public, that a longer period is reasonably necessary to allow the prescriptions selected to produce improvement; or

(d) The request of an owner of forest land in the WAU which wishes to conduct a watershed analysis at its own expense.

Revision of an approved watershed analysis shall be conducted in accordance with the processes, methods, and standards set forth in this chapter, except that the revised watershed analysis shall be conducted only on the areas affected in the case of revisions under (b) or (c) of this subsection, and may be conducted on areas smaller than the entire WAU in the case of revisions under (a) and (d) of this subsection. The areas on which the watershed analysis revision is to be conducted shall be determined by the department and clearly delineated on a map before beginning the assessment revision. Forest practices shall be conditioned under the current watershed analysis pending the completion of any revisions.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

WAC 222-24-010 Policy. *(1) A well designed, located, constructed, and maintained system of forest roads is essential to forest management and protection of the public resources. To protect water quality, and riparian aquatic habitat, roads must be constructed and maintained in a manner that will prevent potential or actual damage to public resources. Forest roads should be constructed and maintained as to not result in the delivery of sediment and surface water to any typed water in amounts, at times, or by means, that preclude achieving desired fish habitat and water quality, including restoring and maintaining passage for fish in all life stages. This includes retaining streams in their natural drainages and routing subsurface flow captured by roads and road ditches back onto the forest floor. The road construction and maintenance rules in this chapter assist in achieving these goals. Additional guidance for meeting the goals is identified in the board manual, section 3. If these goals are not achieved using the rules and the applied guidance, additional management strategies must be employed to protect public resources. Riparian areas contain some of the more productive conditions for growing timber, are heavily used by wildlife and provide essential habitat for fish and wildlife and essential functions in the protection of water quality. Wetland areas serve several significant functions in addition to timber production: Providing fish and wildlife habitat, protecting water quality, moderating and preserving water quantity. Wetlands may also contain unique or rare ecological systems.

*~~(2) ((All road and landing construction within wetlands shall be conducted so that choices are made in the following descending order of preference:~~

~~(a) Avoid impacts by selecting the least environmentally damaging landing location, road location and road length; or~~

~~(b) Minimize impacts by such things as reducing the subgrade width, fill acreage and spoil areas; or~~

~~(c) Restore affected areas by removing temporary fills or road sections upon the completion of the project; or~~

~~(d) Reduce or eliminate impacts over time by preserving or maintaining areas; or~~

~~(e) Replace affected areas by creating new wetlands or enhancing existing wetlands.~~

~~*~~(3) An accurate delineation of wetland boundaries shall not be required under this section except where necessary to determine acreage of road or landing construction which fills or drains more than 0.5 acre of a wetland. Landowners are encouraged to voluntarily increase wetland acreage and functions over the long term.~~~~

~~*~~(4)) Extra protection is required during road construction and maintenance to protect ((these)) public resources and timber growing potential. Landowners and fisheries and wildlife managers are encouraged to cooperate ((to develop)) in the development of road management and abandonment plans. Landowners are further encouraged to cooperate in sharing roads to minimize road mileage and avoid duplicative road construction.~~~~

~~((~~(5))~~)*~~(3) This section covers the location, design, construction, maintenance and abandonment of forest roads, bridges, stream crossings, quarries, borrow pits, and disposal sites used for forest road construction and is intended to assist landowners in proper road planning, construction and maintenance so as to protect public resources.~~~~

(Note: Other laws and regulations and/or permit requirements may apply. See chapter 222-50 WAC.)

NEW SECTION

WAC 222-24-015 Construction in wetlands. *(1) In order to assure that there is no net loss of wetland function, all road and landing construction near or within wetlands must be conducted so that selection of choices are made in the following order with avoidance being the most preferred and replacement being the least preferred alternative:

(a) Avoid impacts by selecting the least environmentally damaging landing location, road location and road length. Landowners must attempt to minimize road length concurrently with the attempt to avoid wetlands; or

(b) Minimize impacts by reducing the subgrade width, fill acreage and spoil areas; or

(c) Restore affected areas by removing temporary fills or road sections upon the completion of the project; or

(d) Reduce or eliminate impacts over time by preserving or maintaining areas; or

(e) Replace affected areas by creating new wetlands or enhancing existing wetlands.

*~~(2) An accurate delineation of wetland boundaries will not be required under this section except where necessary to determine acreage of road or landing construction which fills or drains more than (0.1) one tenth acre of a wetland. All such mapping must follow the delineation and mapping standards outlined in the board manual, section 8.~~

*~~(3) Approximate determination of wetland boundaries, following the guidelines in the board manual, shall be required for the purpose of avoidance during design and construction of roads. Landowners should attempt to minimize road length concurrently with the attempt to avoid wetlands. Delineation, following the guidelines in the board manual, shall be required to determine the length of road constructed~~

within a wetland in order to determine acreage when replacement by substitution or enhancement of a wetland is required. The requirement for accurate delineation shall be limited to the area of the wetland proposed to be filled.

*(4) Filling or draining more than 0.5 acre of a wetland requires replacement by substitution or enhancement of the lost wetland functions. (See the board manual, section 9.) The objective of successful replacement by substitution of lost wetland area will be generally on a two-for-one basis and of the same type and in the same general location. The objective of enhancing wetlands function is to provide for an equivalent amount of function to replace that which is lost. See WAC 222-16-050 (1)(i).

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-24-020 Road location and design. (1) Fit the road to the topography so that a minimum of alterations to the natural features will occur.

*(2) (~~Minimize roads along or within narrow canyons, riparian management zones, wetlands and wetland management zones.~~)

(a)) Except (~~where~~) for crossings (~~are necessary~~), new stream-adjacent parallel roads shall not be located within natural drainage channels, channel migration zones and riparian management zones when there would be substantial loss or damage to fish or wildlife habitat unless the department has determined that other alternatives will cause greater damage to public resources. Proposals with new stream-adjacent parallel roads will require an on-site review by an interdisciplinary team. The appropriate federal representative(s) will be invited to attend the interdisciplinary team to determine if the proposal is in compliance with the Endangered Species Act.

(~~(b) Roads shall not be located in wetlands when there would be substantial loss or damage to wetland functions or acreage unless the department has determined that alternatives will cause greater damage to public resources.~~)

(~~e) Approximate determination of wetland boundaries shall be required for the purpose of avoidance during design and construction of roads. Landowners should attempt to minimize road length concurrently with the attempt to avoid wetlands. Delineation shall be required to determine the length of road constructed within a wetland in order to determine acreage when replacement by substitution or enhancement of a wetland is required. The requirement for accurate delineation shall be limited to the area of the wetland proposed to be filled.~~)

*(3) Roads shall not be constructed in bogs or low nutrient fens.

*(4) Roads shall not be located in wetlands if there would be substantial loss or damage to wetland functions or acreage, unless the department has determined that alternatives will cause greater damage to public resources.

*(5) Minimize the number of stream crossings.

(~~(4))~~) *(6) Where stream crossings are necessary:

(a) Design stream crossings to minimize alterations to natural features;

(b) Locate and design culverts to minimize sediment delivery; and

(c) Whenever practical, cross streams at right angles to the main channel.

(~~(5))~~) *(7) Avoid duplicative roads by keeping the total amount of construction to a minimum. Use existing roads whenever practical and avoid isolating patches of timber which, when removed, may require unnecessary road construction.

(~~(6) Where feasible, do not locate roads on excessively steep or unstable slopes or known slide prone areas as determined by the department. The department shall determine whether slopes are unstable using available soils information, or from evidence of geologically recent slumps or slides, or where the natural slope exceeds the angle of repose for the particular soil types present, or where springs or seeps may indicate unstable conditions are present in or above the construction site.~~)

Essential road construction will be accomplished by end hauling, over hauling, or other special road construction techniques unless the department determines there is potential for damage to public resources under WAC 222-16-050 (1)(e).))

*(8) All new road construction on side slopes that exceed 60 percent which have the potential to deliver sediment to any typed water or wetland must utilize full bench construction techniques, including end hauling, over hauling or other special techniques. The department may waive the full bench construction requirement if a site review is conducted and the absence of delivery potential to any typed water or wetlands is determined.

(9) Use the minimum design standard that produces a road sufficient to carry the anticipated traffic load with reasonable safety.

*(10) Subgrade width should average not more than 32 feet for double lane roads and 20 feet for single lane roads, exclusive of ditches, plus any additional width necessary for safe operations on curves and turnouts. Where road location in wetlands is unavoidable (see WAC 222-24-015 (1)(b)), minimize subgrade width.

(11) Balance excavation and embankments so that as much of the excavated material as is practical will be deposited in the roadway fill sections. Where full bench construction is necessary, design suitable embankments so that the excavated material may be end hauled to appropriate deposit areas.

(12) Cut and fill slopes must be designed and constructed in a manner that will assure a high likelihood of remaining stable throughout the life of the road.

*(13) All roads shall be outsloped or ditched on the uphill side and appropriate surface drainage shall be provided by the use of adequate drainage structures such as: Cross drains, ditches, drivable dips, relief culverts, water bars, diversion ditches, or other such structures demonstrated to be equally effective.

*(14) Drainage structures shall not discharge onto erodible soils, or over fill slopes unless adequate outfall protection is provided.

*(15) Relief culverts installed on forest roads shall meet the following minimum specifications: (See the board manual, section 3 for culvert spacing.)

(a) Be at least 18 inches in diameter or equivalent in western Washington and 15 inches in diameter or equivalent in eastern Washington.

(b) Be installed in a manner that efficiently captures ditchline flow and passes it to the outside of the road.

*(16) Ditch diversion. Where roadside ditches slope toward any typed water, or Type A or B Wetland, a ditch relief structure must be located as close to the stream crossing or wetland as possible so it drains off before reaching the stream. The relief structure must allow the sediment to be deposited onto the forest floor and not carry surface water or sediment into the stream channel or wetland.

*(17) Outslope the road surface where practical. Where outslipping is not practical, provide a ditch with cross drains on the inside of the road, except where roads are constructed in rock or other materials not readily susceptible to erosion.

*(18) Crown or slope the road to prevent the accumulation of water on the road surface.

*(19) Install rock armor headwall inlets on all stream-crossing culverts where the stream gradient above the crossing is greater than 6 percent.

*(20) Install rock armored headwalls and rock armored ditchblocks for cross drain culverts located on erodible soils or where the affected road has a gradient greater than 6 percent.

*(21) Install drainage structures at locations where seeps and springs are known or discovered during construction to route accumulated surface water across the road prism. The water from the seeps and springs must be returned to the forest floor as close to the point of origin as reasonably practicable.

*(22) The department may require additional information for proposed road construction as part of a complete application, including:

(a) A map with detailed topographic information showing the location and alignment of the road in relation to all typed water and wetlands as required in WAC 222-16-035;

(b) Location, size, alignment and number of water crossing and drainage structures;

(c) Detailed plans for bridges, large culverts or other complex elements of the proposal; and

(d) Other information identified by the department.

NEW SECTION

WAC 222-24-026 Temporary roads. (1) A temporary road is intended for use during the life of an approved application/notification.

(2) It must be constructed in a manner to facilitate closure and abandonment when the intended use is completed.

*(3) It must be designed to provide the same level of protection for public resources as provided by the rules during the length of its use.

(4) All temporary roads must be identified on the forest practices application or notification, along with an abandon-

ment date. Abandonment must be accomplished under WAC 222-24-052*(3) to the specifications approved by the department by the date specified in the approved forest practices application.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-24-030 Road construction. (1) **Right of way timber**~~((—Merchantable right of way timber))~~ shall be removed or decked in suitable locations where the decks will not be covered by fill material or act as support for the fill or embankment.

*(2) ~~((Debris burial.~~

~~((a)) In permanent road construction, do not bury:~~

~~((+)) (a) Loose stumps, logs or chunks containing more than 5 cubic feet in the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.~~

~~((+)) (b) Any significant amount of organic debris within the top 2 feet of the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.~~

~~((+++)) (c) Excessive accumulation of debris or slash in any part of the load-bearing portion of the road fill, except as puncheon across wetlands or for culvert protection.~~

~~((b) In the cases where temporary roads are being constructed across known areas of unstable soils and where possible construction failure would directly impact waters, the requirements in (a), (i), (ii) and (iii) of this subsection shall apply. A temporary road is a roadway which has been opened for the purpose of the forest practice operation in question, and thereafter will be an inactive or abandoned road.))~~

(3) **Compact fills.** During road construction, fills or embankments shall be built up by layering. Each layer shall be compacted by operating the tractor or other construction equipment over the entire surface of the layer. Chemical compacting agents may be used in accordance with WAC 222-38-020.

*(4) **Stabilize soils.** ~~((When soil, exposed by road construction, appears to be unstable or erodible and is so located that slides, slips, slumps, or sediment may reasonably be expected to enter Type 1, 2, 3 or 4 Water and thereby cause damage to a public resource, then such exposed soil areas shall be seeded with grass, clover, or other ground cover, or be treated by erosion control measures acceptable to the department. Avoid introduction of nonnative plant species, as listed in the board manual, to wetlands and wetland management zones.))~~ Erodible soil disturbed during road construction and located where it could reasonably be expected to enter the stream network must be seeded with noninvasive plant species. The use of local area native species, adapted for rapid revegetation is preferred. Treatment with other erosion control measures may be approved by the department.

*(5) **Channel clearance.** Clear stream channel of all debris and slash generated ~~((during))~~ by the operations prior to the removal of equipment from the vicinity, or the winter season, whichever is first. (See the board manual, section 4 for debris removal guidelines.)

*(6) **Drainage.**

(a) All required ditches, culverts, cross drains, drainage dips, water bars, and diversion ditches shall be installed concurrently with the construction of the roadway.

(b) Uncompleted road construction to be left over the winter season or other extended periods of time shall be drained by outsloping or cross draining. Water bars and/or dispersion ditches may also be used to minimize eroding of the construction area and stream siltation. Water movement within wetlands must be maintained.

*** (7) Moisture conditions.** Construction shall be accomplished when moisture and soil conditions are not likely to result in excessive erosion and/or soil movement, so as to avoid damage to public resources.

*** (8) End haul/sidecasts.** End haul or overhaul construction is required where significant amounts of sidecast material would rest below the ~~((50-year))~~ 100-year flood level of ~~((a Type 1, 2, 3, or 4))~~ any typed water, within the boundary of a Type A or Type B Wetland or wetland management zones or where the department determines there is a potential for mass soil failure from overloading on unstable slopes or from erosion of side cast material causing damage to the public resources.

*** (9) Waste disposal.** When spoil, waste and/or other debris is generated during construction, this material shall be deposited or wasted in suitable areas or locations and be governed by the following:

(a) Spoil or other debris shall be deposited above the ~~((50-year))~~ 100-year flood level of ~~((Type 1, 2, 3, or 4 Waters))~~ any typed waters or in other suitable locations ~~((so as))~~ to prevent damage to public resources. The material shall be stabilized ~~((by erosion control measures as necessary to prevent the material from entering the waters))~~ using the recommended schedule and procedures found in the board manual, section 3.

(b) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavailable. No spoil area greater than 0.5 acre in size shall be allowed within wetlands. (See WAC 222-24-015, Construction in wetlands.)

(10) Disturbance avoidance for northern spotted owls. Road construction, operation of heavy equipment and blasting within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(11) Disturbance avoidance for marbled murrelets.

(a) Road construction and operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season; and

(b) Blasting shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the critical nesting season.

(c) Provided that, these restrictions shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-24-035 Landing location and construction.

*** (1) Landing location:**

Locate landings to prevent potential or actual damage to public resources. Avoid excessive excavation and filling. Landings shall not be located within natural drainage channels, channel migration zones and riparian management zones in Type A or B Wetlands or their wetland management zones when there would be substantial loss or damage to fish or wildlife habitat unless the landowner adequately demonstrates that other alternatives will cause greater damage to public resources. Minimize placement and size of landings within forested wetlands. ~~((Landings shall not be located in Type A or B Wetlands or their wetland management zones.))~~ (See WAC 222-24-015, Construction in wetlands.)

(2) Landing construction.

(a) Landings requiring sidecast or fill shall be no larger than reasonably necessary for safe operation of the equipment expected to be used.

* (b) Where the ~~((average general))~~ slopes exceed ~~((65))~~ 60 percent, fill material used in construction of landings shall be free from loose stumps and excessive accumulations of slash and shall be mechanically compacted where necessary and practical in layers by tractor to prevent soil erosion and mass soil movement. Chemical compacting agents may be used in accordance with WAC 222-38-020.

* (c) Truck roads, skid trails, and fire trails shall be outsloped or cross drained uphill of landings and the water diverted onto the forest floor away from the toe of any landing fill.

* (d) Landings shall be sloped to minimize accumulation of water on the landing.

* (e) Excavation material shall not be sidecast where there is high potential for material to enter Type A or B Wetlands or wetland management zones or ~~((below))~~ within the ~~((ordinary high water mark))~~ bankfull width of any stream or the ~~((50-year))~~ 100-year flood level of ~~((Type 1, 2, 3, or 4 Water))~~ any typed water.

* (f) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavailable. No spoil area greater than 0.5 acre in size shall be allowed within wetlands. (See WAC 222-24-015, Construction in wetlands.)

*** (3) Temporary landings.**

(a) A temporary landing is intended for use during the life of an approved application/notification.

(b) It must be constructed to facilitate abandonment when the intended use is complete or upon seasonal shut-down, whichever is sooner.

(c) It must be designed to provide the same level of protection for public resources as provided by the rules during the length of its intended use.

(d) Temporary landings must be identified on the forest practices application or notification, along with an abandonment date.

(e) Temporary landings must be abandoned to the specifications approved by the department by the date specified on the approved forest practices application.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-24-040 Water crossing structures. *(1) ~~(Bridge construction.)~~ General provisions for all typed waters.

In addition to the applicable general provisions below, installation, maintenance and removal of water crossing structures in or across the bankfull width of Type 1, 2 or 3 Waters are subject to hydraulic code rules, chapter 220-110 WAC, and require hydraulic project approval (HPA) issued by the department of fish and wildlife. HPAs may be required on Type 4 and 5 Waters.

(a) Bridges are required for new crossings ~~(of any Type 1 or 2 Waters)~~ and reconstructed crossings of any typed waters regularly used for recreational boating.

~~(b) (Permanent bridges shall not constrict clearly defined channels and shall be designed to pass the 50-year flood level or the road shall be constructed to provide erosion protection from the 50-year flood waters which exceed the water-carrying capacity of the drainage structure.)~~ Structures containing concrete must be sufficiently cured prior to contact with water.

(c) One end of each new or reconstructed permanent log or wood bridge shall be tied or firmly anchored if any of the bridge structure is within 10 vertical feet of the ~~(50-year)~~ 100-year flood level.

~~(d) (Excavation for bridges, placement of sills or abutments, and the placement of stringers or girders shall be accomplished from outside the ordinary high water mark of all waters, except when such operations are authorized by a hydraulic project approval.~~

~~(e) Earth embankments constructed for use as bridge approaches shall be protected from erosion by high water. Some examples of protection are: Planted or seeded ground cover, bulkheads, rock riprap, or retaining walls.)~~ Alterations or disturbance of the stream bed, bank or bank vegetation must be limited to that necessary to construct the project. All disturbed areas must be stabilized and restored according to the recommended schedule and procedures found in the board manual. This requirement may be modified or waived by the department, in consultation with the department of fish and wildlife, if precluded by engineering or safety factors.

~~(f)~~ (e) When earthen materials are used for bridge surfacing, only clean sorted gravel may be used, a geotextile lining must be installed and curbs of sufficient size shall be

installed to ~~((be))~~ a height above the surface material ~~((and))~~ to prevent ~~((such))~~ surface material from falling into the stream bed.

*~~(2)~~ **Bridges over Type 4 and 5 Waters.** In addition to the applicable general provisions above, installation, maintenance, and removal of permanent bridges in or across Type 4 and 5 Waters are subject to the following:

(a) Permanent bridges must not constrict clearly defined channels and must be designed and installed to pass the 100-year flood. The bridge and its associated embankments and fills must provide sufficient erosion protection to withstand a 100-year flood event.

(b) Excavation for and placement of the bridge foundation and superstructure must be located and conducted from outside the bankfull width. This requirement may be waived by the department, in consultation with the department of fish and wildlife, if it can be demonstrated that these activities may be conducted in such a manner to prevent damage to public resources.

(c) Earthen embankments constructed for use as bridge approaches must be provided with sufficient erosion protection to withstand a 100-year flood event.

*~~(3)~~ **Culvert installation for Type 4 and 5 Waters.** In addition to applicable general provisions above, installation, maintenance and removal of permanent culverts in or across Type 4 and 5 Waters are subject to the following provisions:

(a) All permanent culverts ~~((installed in forest roads shall be of a size that is adequate to carry the 50-year flood or the road shall be constructed to provide erosion protection from the 50-year flood waters which exceed the water-carrying capacity of the drainage structure. Refer to "Recommended culvert sizes" in the forest practices board manual for the size of permanent culverts recommended for use in forest roads.))~~ must be designed to pass the 100-year flood event with consideration for the passage of debris likely to be encountered.

(b) The culvert and its associated embankments and fills must have sufficient erosion protection to withstand the 100-year flood event. Erosion protection may include armored overflows or the use of clean coarse fill material.

(c) If the department determines that because of unstable slopes the culvert size shown on that table ~~((is))~~ would be inadequate to protect public resources, it may require a larger culvert ~~((sizes in accordance with the nomograph (chart) contained in the forest practices board manual or with other))~~ designed using generally accepted engineering principles.

~~((a))~~ (d) No permanent culverts shall be installed that are smaller than:

(i) ~~(24 inches in diameter or the equivalent for anadromous fish streams or wetlands where anadromous fish are present:~~

~~(ii) 18 inches or the equivalent for resident game fish streams:~~

~~(iii) 18 inches or the equivalent for all other water or wetland crossings in western Washington:~~

~~(iv) 15 inches or the equivalent for all other water or wetland crossings in eastern Washington:~~

~~(b))~~ 24 inches for Type 4 Waters.

(ii) 18 inches for Type 5 Waters in western Washington.

(iii) 15 inches for Type 5 Waters in eastern Washington.

(e) The alignment and slope of the culvert shall parallel the natural flow of the stream whenever possible.

~~((e))~~ When fish life is present, construct the bottom of the culvert at or below the natural stream bed at the inlet and outlet.

(d) ~~Terminate culverts on materials that will not readily erode, such as riprap, the original stream bed (if stable), or other suitable materials.~~

(e) ~~If water is diverted from its natural channel, return this water to its natural stream bed via culvert, flume, spillway, or the equivalent.~~

(f) ~~When flumes, downspouts, downfall culverts, etc., are used to protect fill slopes or to return water to its natural courses, the discharge point shall be protected from erosion by: (i) Reducing the velocity of the water, (ii) use of rock spillways, (iii) riprap, (iv) splash plates, or (v) other methods or structures demonstrated to be equally effective.~~

~~((g))~~ (f) Culverts must be designed and installed so they will not cause scouring of the stream bed and erosion of the banks in the vicinity of the project.

~~((g))~~ When the department determines that installing a culvert in a flowing stream will result in excessive siltation and turbidity, and siltation and turbidity would be reduced if stream flow were diverted, the department shall require the stream flow be diverted using a bypass flume or culvert, or by pumping the stream flow around the work area. This may include culvert installations that are within 0.25 miles of a Type 1, 2, or 3 Water or within two miles of a hatchery intake in consultation with the department of fish and wildlife.

(h) Fill associated with culvert installation must have sufficient erosion protection to withstand the 100-year flood.

(i) Stream beds shall be cleared for a distance of 50 feet upstream from the culvert inlet of such slash or debris that reasonably may be expected to plug the culvert.

~~((h))~~ (j) The entrance of all culverts (~~should~~) shall have adequate catch basins and headwalls to minimize the possibility of erosion or fill failure.

~~((*(3))~~ Culverts in anadromous fish streams. In addition to the requirements of subsection (2) of this section, in streams used by anadromous fish:

(a) ~~Culverts shall be either open bottomed or have the bottom covered with gravel and installed at least 6 inches below the natural stream bed at the inlet and outlet.~~

(b) ~~Closed bottom culverts shall not slope more than 1/2 percent; except as provided in (e) of this subsection; open bottom culverts shall not slope more than the natural slope of the stream bed.~~

(e) ~~Where multiple culverts are used, one culvert shall be at least 6 inches lower than the other(s).~~

(d) ~~Culverts shall be set to retain normal stream water depth throughout the culvert length. A downstream control may be required to create pooled water back into the culvert and to insure downstream stream bed stability.~~

(e) ~~Closed bottom culverts, set at existing stream gradients between 1/2 percent and 3 percent slope shall be designed with baffles for water velocity control, or have an approved designed fishway.~~

(f) ~~The department, after consultation with the department of fish and wildlife, shall impose any necessary limita-~~

~~tions on the time of year in which such culverts may be installed to prevent interference with migration or spawning of anadromous fish.~~

~~((g))~~ Any of the requirements in (a) through (f) of this subsection may be superseded by a hydraulic project approval.)

*((4)) Temporary water crossings in Type 4 and 5 Waters. In addition to the applicable general provisions above, installation, maintenance and removal of temporary bridges or other structures in or across Type 4 and 5 Waters are subject to the following:

(a) A temporary water crossing is intended for use during the life of an approved application/notification.

(b) It must be constructed to facilitate abandonment when the intended use is complete or upon seasonal shut-down, whichever is sooner.

(c) Temporary water crossings must be identified on the forest practices application or notification, along with an abandonment date.

~~((a))~~ (d) Temporary ((bridges and culverts, adequate to carry the highest anticipated flow in lieu of carrying the 50-year flood;)) water crossings may be used:

(i) In ((the westside region)) western Washington if installed after June 1 and removed by September 30 of the same year.

(ii) In ((the eastside region)) eastern Washington if installed after the spring runoff and removed prior to the snow buildup which could feed a heavy runoff.

(iii) At other times, when the department and applicant can agree to specific dates of installation and removal.

~~((b))~~ (e) Temporary water crossings must be designed to pass the highest peak flow event expected to occur during the length of its intended use.

(f) When the department determines that installing a culvert in a flowing stream will result in excessive siltation and turbidity, and siltation and turbidity would be reduced if stream flow were diverted, the department shall require the stream flow be diverted using a bypass flume or culvert, or by pumping the stream flow around the work area. This may include culvert installations that are within 0.25 miles of a Type 1, 2, or 3 Water or within two miles of a hatchery intake, in consultation with the department of fish and wildlife.

(g) Temporary ((bridges and culverts)) water crossings shall be promptly removed ((upon completion of use;)) and ((the approaches)) abandoned to the specifications approved by the department upon completion of use or by the date specified in the approved forest practices application, whichever is earlier. Approaches to the crossing shall be water barred and stabilized at the time of the crossing removal. The department may waive removal of the water crossing if the applicant secures an amended forest practices application, and the structure and its approaches meet all of the requirements of a permanent water crossing structure.

~~((e))~~ (h) Temporary wetland crossings shall be abandoned and restored based on a written plan approved by the department prior to construction.

(i) Temporary water crossings must be designed to provide the same level of protection for public resources as provided by rules during the length of its use.

* (5) Properly prepared and maintained fords may be used in Type 4 and 5 Waters during periods of low water ((providing a hydraulic permit is acquired)).

(a) Entry and exit points for each ford must be located as close to perpendicular along the stream as possible, but will not exceed 100 feet upstream or downstream of each other. Approaches to the ford will not run adjacent to the stream.

(b) Ford locations must be shown on the forest practices application.

(c) Best management practices for construction, maintenance and use will be utilized as appropriate or as required by conditions on the approved forest practices application.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-24-050 *Road maintenance. The goals for road maintenance are established in WAC 222-24-010. All forest roads must be improved and maintained to the standards of this chapter within 15 years of the effective date of these rules. Guidelines for how to meet these goals and standards are in the board manual, section 3. Work performed toward meeting the standards must generally be even flow over the 15-year period with priorities for achieving the most benefit to public resources early in the period. Replacement will not be required for existing culverts functioning with little risk to public resources or for culverts installed under an approved forest practices application or notification if they have been properly maintained and are capable of passing fish, until the end of the culvert's functional life.

* ((+)) Road maintenance and abandonment plan. All forest roads must be maintained to meet road construction standards in chapter 222-24 WAC within 15 years of the effective date of this rule.

((a) The landowner when notified by the department shall submit a plan for road maintenance and abandonment for those drainages or road systems the department determines based on physical evidence to have a potential to damage public resources. The plan is subject to annual review and shall include:

- (i) Ownership maps showing the road or road system;
- (ii) Road status, whether active, inactive, abandoned or planned for abandonment;
- (iii) Maintenance schedule and priorities for the year; and
- (iv) Plan for further maintenance and reconstruction beyond the current year for repair of extensive damage.

(b) The plan shall be submitted to the department region office on or before June 30, 1988, and each June 30th thereafter unless the department agrees that no further plans are necessary.

(c) The department will review the plan annually with the landowner to determine whether it will be effective and is being implemented.

(d) Such plans shall also be reviewed with departments of ecology, fish and wildlife, and affected Indian tribes, any of whom may request an informal conference with the landowner.

* (2) Active roads. An active road is a forest road being actively used for hauling of logs, pulpwood, chips, or other major forest products or rock and other road building materials. To the extent necessary to prevent damage to public resources, the following maintenance shall be conducted on such roads:

(a) Culverts and ditches shall be kept functional.

(b) Road surface shall be maintained as necessary to minimize erosion of the surface and the subgrade.

(c) During and on completion of operations, road surface shall be crowned, outsloped, or water barred and berms removed from the outside edge except those intentionally constructed for protection of fills.

* (3) Inactive roads. An inactive road is a forest road on which commercial hauling is discontinued for 1 or more logging seasons, and the forest landowner desires continuation of access for fire control, forest management activities, Christmas tree growing operations, occasional or incidental use for minor forest products harvesting or similar activities on such inactive roads:

(a) Before the first winter rainy season following termination of active use, nonfunctional ditches and culverts shall be cleared and the road surface shall be crowned, outsloped, water barred or otherwise left in a condition not conducive to accelerated erosion or interrupt water movement within wetlands; and

(b) Thereafter, except as provided in (c) of this subsection, the landowner shall clear or repair ditches or culverts which he/she knows or should know to be nonfunctional and causing or likely to cause material damage to a public resource.

(c) The landowner shall not be liable for penalties or monetary damages, under the act, for damage occurring from a condition brought about by public use, unless he/she fails to make repairs as directed by a notice to comply.

* (4) Additional culverts/maintenance. If the department determines based on physical evidence that the above maintenance has been or will be inadequate to protect public resources and that additional measures will provide adequate protection it shall require the landowner or operator to either elect to:

(a) Install additional or larger culverts or other drainage improvements as deemed necessary by the department; or

(b) Agree to an additional road maintenance program. Such improvements in drainage or maintenance may be required only after a field inspection and opportunity for an informal conference.

* (5) Abandoned roads. An abandoned road is a forest road which the forest landowner has abandoned in accordance with procedures of (a) through (c) of this subsection. Roads are exempt from maintenance only after (c) of this subsection is completed:

(a) Roads are outsloped, water barred, or otherwise left in a condition suitable to control erosion and maintain water movement within wetlands; and

(b) Ditches are left in a suitable condition to reduce erosion; and

~~(e) The road is blocked so that four wheel highway vehicles can not pass the point of closure at the time of abandonment; and~~

~~(d) Bridges, culverts, and fills on all waters are removed, except where the department determines other measures would provide adequate protection to public resources.~~

~~(e) The department shall determine whether the road has been abandoned according to procedures of this subsection. If the department determines the road is properly abandoned, it shall within thirty days notify the landowner in writing that the road is officially abandoned.~~

~~*(6) **Brush control.** Chemical control of roadside brush shall not be done where chemicals will directly enter any Type 1, 2, or 3 or flowing Type 4 or 5 Water or Type A or B Wetlands. Refer to WAC 222-38-020 for additional information.~~

~~*(7) **Road surface treatment.**~~

~~(a) Apply oil to the road surface only when the temperature is above 55 degrees F and during the season when there is a minimal chance of rain for the next 48 hours. Use of waste oil is subject to RCW 70.951.060(5).~~

~~(b) Water the road surface prior to application of oil to assist in penetration.~~

~~(c) Construct a temporary berm along the road shoulder wherever needed to control runoff of the applied chemical.~~

~~(d) Take extreme care to avoid excess application of road chemicals. Shut off the flow at all bridges.~~

~~(e) When cleaning out chemical storage tanks or the application equipment tanks used for storage and application of road treatment materials, dispose of the rinse water fluids on the road surface or in a place safe from potential contamination of water.~~

~~(f) The use of dry road chemicals shall be in compliance with WAC 222-38-020.)~~

NEW SECTION

WAC 222-24-051 Road maintenance schedule. All forest roads must be covered under a road maintenance and abandonment plan within 5 years of the effective date of this rule or 2005. This includes all roads that were constructed or used for forest practices after 1974. Inventory and assessment of orphan roads must be included in the road maintenance and abandonment plans as specified in WAC 222-24-052(4).

*(1) Landowners with 500 acres or more of forest land in a DNR region must maintain a schedule of submitting plans to the department that cover 20% of their roads each year.

*(2) Landowners with less than 500 acres of forest land in a DNR region must submit a road maintenance and abandonment plan covering their entire ownership within the DNR region and a complete list of all ownership and acres by parcel in the state prior to or concurrently with a forest practice notification or application for proposed road construction or harvest activities. Once the plan is approved, the landowner must attach or reference the approved road maintenance and abandonment plan when submitting subsequent applications. For those portions of their ownership that fall within a WAU covered by an approved watershed analysis

plan, chapter 222-22 WAC, landowners may follow the WAU road maintenance plan, providing the roads they own are covered by the plan. See the board manual section 3 for road maintenance and abandonment plan outline.

*(3) Road systems or drainages in which improvement, abandonment or maintenance have the highest potential benefit to the public resource are the highest priority. Work on roads that affect the following are presumed to be the highest priority. Plans will be submitted by landowners on a priority basis. Work on roads that affect the following are presumed to be the highest priority in the order listed:

(a) Basins containing, or road systems potentially affecting, waters which either contain a listed threatened or endangered fish species under the federal or state law or a water body listed on the current 303(d) water quality impaired list for road related issues.

(b) Basins containing, or road systems potentially affecting, sensitive geology/soils areas with a history of slope failures.

(c) Road systems or basins where other restoration projects are in progress or may be planned coincident to the implementation of the proposed road plan.

(d) Road systems or basins likely to have the highest use in connection with future forest practices.

*(4) Road maintenance and abandonment plans must pay particular attention to:

(a) Roads that deliver sediment to typed water or block fish passage;

(b) Roads or ditchlines that intercept ground water; and

(c) Roads that deliver surface water to any typed waters.

*(5) Road maintenance and abandonment plans must include:

(a) Ownership maps showing all forest roads, including orphan roads' planned and potential abandonment, all typed water, Type A and B Wetlands that are adjacent to or crossed by roads, stream adjacent roads and an inventory of the existing condition; and

(b) Detailed description of the first five years work with a schedule to complete the entire plan within fifteen years; and

(c) Standard practices for routine road maintenance; and

(d) Storm maintenance strategy that includes prestorm planning, emergency maintenance and post storm recovery; and

(e) Inventory and assessment of the risk to public resources or public safety of orphaned roads; and

(f) Forest practice application for all detailed work covered by the plan for up to 5 years.

*(6) Priorities for road maintenance work within plans are:

(a) Removing blockages to fish passage beginning on roads affecting the most habitat first, generally starting at the bottom of the basin and working upstream;

(b) Limiting sediment delivery/mass wasting (Areas where sediment delivery or mass wasting will most likely affect bull trout habitat will be given the highest priority.);

(c) Disconnecting road drainage from typed waters;

(d) Repairing or maintaining stream-adjacent parallel roads with an emphasis on minimizing or eliminating water and sediment delivery;

(e) Improve hydrologic connectivity to minimize interruption of surface water drainage, interception of subsurface water, and pirating of water from one basin to another; and

(f) Consideration of operational efficiency.

*(7) Initial plans must be submitted to the department during the year 2001 as scheduled by the department.

*(8) Each year on the anniversary date of the plan's submittal, landowners must report work accomplishments for the previous year and submit modifications existing to the department.

The department's review and approval will be conducted in consultation with the department of ecology, the department of fish and wildlife, affected tribes and interested parties. The department will:

(a) Review the progress of the plans annually with the landowner to determine if the plan is being implemented as approved; and

(b) The plan will be reviewed by the department and approved or returned to the applicant with concerns that need to be addressed within forty-five days of the plan's submittal.

*(9) The department will facilitate an annual water resource inventory area (WRIA) meeting with landowners, the department of fish and wildlife, the department of ecology, affected tribes, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, affected counties, local U.S. Forest Service, watershed councils, and other interested parties. The purpose of the meeting is to:

(a) Suggest priorities for road maintenance and abandonment planning; and

(b) Exchange information on road maintenance and stream restoration projects.

*(10) A forest practice application submitted with a road maintenance plan will be treated as a multiyear permit. The application will be reviewed, approved, conditioned and/or disapproved within 45 days of acceptance. The application will be reviewed in consultation with department of ecology, department of fish and wildlife, affected tribes and interested parties.

*(11) Regardless of the schedule for plan development, roads that are currently used or proposed to be used for timber hauling must be maintained in a condition that prevents potential or actual damage to public resources. If the department determines that log haul on such a road will cause or has the potential to cause material damage to a public resource, the department may require the applicant to submit a plan to address specific issues or segments on the haul route.

*(12) If a landowner is found to be out of compliance with the work schedule of an approved road maintenance and abandonment plan and the department determines that this work is necessary to prevent potential or actual damage to public resources, then the department will exercise its authority under WAC 222-46-030 (notice to comply) and WAC 222-46-040 (stop work order) to restrict use of the affected road segment.

(a) The landowner may submit an alternative maintenance plan for maintenance and abandonment and request permission to use the road for log haul.

(b) The department must approve use of the road if the alternative maintenance plan provides protection of the pub-

lic resource and maintains the overall schedule of maintenance of the road system or basin.

*(13) If a landowner is notified by the department that their road(s) has the potential to damage public resources, the landowner must, within 90 days, submit to the department for review and approval a plan or plans for those drainages or road systems within the area identified by the department.

NEW SECTION

WAC 222-24-052 Maintenance for specific roads and structures. *(1) **Forest roads.** A forest road is a road that is used or has been used since 1974 for hauling of logs, pulp wood, chips, or other major forest products or rock and other road building materials; or provides access for fire control, forest management activities, Christmas tree growing operations, or occasional or incidental use for harvesting minor forest products or similar activities. To the extent necessary to prevent potential or actual damage to public resources, the following maintenance shall be conducted on forest roads, except as addressed in subsections *(5) and *(6) of this section:

(a) Drainage structures shall be kept functional.

(b) Ground water that has been captured by ditchline must be diverted onto the forest floor by using ditchouts, culverts or drivable dips.

(c) Road surface must be maintained as necessary to:

(i) Minimize erosion of the surface and the subgrade;

(ii) Minimize direct delivery of surface water to typed water;

(iii) Minimize sediment entry to typed water;

(iv) Direct any ground water that is captured by the road surface onto the forest floor; and

(v) Maintain the appropriate road design for its location to meet the goals of this subsection, such as:

(A) Outsloping;

(B) Drivable dips;

(C) Insloping; or

(D) Crowning.

(d) During and on completion of the following operations, the road surface shall be crowned, outsloped, or water barred and berms removed from the outside edge except those intentionally constructed for protection of fills:

(i) Log, pulp, chip, or specialized forest product haul;

(ii) Rock haul; and

(iii) Road building.

(e) Before the first winter rainy season following termination of operations, drainage structures must be cleared and the road surface must be crowned, outsloped, water barred or otherwise left in a condition which prevents accelerated erosion, interruption of water movement within wetlands, mass wasting, or direct delivery of water or sediment to a typed water. (See the board manual section 3 for specific guidance.)

(f) Thereafter, except as provided in (d) of this subsection, the landowner must clear or repair ditches or drainage structures that are known or should be known to be nonfunctional and causing or likely to cause material damage to a public resource.

(g) The landowner will not be liable for penalties or monetary damages, under the act, for damage occurring from a condition brought about by public use, unless the landowner fails to make repairs as directed by a notice to comply.

***(2) Additional drainage structure maintenance.** If the department determines, based on a field inspection and physical evidence, that the above road maintenance has been or will be inadequate to protect public resources, and that additional measures will provide adequate protection, the department will require the landowner or operator to install additional or larger drainage structures or other drainage improvements identified as necessary by the department.

***(3) Abandoned roads.** An abandoned road is a road which the forest landowner has abandoned in accordance with procedures of (a) through (e) of this subsection. Roads are exempt from maintenance under this section only after (e) of this subsection is completed.

(a) Roads are outslopped, water barred, or otherwise left in a condition suitable to control erosion and maintain water movement within wetlands and natural drainages;

(b) Ditches are left in a suitable condition to reduce erosion;

(c) The road is blocked so that four wheel highway vehicles cannot pass the point of closure at the time of abandonment;

(d) Water crossing structures and fills on all typed waters are removed, except where the department determines other measures would provide adequate protection to public resources; and

(e) The department shall determine whether the road has been abandoned according to procedures of this subsection. If the department determines the road is properly abandoned, it must notify the landowner in writing within thirty days that the road is officially abandoned.

***(4) Orphaned roads.** An orphaned road is a road or railroad grade that the forest landowner has not used for forest practices activities since 1974. Many of these roads are overgrown or closed off, but have not satisfied the abandonment process.

(a) An inventory and assessment of the risk to public resources or public safety must be completed by the landowner in conjunction with the road maintenance and abandonment plan.

(b) Five years after the effective date of this rule, when the extent of any problems associated with the orphaned roads is known, the hazard-reduction statute will be evaluated to determine if it is still needed and if funds for cost-sharing are needed to effect repair or abandonment of orphan roads. See RCW 76.09.300.

(c) Landowners are not obligated under this rule to repair or abandon such roads before the end of the five year period, but they can voluntarily take this action.

***(5) Brush control.** Chemical control of roadside brush shall not be done where chemicals will directly enter any Type 1, 2, or 3 or flowing Type 4 or 5 Water or Type A or B Wetlands. See WAC 222-38-020 for additional information.

***(6) Road surface treatment.**

(a) Apply oil to the road surface only when the temperature is above 55 degrees F and during the season when there

is a minimal chance of rain for the next 48 hours. Use of waste oil is subject to RCW 70.95I.060(5).

(b) Water the road surface prior to application of oil to assist in penetration.

(c) Construct a temporary berm along the road shoulder wherever needed to control runoff of the applied chemical.

(d) Take extreme care to avoid excess application of road chemicals. Shut off the flow at all bridges.

(e) Dispose of the rinse water fluids on the road surface or in a place safe from potential contamination of water when cleaning out chemical storage and application equipment tanks used for storage and application of road treatment materials.

(f) Comply with WAC 222-38-020 when using dry road chemicals.

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-24-060 Rock quarries, gravel pits, borrow pits, and spoil disposal areas. Not covered by the Surface Mine Reclamation Act of 1971 (chapter 78.44 RCW).

***(1) Location of pits.** Except as approved by the department, rock quarries and gravel pits opened after January 1, 1975 shall be located above the ((50-year)) 100-year flood level.

***(2) Location of spoil disposal areas.** Except as approved by the department, spoil disposal areas shall be located:

(a) Above the ((50-year)) 100-year flood level.

(b) Where the final slope after disposal will be no steeper than 1 1/2:1.

(c) Where practical, on areas having low potential timber productivity.

(d) Where the risk of soil erosion and mass soil movement is minimal.

(e) All spoils shall be placed to allow drainage without additional water ponding.

(f) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavailable. No spoil area greater than 0.5 acre in size shall be allowed within wetlands. (See WAC 222-24-015.)

***(3) Pit drainage.** During construction and use of rock quarries, gravel pits, or borrow pits, runoff water shall be either diverted onto the forest floor or be passed through one or more settling basins as approved by the department.

(4) Rehabilitation required. All rock quarries, gravel pits, spoil disposal areas and borrow pits used after January 1, 1975 shall be reclaimed within 2 years from the time the rock or gravel source is either exhausted or abandoned.

***(5) Rehabilitation standards.** Where rehabilitation is required:

(a) Remove all deleterious material that has potential for damaging the public resource, the soil productivity, or that would prevent reforestation of an otherwise plantable area.

(b) Grade slopes to less than the angle of repose unless otherwise approved.

(c) Reforest in accordance with chapter 222-34 WAC to the extent practical.

(d) Seed (~~((unreforested))~~) nonforested exposed erodible soils with grass, clover or other ground cover.

*** (6) Major spoil disposal operations.** Where a spoil disposal operation involves more than 1,000 cubic yards of spoils:

(a) The spoils shall be placed to provide drainage onto the forest floor without water ponding within the disposal area;

(b) The site shall be reforested in accordance with chapter 222-34 WAC to the extent practical; and

(c) If significant erosion of the spoils develops, the eroding areas shall be water barred and any unreforested areas shall be matted, mulched, or seeded with grass or ground cover.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 222-24-025 Road design.

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-30-010 Policy—Timber harvesting. *** (1)** This ~~((section))~~ chapter covers all removal of timber from forest lands in commercial operations, commercial thinning, salvage of timber, relogging merchantable material left after prior harvests, postharvest cleanup, and clearing of merchantable timber from lands being converted to other uses. It does not cover removal of incidental vegetation or removal of firewood for personal use. To the extent practical the department shall coordinate the activities on a multiple disciplinary planning approach. ~~((The riparian management zone requirements specified in this section are designed to provide protection for water quality and fisheries and wildlife habitat through ensuring present and future supplies of large organic debris for streams, snags, canopy cover, and a multistoried diverse forest adjacent to Type 1, 2 and 3 Waters.))~~

*** (2)** The goal of riparian rules is to protect aquatic resources and related habitat to achieve restoration of high levels of riparian function and maintenance of these levels once achieved. The riparian functions include bank stability, the recruitment of woody debris, leaf litter fall, nutrients, sediment filtering, shade, and other riparian features that are important to both riparian forest and aquatic system conditions.

*** (3)** The rules provide for the conversion and/or treatment of riparian forests which may be understocked, overstocked or uncharacteristically hardwood dominated while maintaining minimum acceptable levels of function on a landscape scale. The diversity of riparian forests across the landscapes is addressed by tailoring riparian prescriptions to the site productivity and tree community at any site.

*** (4)** Wetland areas serve several significant functions in addition to timber production: Providing fish and wildlife habitat, protecting water quality, moderating and preserving water quantity. Wetlands may also contain unique or rare ecological systems. The wetland management zone and wetland requirements specified in this ~~((section))~~ chapter are designed to protect these wetland functions when measured over the length of a harvest rotation, although some of the functions may be reduced until the midpoint of the timber rotation cycle. Landowners are encouraged to voluntarily increase wetland acreage and functions over the long-term.

(Note: Other laws or regulations and/or permit requirements may apply. See chapter 222-50 WAC.)

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-30-020 Harvest unit planning and design.

(1) Logging system. The logging system should be appropriate for the terrain, soils, and timber type so yarding or skidding can be economically accomplished in compliance with these ~~((regulations))~~ rules.

*** (2) Landing locations.** Locate landings to prevent damage to public resources. Avoid excessive excavation and filling.

*** (3) Western Washington riparian management zones.** ~~((These zones shall be measured horizontally from the ordinary high water mark of Type 1, 2 or 3 Water and extend to the line where vegetation changes from wetland to upland plant community, or the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than 25 feet in width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.))~~

~~((a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.))~~

~~((b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.))~~

~~((c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for in the chart below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations. The number, size, species and ratio of leave trees, deciduous to conifer, is specified by the bed material and average width of the water type within the harvest unit. Trees left according to (d) of this subsection may be included in the number of required leave trees in this subsection.))~~

Water Type / Average Width	RMZ Maximum Width	Ratio of Conifer to Deciduous/ Minimum Size Leave Trees	# Trees/1000 ft. each side	
			Gravel/ Cobble <10" Diameter	Boulder/ Bedrock
1 & 2 Water 75' & over	100'	representative of stand	50 trees	25 trees
1 & 2 Water under 75'	75'	representative of stand	100 trees	50 trees
3 Water 5' & over	50'	2 to 1/ 12" or next largest available	75 trees	25 trees
3 Water less than 5'	25'	1 to 1/ 6" or next largest available	25 trees	25 trees

"Or next largest available" requires that the next largest trees to those specified in the rule be left standing when those available are smaller than the sizes specified. Ponds or lakes which are Type 1, 2 or 3 Waters shall have the same leave tree requirements as boulder/bedrock streams.

(d) For wildlife habitat within the riparian management zone, leave an average of 5 undisturbed and uncut wildlife trees per acre at the ratio of 1 deciduous tree to 1 conifer tree equal in size to the largest existing trees of those species within the zone. Where the 1 to 1 ratio is not possible, then substitute either species present. Forty percent or more of the leave trees shall be live and undamaged on completion of harvest. Wildlife trees shall be left in clumps whenever possible.

(e) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and the harvest unit is a clearcutting of 30 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection. (See WAC 222-30-021 and 222-30-023(1).)

* (4) Eastern Washington riparian management zones. ((These zones shall be measured horizontally from the ordinary high water mark of Type 1, 2 or 3 Waters and extend to the line where vegetation changes from wetland to upland plant community, or to the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than the minimum width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management

zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations.

(i) The width of the riparian management zone shall be based on the adjacent harvest type as defined in WAC 222-16-010 "Partial cutting." When the adjacent unit harvest type is:

Partial cutting—The riparian management zone width shall be a minimum of 30 feet to a maximum of 50 feet on each side of the stream.

Other harvest types—The riparian management zone shall average 50 feet in width on each side of the stream with a minimum width of 30 feet and a maximum of 300 feet on each side of the stream.

(ii) Leave tree requirements within the riparian management zones of Type 1, 2 or 3 Waters:

EMERGENCY

~~(A) Leave all trees 12 inches or less in diameter breast height (dbh); and~~

~~(B) Leave all wildlife reserve trees within the riparian management zone where operations in the vicinity do not violate the state safety regulations (chapter 296-54 WAC and chapter 49-17 RCW administered by department of labor and industries, safety division); and~~

~~(C) Leave 16 live conifer trees/acre between 12 inches dbh and 20 inches dbh distributed by size, as representative of the stand; and~~

~~(D) Leave 3 live conifer trees/acre 20 inches dbh or larger and the 2 largest live deciduous trees/acre 16 inches dbh or larger. Where these deciduous trees do not exist, and where 2 wildlife reserve trees/acre 20 inches or larger do not exist, substitute 2 live conifer trees/acre 20 inches dbh or larger. If live conifer trees of 20 inches dbh or larger do not exist within the riparian management zone, then substitute the 5 largest live conifer trees/acre; and~~

~~(E) Leave 3 live deciduous trees/acre between 12 inches and 16 inches dbh where they exist.~~

~~(iii) Minimum leave tree requirements per acre for Type 1, 2 and 3 Waters. Trees left for (e)(ii) of this subsection shall be included in the minimum counts.~~

~~(A) On streams with a boulder/bedrock bed, the minimum leave tree requirements shall be 75 trees/acre 4 inches dbh or larger.~~

~~(B) On streams with a gravel/cobble (less than 10 inches diameter) bed, the minimum leave tree requirement shall be 135 trees/acre 4 inches dbh or larger.~~

~~(C) On lakes or ponds the minimum leave tree requirement shall be 75 trees/acre 4 inches dbh or larger.~~

~~Note: (See the Forest Practices Board Manual for assistance in calculating trees/acre and average RMZ widths.)~~

~~(d) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and either the harvest unit is a clearcutting of 30 acres or less or the harvest unit is a partial cutting of 80 acres or less, leave not less than 50 percent of the trees required in (e) of this subsection. (See WAC 222-16-010 "Partial cutting.") (See WAC 222-30-022 and 222-30-023(2).)~~

~~*(5) Riparian leave tree areas. ((The department will require trees to be left along Type 4 Water where such practices are necessary to protect public resources. Where such practices are necessary leave at least 25 conifer or deciduous trees, 6 inches in diameter or larger, on each side of every 1000 feet of stream length within 25 feet of the stream. The leave trees may be arranged to accommodate the operation.)) (See WAC 222-30-021, 222-30-022, and 222-30-023.)~~

~~*(6) Forested wetlands. Within the wetland, unless otherwise approved in writing by the department, harvest methods shall be limited to low impact harvest or cable systems. Where feasible, at least one end of the log shall be suspended during yarding.~~

~~(a) When forested wetlands are included within the harvest area, landowners are encouraged to leave a portion (30 to 70%) of the wildlife reserve tree requirement for the harvest area within a wetland. In order to retain undisturbed habitat within forested wetlands, these trees should be left in clumps.~~

Leave tree areas should be clumped adjacent to streams, riparian management zones, or wetland management zones where possible and they exist within forested wetlands. Green recruitment trees should be representative of the size and species found within the wetland. Leave nonmerchantable trees standing where feasible.

(b) If a RMZ or WMZ lies within a forested wetland, the leave tree requirement associated with those areas may be counted toward the percentages in (a) of this subsection.

(c) Where riparian associated wetlands are present in the outer zone of a RMZ, trees may be left in the zone to maximize wetland function. See WAC 222-30-021 *(1)(c)(ii).

(d) If the conditions described in (a) and (b) of this subsection are met, the distribution requirements for wildlife reserve trees and green recruitment trees (subsection (11)(e) of this section) are modified as follows: For purposes of distribution, no point within the harvest unit shall be more than 1000 feet from a wildlife reserve tree and green recruitment tree retention area.

((d)) (e) Approximate determination of the boundaries of forested wetlands greater than ((5)) 3 acres shall be required. Approximate boundaries and areas shall be deemed to be sufficient for harvest operations.

((e)) (f) The department shall consult with the department of fish and wildlife and affected Indian tribes about site specific impacts of forest practices on wetland-sensitive species in forested wetlands.

*(7) Wetland management zones (WMZ). These zones shall apply to Type A and B Wetlands, as indicated in (a) of this subsection, and shall be measured horizontally from the wetland edge or the point where the nonforested wetland becomes a forested wetland, as determined by the method described in the board manual, and shall be of an average width as described in (a) of this subsection. These zones shall not be less than the minimum nor more than the maximum widths described in (a) of this subsection. When these zones overlap a riparian management zone the requirement which best protects public resources shall apply.

*(a) Wetland management zones (WMZ) shall have variable widths based on the size of the wetland and the wetland type, described as follows:

WETLAND MANAGEMENT ZONES

Wetland Type	Acres of Nonforested Wetland*	Maximum WMZ Width	Average WMZ Width	Minimum WMZ Width
A (including bogs)	Greater than 5	200 feet	100 feet	50 feet
A (including bogs)	0.5 to 5	100 feet	50 feet	25 feet
A (bogs only)	0.25 to 0.5	100 feet	50 feet	25 feet
B	Greater than 5	100 feet	50 feet	25 feet
B	0.5 to 5			25 feet
B	0.25 to 0.5	No WMZ Required	No WMZ Required	

*For bogs, both forested and non-forested acres are included.

Wetland Management Zones

Wetland Type	Acres of Nonforested Wetland*	Maximum WMZ Width	Average WMZ Width	Minimum WMZ Width
A (including bogs)	Greater than 5	200 feet	100 feet	50 feet
A (including bogs)	0.5 to 5	100 feet	50 feet	25 feet
A (bogs only)	0.25 to 0.5	100 feet	50 feet	25 feet
B	Greater than 5	100 feet	50 feet	25 feet
B	0.5 to 5			25 feet
B	0.25 to 0.5	No WMZ required	No WMZ required	

*For bogs, both forested and nonforested acres are included.

(b) Within the WMZ, leave a total of 75 trees per acre of WMZ greater than 6 inches dbh in Western Washington and greater than 4 inches dbh in Eastern Washington, 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches dbh, where they exist. Leave trees shall be representative of the species found within the WMZ.

(c) Retain wildlife reserve trees where feasible. Type 1 and 3 wildlife reserve trees may be counted among, and need not exceed, the trees required in (b) of this subsection. Leave all cull logs on site.

(d) Partial-cutting or removal of groups of trees is acceptable within the WMZ. The maximum width of openings created by harvesting within the WMZ shall not exceed 100 feet as measured parallel to the wetland edge. Openings within WMZs shall be no closer than 200 feet. Landowners are encouraged to concentrate leave trees within the WMZ to the wetland edge.

*(e) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.

*(f) When 10% or more of a harvest unit lies within any combination of a wetland management zone or a riparian

management zone of Type 1, 2, or 3 Waters and either the harvest unit is a clearcut of 30 acres or less or the harvest unit is a partial cut of 80 acres or less, leave not less than 50% of the trees required in (b) of this subsection.

***(8) Type A or B Wetlands.** Within the boundaries of Type A or B Wetlands the following shall apply:

(a) Individual trees or forested wetland areas less than 0.5 acre in size may occur. These trees have a high habitat value to the nonforested wetland. Leave individual trees or forested wetlands less than 0.5 acre. These trees may be counted toward the WMZ requirements.

(b) Harvest of upland areas or forested wetlands which are surrounded by Type A or B Wetlands must be conducted in accordance with a plan, approved in writing by the department.

(c) No timber shall be felled into or cable yarded across Type A or B Wetlands without written approval of the department.

(d) Harvest shall not be allowed within a Type A Wetland which meets the definition of a bog.

(9) Future productivity. Harvesting shall leave the land in a condition conducive to future timber production except:

(a) To the degree required for riparian management zones; or

(b) Where the lands are being converted to another use or classified urban lands as specified in WAC 222-34-050.

(10) Wildlife habitat. This subsection is designed to encourage timber harvest practices that would protect wildlife habitats, provided, that such action shall not unreasonably restrict landowners action without compensation.

(a) The applicant should make every reasonable effort to cooperate with the department of fish and wildlife to identify critical wildlife habitats (state) as defined by the board. Where these habitats are known to the applicant, they shall be identified in the application or notification.

(b) Harvesting methods and patterns in established big game winter ranges should be designed to insure adequate access routes and escape cover where practical.

(i) Where practical, cutting units should be designed to conform with topographical features.

(ii) Where practical on established big game winter ranges, cutting units should be dispersed over the area to provide cover, access for wildlife, and to increase edge effect.

(11) Wildlife reserve tree management. In areas where leaving wildlife reserve trees under this section will not create a significant fire hazard, or significant hazard to overhead power lines and operations that are proposed in the vicinity of wildlife reserve trees will not create a significant safety or residential hazard nor conflict with achieving conformance with the limitation of or performance with the provisions of chapter 76.04 RCW (snag falling law) and chapter 49.17 RCW (safety), wildlife reserve trees will be left to protect habitat for cavity nesting wildlife in accordance with the following:

(a) In Western Washington, for each acre harvested 3 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. In Eastern Washington for each acre harvested 2 wildlife reserve trees, 2 green recruitment trees, and

2 down logs shall be left. Type 1 wildlife reserve trees may be counted, at the landowner's option, either as a wildlife reserve tree or as a green recruitment tree. If adequate wildlife reserve trees are not available, no additional green recruitment trees will be required as substitutes. Landowners shall not under any circumstances be required to leave more than 2 green recruitment trees per acre for the purpose of wildlife reserve tree recruitment, or be required to leave Type 3 or 4 wildlife reserve trees.

(b) In Western Washington, only those wildlife reserve trees 10 or more feet in height and 12 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. In Eastern Washington, only those wildlife reserve trees 10 or more feet in height and 10 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. Green recruitment trees, 10 or more inches dbh and 30 or more feet in height and with at least 1/3 of their height in live crown, left standing after harvest may be counted toward green recruitment tree requirements. Green recruitment trees and/or wildlife reserve trees left to meet other requirements of the rules or those left voluntarily by the landowner shall be counted toward satisfying the requirements of this section. Large, live defective trees with broken tops, cavities, and other severe defects are preferred as green recruitment trees. Only down logs with a small end diameter greater than or equal to 12 inches and a length greater than or equal to 20 feet or equivalent volume shall be counted under (a) of this subsection. Large cull logs are preferred as down logs.

(c) In the areas where wildlife reserve trees are left, the largest diameter wildlife reserve trees shall be retained to meet the specific needs of cavity nesters. Where the opportunity exists, larger trees with numerous cavities should be retained and count as recruitment trees.

(d) In order to facilitate safe and efficient harvesting operations, wildlife reserve trees and recruitment trees may be left in clumps. For purposes of distribution, no point within the harvest unit shall be more than 800 feet from a wildlife reserve tree or green recruitment tree retention area. Subject to this distribution requirement, the location of these retention areas and the selection of recruitment trees shall be at the landowner's discretion. Closer spacing of retention areas through voluntary action of the landowner is encouraged. Wildlife reserve tree and green recruitment tree retention areas may include, but are not limited to, riparian management zones, riparian leave tree areas, other regulatory leave areas, or voluntary leave areas that contain wildlife reserve trees and/or green recruitment trees.

(e) In order to provide for safety, landowners may remove any Type 3 or 4 wildlife reserve tree which poses a threat to humans working, recreating, or residing within the hazard area of that tree. In order to provide for fire safety, the distribution of wildlife reserve tree retention areas, described in (d) of this subsection, may be modified as necessary based on a wildlife reserve tree management plan proposed by the landowner and approved by the department.

***(12) Channel migration zones.** No harvest, construction or salvage will be permitted within the boundaries of a channel migration zone except for the construction and main-

tenance of road crossings in accordance with applicable rules and the creation and use of yarding corridors consistent with WAC 222-30-020 *(5)(a), 222-30-060(1), and chapter 220-110 WAC.

NEW SECTION

WAC 222-30-021 Western Washington riparian management zones. These rules apply to all typed waters on forest land in Western Washington, except as provided in WAC 222-30-023. RMZs are measured horizontally from the bankfull width or channel migration zone, whichever is greater, and extend to the limits as described in this section. See the board manual section 7 for riparian design and layout guidelines.

***(1) Western Washington RMZs for Type 1, 2 and 3 Waters** have three zones: The core zone is nearest to the water, the inner zone is the middle zone, and the outer zone is furthest from the water. (See definitions in WAC 222-16-010.) RMZ dimensions vary depending on the site class of the land adjacent to the typed water, the management harvest option, and the stream size. See tables for management options 1 and 2 below.

None of the limitations on harvest in each of the three zones listed below will preclude or limit the construction and maintenance of roads for the purpose of crossing streams in WAC 222-24-030 and 222-24-050, or the creation and use of yarding corridors in WAC 222-30-060(1).

The shade requirements in WAC 222-30-040 must be met regardless of harvest opportunities provided in the inner zone RMZ rules. See the board manual section 1.

(a) **Core zones.** No timber harvest or construction is allowed in the core zone except operations related to forest roads as detailed in subsection (1) of this section. Any trees cut for or damaged by yarding corridors in the core zone must be left on the site. Any trees cut as a result of road construction to cross a stream may be removed from the site, unless

used as part of a large woody debris placement strategy or needed to reach stand requirements.

(b) **Inner zones.** Forest practices in the inner zone must be conducted in such a way as to meet or exceed stand requirements. The width of the inner zone is determined by site class, stream width, and management option. Timber harvest in this zone must be consistent with the stand requirements in order to reach the desired future condition targets.

"Stand requirement" means a number of trees per acre, the basal area and the proportion of conifer in the combined inner zone and adjacent core zone and adjacent core zone so that the growth of the trees would meet the following basal area targets when the stand is 140 years old.

Site Class	Desired future condition target basal area per acre (at 140 years)
I	285 sq. ft.
II	275 sq. ft.
III	258 sq. ft.
IV	224 sq. ft.
V	190 sq. ft.

Growth modeling is necessary to calculate whether a particular stand meets stand requirement and is on a trajectory towards these desired future conditions. The appropriate growth model will be based on stand characteristics and will include at a minimum, the following components: The number of trees by diameter class, the percent of conifer and hardwood, and the age of the stand. See the board manual section 7.

(i) When the existing stands in the combined core and inner zone do not meet stand requirements, no harvest is permitted in the inner zone. When no harvest is permitted in the inner zone or the landowner chooses not to enter the inner zone, the width of core, inner, and outer zones are as provided in the following table:

No inner zone management RMZ widths for Western Washington

Site Class	RMZ width	Core zone width (measured from bankfull width or CMZ of water)	Inner zone width (measured from outer edge of core zone)		Outer zone width (measured from outer edge of inner zone)	
			stream width ≤10'	stream width >10'	stream width ≤10'	stream width >10'
			I	200'	50'	83'
II	170'	50'	63'	78'	57'	42'
III	140'	50'	43'	55'	47'	35'
IV	110'	50'	23'	33'	37'	27'
V	90'	50'	10'	18'	30'	22'

(ii) If trees can be harvested and removed from the inner zone because of surplus basal area consistent with the stand requirement, the harvest and removal of the trees must be undertaken consistent with one of two options:

(A) **Option 1. Thinning from below.** The objective of thinning is to distribute stand requirement trees in such a way

as to shorten the time required to meet large wood, fish habitat and water quality needs. This is achieved by increasing the potential for leave trees to grow larger than they otherwise would without thinning. Thinning harvest under option 1 must comply with the following:

EMERGENCY

(I) Residual trees left in the combined core and inner zones must meet stand requirements necessary to be on a trajectory to desired future condition. See board manual section 7 for guidelines.

(II) Thinning must be from below, meaning the smallest dbh trees are selected for harvest first, then progressing to successively larger diameters.

(III) Thinning cannot decrease the proportion of conifer in the stand.

(IV) Shade retention to meet the shade rule must be confirmed by the landowner for any harvest inside of 75 feet from the bankfull width or CMZ, whichever is greater.

(V) The number of residual trees per acre in the inner zone will equal or exceed 57.

Option 1. Thinning from below.

Site class	RMZ width	Core zone width (measured from bankfull width or CMZ of water)	Inner zone width (measured from outer edge of core zone)		Outer zone width (measured from outer edge of inner zone)	
			stream width ≤10'	stream width >10'	stream width ≤10'	stream width >10'
I	200'	50'	83'	100'	67'	50'
II	170'	50'	63'	78'	57'	42'
III	140'	50'	43'	55'	47'	35'
IV	110'	50'	23'	33'	37'	27'
V	90'	50'	10'	18'	30'	22'

(B) **Option 2. Leaving trees closest to the water.** Management option 2 applies only to riparian management zones for site class I, II, and III on streams that are less than or equal to 10 feet wide and RMZs in site class I and II for streams greater than 10 feet wide. Harvest must comply with the following:

(I) Harvest is not permitted within 30 feet of the core zone for streams less than or equal to 10 feet wide and harvest is not permitted within 50 feet of the core zone for streams greater than 10 feet wide;

(II) Residual leave trees in the combined core and inner zone must meet stand requirements necessary to be on a trajectory to desired future condition. See board manual section 7 for calculating stand requirements;

(III) A minimum of 20 riparian leave trees per acre will be retained in any portion of the inner zone where harvest occurs. These riparian leave trees will not be counted or considered towards meeting applicable stand requirements nor can the number be reduced below 20 for any reason.

(IV) Trees are selected for harvest starting from the outer most portion of the inner zone first then progressively closer to the stream.

(V) If (I) of this subsection results in surplus basal area per the stand requirement, the landowner may take credit for the surplus by harvesting additional riparian leave trees required to be left in the adjacent outer zone on a basal area-for-basal area basis. The number of leave trees in the outer zone can be reduced only to a minimum of 10 trees per acre.

Option 2. Leaving trees closest to water.

Site class	RMZ width	Core zone width (measured from bankfull width or CMZ of water)	Inner zone width				Outer zone width (measured from outer edge of inner zone)	
			stream width ≤10'	stream width ≤10'	stream width >10'	stream width >10'	stream width ≤10'	stream width >10'
				minimum floor distance		minimum floor distance		
			(measured from outer edge of core zone)					
I	200'	50'	84'	30'	84'	50'	66'	66'
II	170'	50'	64'	30'	70'	50'	56'	50'
III	140'	50'	44'	30'	**	**	46'	**

**Option 2 for site class III on streams >10' is not available.

(iii) **Where the basal area components of the stand requirement cannot be met** within the sum of the areas in the inner and core zone due to the presence of a stream-adjacent parallel road in the inner or core zone, a determination

must be made of the approximate basal area that would have been present in the inner and core zones if the road was not occupying space in the core or inner zone and the shortfall in the basal area component of the stand requirement. See defi-

EMERGENCY

inition of "stream-adjacent parallel road" in WAC 222-16-010.

(A) Trees containing basal area equal to the amount determined in (iii) of this subsection will be left elsewhere in the inner or outer zone, or if the zones contain insufficient riparian leave trees, substitute riparian leave trees will be left within the RMZ width of other Type 1, 2 or 3 Waters in the same unit or along Type 4 or 5 Waters in the same unit in addition to all other RMZ requirements on those same Type 1, 2, 3, 4 or 5 Waters.

(B) When the stream-adjacent road basal area calculated in (iii) of this subsection results in an excess in basal area (above stand requirement) then the landowner may receive credit for such excess which can be applied on a basal area-by-basal area basis against the landowner's obligation to leave trees in the outer zone of the RMZ of such stream or other waters within the same unit, provided that the number of trees per acre in the outer zone is not reduced to less than 10 trees per acre.

(C) When the basal area requirement cannot be met, as explained in (iii) of this subsection, the shortfall may be reduced through the implementation of an acceptable large woody debris placement plan. See board manual section 7 for guidelines.

(iv) If a harvest operation includes both yarding and harvest activities within the RMZ, all calculations of basal area for stand requirements will be determined as if the yarding corridors were constructed prior to any other harvest activities. If trees cut or damaged by yarding are taken from excess basal area, these trees may be removed from the inner zone. Trees cut or damaged by yarding in a unit which does not meet the basal area target of the stand requirements cannot be removed from the inner zone. Any trees cut or damaged by yarding in the core zone may not be removed.

(c) **Outer zones.** Timber harvest in the outer zone must leave 20 riparian leave trees per acre after harvest. "**Riparian leave trees**" are trees that must be left after harvest in the outer zone in Western Washington. Riparian leave trees must be left uncut throughout all future harvests:

Outer zone riparian leave tree requirements

Application	Leave tree spacing	Tree species	Minimum dbh required
Outer zone	Dispersed	Conifer	12" dbh or greater
Outer zone	Clumped	Conifer	12" dbh or greater
Protection of sensitive features	Clumped	Trees representative of the overstory including both hardwood and conifer	8" dbh or greater

The 20 riparian leave trees to be left can be reduced in number under the circumstances delineated in (c)(iv) of this subsection. The riparian leave trees must be left on the landscape according to one of the following two strategies. A third strategy is available to landowners who agree to a LWD placement plan.

(i) **Dispersal strategy.** Riparian leave trees, which means conifer species with a diameter measured at breast height (dbh) of 12 inches or greater, must be left dispersed approximately evenly throughout the outer zone. If riparian leave trees of 12" dbh or greater are not available, then the next largest conifers must be left. If conifers are not present, riparian leave trees must be left according to the clumping strategy in subsection (ii) below.

(ii) **Clumping strategy.** Riparian leave trees must be left clumped in the following way:

(A) Clump trees in or around one or more of the following **sensitive features** to the extent available within the outer zone. When clumping around sensitive features, riparian leave trees must be 8 inches dbh or greater and representative of the overstory canopy trees in or around the sensitive feature and may include both hardwood and conifer species. Sensitive features are:

- Seeps and springs;
- Forested wetlands;
- Topographic locations (and orientation) from which leave trees currently on the site will be delivered to the water;
- Areas where riparian leave trees may provide windthrow protection;
- Small unstable, or potentially unstable, slopes not of sufficient area to be detected by other site evaluations. See WAC 222-16-050 (1)(d).
- Archeological or historical sites registered with the Washington state office of archeology and historic preservation. See WAC 222-16-050 (1)(g); or
- Sites containing evidence of Native American cairns, graves or glyptic records. See WAC 222-16-050 (1)(g).

(B) If sensitive features are not present, then clumps must be well distributed throughout the outer zone and the leave trees must be of conifer species with a dbh of 12 inches or greater. When placing clumps, the applicant will consider operational and biological concerns. Tree counts must be satisfied regardless of the presence of stream-adjacent parallel roads in the outer zone.

(iii) **Large woody debris in-channel placement strategy.** A landowner may design a LWD placement plan in cooperation with the department of fish and wildlife. The plan must be consistent with guidelines in the board manual section 7. The landowner may reduce the number of trees required to be left in the outer zone to the extent provided in the approved LWD placement plan. Reduction of trees in the outer zone must not go below a minimum of 10 trees per acre. If this strategy is chosen, a complete forest practices application must include a copy of the WDFW approved hydraulics project approval (HPA) permit.

(iv) **Twenty riparian leave trees must be left after harvest** with the exception of the following:

(A) If a landowner agrees to implement a placement strategy, see (iii) of this subsection.

(B) If trees are left in an associated channel migration zone, the landowner may reduce the number of trees required to be left according to the following:

(I) Offsets will be measured on a basal area-for-basal area basis.

EMERGENCY

(II) Conifer in a CMZ equal to or greater than 6" dbh will offset conifer in the outer zone at a one-to-one ratio.

(III) Hardwood in a CMZ equal to or greater than 10" dbh will offset hardwood in the outer zone at a one-to-one ratio.

(IV) Hardwood in a CMZ equal to or greater than 10" dbh will offset conifer in the outer zone at a three-to-one ratio.

***(2) Western Washington RMZs for Type 4 and 5 Waters.**

(a) An **equipment limitation zone** is a 30-foot wide buffer measured horizontally from the bankfull width of a Type 4 or 5 Water where equipment is limited. It applies to all perennial and seasonal streams.

(i) On-site mitigation is required if any of the following activities disturbs more than 10% of the zone:

- (A) Ground based equipment;
- (B) Skid trails;
- (C) Stream crossings (other than existing roads); or
- (D) Cabled logs that are partially suspended.

(ii) Mitigation must be designed to replace the equivalent of lost functions especially prevention of sediment delivery. Examples include water bars, grass seeding, mulching, etc.

(iii) Nothing in this subsection (2) reduces or eliminates the department's authority to prevent actual or potential material damage to public resources under WAC 222-46-030 or 222-46-040 or any related authority to condition forest practices notifications or applications.

(b) **Sensitive site RMZs on Type 4 Waters.** Forest practices must be conducted to protect sensitive sites as detailed below:

(i) A 50-foot, no-harvest buffer, measured horizontally from the bankfull width, will be established along each side of the Type 4 Water as follows:

Required no-harvest, 50-foot buffers on Type 4 Waters.

Length of Type 4 Water from the confluence of Type 1, 2 or 3 Water	Length of 50' buffer required on Type 4 Water (starting at the confluence of the Type 4 and connecting water)
Greater than 1000'	500'
Greater than 300' but less than 1000'	Distance of the greater of 300' or 50% of the entire length of the Type 4 Water
Less than or equal to 300'	The entire length of Type 4 Water

(ii) No timber harvest is permitted in an area within 50 feet of the outer perimeter of a soil zone perennially saturated from a headwall seep.

(iii) No timber harvest is permitted in an area within 50 feet of the outer perimeter of a soil zone perennially saturated from a side-slope seep.

(iv) No timber harvest is permitted in an area within 50 feet of a side-slope spring.

(v) No timber harvest is permitted within a 100-foot by 100-foot buffer patch centered on a perennial initiation point.

(vi) No timber harvest is permitted within an alluvial fan.

(vii) No timber harvest is permitted within a 100-foot by 100-foot buffer patch centered on the point of intersection of two or more Type 4 Waters.

(viii) At least 50% of a Type 4 Waters' length must be protected by buffers. If an operating area is located more than 500 feet upstream from the confluence of a Type 1, 2, or 3 Water and the Type 4 Water is more than 1,000 feet in length, then buffer the Type 4 Water according to the following table. If the percentage is not met by protecting sensitive sites listed in (b)(i) through (vii) of this subsection, then additional buffers are required on the Type 4 Water to meet the requirements listed in the table.

Minimum percent of length of Type 4 Waters to be buffered when more than 500 feet upstream from the confluence of a Type 1, 2, or 3 Water

Total length of a Type 4 Water upstream from the confluence of a Type 1, 2, or 3 Water	Percent of length of Type 4 Water that must be protected with a 50 foot no harvest buffer more than 500 feet upstream from the confluence of a Type 1, 2, or 3 Water
1000 feet or less	refer to table in this subsection (i) above
1001 - 1300 feet	19%
1301 - 1600 feet	27%
1601 - 2000 feet	30%
2001 - 2500 feet	38%
2501 - 3500 feet	42%
3501 - 5000 feet	44%
Greater than 5000 feet	45%

The landowner must select the necessary priority areas for additional buffers according to the following priorities:

- (A) Low gradient areas;
- (B) Perennial water reaches of nonsedimentary rock with gradients greater than 20% in the tailed frog habitat range;
- (C) Hyporheic and ground water influence zones; and
- (D) Areas downstream from other buffered areas.

Except for the construction and maintenance of road crossings and the creation and use of yarding corridors, no timber harvest will be allowed in the designated priority areas. Landowners must leave additional acres equal to the number of acres (including partial acres) occupied by an existing stream-adjacent parallel road within a designated priority area buffer.

(c) None of the limitations on harvest in or around sensitive sites listed in (b) of this subsection will preclude or limit:

(i) The construction and maintenance of roads for the purpose of crossing streams in WAC 222-24-030 and 222-24-050.

(ii) The creation and use of yarding corridors in WAC 222-30-060(1).

To the extent reasonably practical, the operation will both avoid creating yarding corridors or road crossings through sensitive sites and associated buffers, and avoid management activities which would result in soil compaction, the loss of protective vegetation or sedimentation in perennially moist areas.

Where yarding corridors or road crossings through sensitive sites and their buffers cannot reasonably be avoided, the buffer area must be expanded to protect the sensitive site by an area equivalent to the disturbed area or by providing comparable functions through other management initiated efforts.

Landowners must leave additional acres equal to the number of acres (including partial acres) occupied by an existing stream-adjacent parallel road within a sensitive site buffer.

NEW SECTION

WAC 222-30-022 *Eastern Washington riparian management zones. For eastside forests, riparian management is intended to provide stand conditions that vary over time. It is designed to mimic eastside disturbance regimes within a range that meets functional conditions and maintains general forest health. These desired future conditions are a reference point on the pathway to restoration of riparian functions, not an end point of riparian stand development. These rules apply to all typed waters on forest land in Eastern Washington, except as provided in WAC 222-30-023. RMZs are measured horizontally from the outer edge of the bankfull width or channel migration zone, whichever is greater, and extend to the limits as described in the following section.

Eastern Washington RMZ for streams less than or equal to 15 feet wide

Site Class	Total RMZ Width	Core Zone Width From bankfull width or CMZ, whichever is greater	Inner Zone Width	Outer Zone Width
I	130'	30'	45'	55'
II	110'	30'	45'	35'
III	90'	30'	45'	15'
IV	75'	30'	45'	0'
V	75'	30'	45'	0'

Eastern Washington RMZ for streams greater than 15 feet wide

Site Class	Total RMZ Width	Core Zone Width From bankfull width or CMZ, whichever is greater	Inner Zone Width	Outer Zone Width
I	130'	30'	70'	30'

Site Class	Total RMZ Width	Core Zone Width From bankfull width or CMZ, whichever is greater	Inner Zone Width	Outer Zone Width
II	110'	30'	70'	10'
III	100'	30'	70'	0'
IV	100'	30'	70'	0'
V	100'	30'	70'	0'

***(1) Eastern Washington RMZs on Type 1, 2 and 3 Waters** have three zones: The core zone is nearest to the water, the inner zone is the middle zone, and the outer zone is furthest from the water. Permitted forest practices vary by timber habitat type and site class.

None of the limitations on harvest in each of the three zones listed below will preclude or limit the construction and maintenance of roads for the purpose of crossing streams in accordance with WAC 222-24-030 and 222-24-050, or the creation and use of yarding corridors in accordance with WAC 222-30-060(1).

The shade requirements in WAC 222-30-040 must be met regardless of harvest opportunities provided in the inner zone RMZ rules. See the board manual, section 1.

(a) **Core zones.** The core zone extends 30 feet measured horizontally from the edge of the bankfull width or outer edge of the CMZ, whichever is greater, for all timber habitat types. No harvest or construction is allowed in the core zone except as detailed in subsection (1) of this section. Any trees cut for or damaged by yarding corridors must be left on site. Any trees cut as a result of road construction to cross a stream may be removed from the site unless used as part of a large woody debris replacement strategy.

(b) **Inner zones.** Width and leave tree requirements of the inner zone vary by timber habitat type as outlined below.

(i) **Ponderosa pine habitat type.**

(A) The width of the inner zone is 70 feet measured horizontally from the outer edge of the core zone on streams greater than 15 feet bankfull width or 45 feet measured horizontally from the outer edge of the core zone on streams with a bankfull width of 15 feet or less.

(B) No harvest within the inner zone is permitted unless the basal area of conifer and hardwoods is greater than 110 square feet per acre for trees greater than 6 inches dbh or unless the basal area of conifer and hardwoods is less than 60 square feet per acre for trees greater than 6 inches dbh.

(C) If the basal area is greater than 110 square feet, harvest is permitted. The harvest must leave at least 50 trees per acre AND a basal area of at least 60 square feet per acre as follows:

(I) The 21 largest trees per acre must be left.

(II) The remaining 29 trees per acre must be greater than or equal to 10 inches dbh. If there are not 29 10-inch dbh or greater trees per acre, then all 10-inch dbh or greater trees must be left plus the largest remaining trees to equal 29 trees per acre. Select the 29 trees based on the following priority order:

- Provide shade to water;

EMERGENCY

- Lean towards the water;
- Preferred species, as defined in WAC 222-16-010;
- Evenly distributed across the inner zone.

(III) If more than 50 trees are needed to meet the minimum basal area of 60 square feet in (C) of this subsection, then trees greater than 6 inches dbh must be left. Select these additional trees based on the above priority order.

No more than 100 trees per acre are required to be left; however, the 60 square feet per acre basal area must still be met.

(D) If the basal area is less than 60 square feet AND there are more than 100 trees per acre, harvest is permitted. The harvest must leave at least 100 trees per acre as follows:

(I) The 50 largest trees per acre must be left.

(II) The next 50 trees per acre are required to be greater than 6 inches dbh. If there are not 50 6-inch dbh or greater trees per acre, then all 6-inch dbh or greater trees per acre must be left plus the largest remaining trees to equal 50 trees per acre. Select the trees based on the following priority order:

- Provide shade to water;
- Lean towards the water;
- Preferred species, as defined in WAC 222-16-010;
- Evenly distributed across the inner zone.

(E) At least twelve tons of down wood per acre must be left as follows:

(I) A minimum of six pieces greater than 16 inches diameter and 20 feet in length; and

(II) A minimum of four pieces greater than 6 inches in diameter and 20 feet in length.

Note: If the minimum tonnage is not present prior to harvest activities, the landowner must state this fact on the forest practices application. Landowners are not required to create down wood.

(F) See **stream-adjacent parallel roads for all timber habitat types** in (iv) of this subsection if there is a stream-adjacent parallel road in this zone.

(ii) **Mixed conifer habitat type.**

(A) The width of the inner zone is 70 feet measured horizontally from the outer edge of the core zone on streams greater than 15 feet bankfull width or 45 feet measured horizontally from the outer edge of the core zone on streams with a bankfull width of 15 feet or less.

(B) No harvest is permitted within the inner zone unless the basal area of conifer and hardwoods for trees greater than 6 inches dbh is:

(I) Greater than 110 or less than 70 square feet per acre on low site indexes (site index less than 90); or

(II) Greater than 130 or less than 90 square feet per acre on medium site indexes (site index between 90 and 110); or

(III) Greater than 150 or less than 110 square feet per acre on high site indexes (site index greater than 110).

(C) If the basal area meets the maximum requirements in (B) of this subsection, harvest is permitted. Harvest must leave at least 50 trees per acre AND a basal area of at least 70 square feet per acre on low site indexes or 90 square feet per acre on medium site indexes or 110 square feet per acre on high site indexes as follows:

(I) The 21 largest trees per acre must be left.

(II) The remaining 29 trees per acre must be greater than or equal to 10 inches dbh. If there are not 29 10-inch dbh or greater trees per acre, then all 10-inch dbh or greater trees per acre must be left plus the largest remaining trees to equal 29 trees per acre. Select the 29 trees per acre based on the following priority order:

- Provide shade to water;
- Lean towards the water;
- Preferred species, as defined in WAC 222-16-010; or
- Evenly distributed across the inner zone.

(III) If more than 50 trees are needed to meet the basal area minimum in (B) of this subsection, then trees greater than 6 inches dbh must be left based on the above priority order.

No more than 120 trees per acre are required to be left. However, the minimum basal area required in (B) of this subsection must be met.

(D) If the basal area is less than the minimum requirements in (B) of this subsection AND there are more than 120 trees per acre, harvest is permitted. Harvest must leave 120 trees per acre. The following trees are required to be left:

(I) The 50 largest trees per acre must be left.

(II) The next 70 trees per acre are required to be greater than 6 inches dbh. If there are not 70 6-inch dbh or greater trees per acre, then all 6-inch dbh or greater trees per acre must be left plus the largest remaining trees to equal 70 trees per acre. Select the trees based on the following priority order:

- Provide shade to water;
- Lean towards the water;
- Preferred species, as defined in WAC 222-16-010; or
- Evenly distributed across the inner zone.

No more than 120 trees per acre are required to be left. However, the minimum square feet of basal area in (C) above must be left.

(E) At least 20 tons of down wood present on the site before harvest must be left as follows:

(I) A minimum of 8 pieces greater than 16 inches diameter and 20 feet in length; and

(II) A minimum of 8 pieces greater than 6 inches in diameter and 20 feet in length.

Note: If the minimum tonnage is not present prior to harvest activities, landowners must identify this in the application for harvest. Landowners are not required to create down wood.

(F) See **stream-adjacent parallel roads for all timber habitat types** in (iv) of this subsection if there is a parallel road in this zone.

(iii) **High elevation habitat type.**

(A) The width of the inner zone is 45 feet measured horizontally from the outer edge of the core zone on streams equal to or less than 15 feet bankfull width or 70 feet measured horizontally from the outer edge of the core zone on streams with a bankfull width of greater than 15 feet.

(B) Follow stand requirements for Western Washington riparian management zones, WAC 222-30-021 (1)(b).

Note: Option 2 is not available for eastside use.

(C) At least 30 tons per acre of down wood per acre present on the site before harvest must be left as follows:

(I) A minimum of 8 pieces greater than 16 inches diameter and 20 feet in length; and

(II) A minimum of 8 pieces greater than 6 inches in diameter and 20 feet in length.

Note: If the minimum tonnage is not present prior to harvest activities, landowners must identify this in the application for harvest. Landowners are not required to create down wood.

(D) See **stream-adjacent parallel roads for all timber habitat types** in (iv) of this subsection if there is a parallel road in this zone.

(iv) **Stream-adjacent parallel roads for all timber habitat types in the inner zone.** Where a stream-adjacent parallel road exists in the inner zone and the minimum required basal area cannot be met due to the presence of the road, then the location of the road determines the allowable operations as follows:

(A) For a bankfull width that is greater than 15 feet:

(I) **No harvest is permitted in the inner zone** if the edge of the road closest to the stream is 75 feet or more from the bankfull width of the stream or CMZ, whichever is greater. This includes trees within the inner zone on the uphill side of the road which are retained for shade, sediment filtering and other riparian functions.

(II) **No harvest is permitted in the inner zone on the streamside of the zone** if the edge of the road closest to the stream is less than 75 feet from the bankfull width of the stream or CMZ, whichever is greater. The department will require additional leave trees to be left near the streams in the unit to be harvested, which are equal in total basal area to the trees lost due to the road to replace lost riparian function. See site specific management activities to replace lost riparian functions or the large woody placement guidelines in the board manual section 7.

(B) For a bankfull width equal to or less than 15 feet:

(I) **No harvest is permitted in the inner zone** if the edge of the road closest to the stream is 50 feet or more from the bankfull width or CMZ, whichever is greater. This includes trees within the inner zone on the uphill side of the road which are retained for shade, sediment filtering and other riparian functions.

(II) **No harvest is permitted in the inner zone on the streamside of the road** if the edge of the road closest to the stream is less than 50 feet from the bankfull width or CMZ, whichever is greater. The department will require additional leave trees to be left near the streams in the unit to be harvested, which are equal in total basal area to the trees lost due to the road to replace lost riparian function. See site specific management activities to replace lost riparian functions or the large woody placement guidelines in the board manual section 7.

Note: The shade rule, WAC 222-30-040, must be met whether or not the inner zone includes a stream-adjacent parallel road.

(c) **Outer zones.** This zone has three categories based on timber habitat type: Ponderosa pine, mixed conifer and high elevation. The width of this zone is 0 to 55 feet measured horizontally from the outer edge of the inner zone depending on the site class and stream width. Riparian leave

trees must be left uncut throughout all future harvests. (See WAC 222-16-010 definition of "RMZ outer zone.")

(i) Tree counts that must be left per acre, regardless of the presence of an existing stream-adjacent parallel road in the zone, are:

(A) Ponderosa pine habitat type - 10 dominant or codominant trees.

(B) Mixed conifer habitat type - 15 dominant or codominant trees.

(C) High elevation habitat type - See requirements for Western Washington RMZs in WAC 222-30-021 (1)(c).

(ii) Trees in the high elevation timber habitat type must be left on the landscape according to one of the following two strategies:

(A) **Dispersal strategy.** Riparian leave trees are the dominant and codominant trees of a conifer species. If riparian leave trees of 12" dbh or greater are not available, then the next largest conifers must be left dispersed approximately evenly throughout the outer zone. If there are not conifers, riparian leave trees must be left according to the clumping strategy in subsection (B) below.

(B) **Clumping strategy.** Riparian leave trees must be left clumped in one of the following ways:

(I) Clump trees in or around one or more of the following **sensitive features** (to the extent available within the outer zone). When clumping around sensitive features, riparian leave trees must be dominant and codominant and may include both hardwood and conifer species. The sensitive features are:

- Seeps and springs;
- Forested wetlands;
- Topographic locations (and orientation) from which leave trees currently on the site will be delivered to the water;
- Areas where riparian leave trees may provide windthrow protection;
- Small unstable, or potentially unstable, slopes not of sufficient area to be detected by other site evaluations. See WAC 222-16-050 (1)(d);
- Archeological or historical sites registered with the Washington state office of archeology and historic preservation. See WAC 222-16-050 (1)(g); or
- Sites containing evidence of Native American cairns, graves or glyptic records. See WAC 222-16-050 (1)(g).

(II) If sensitive features are not present, then clumps must be well distributed throughout the outer zone and the dominant and codominant leave trees must be of conifer species. When placing clumps, the applicant will consider operational and biological concerns.

*** (2) Eastern Washington RMZs on Types 4 and 5 Waters.**

(a) An **equipment limitation zone** is a 30-foot wide buffer measured horizontally from the bankfull width of a Type 4 or 5 Water where equipment is limited. It applies to all perennial and seasonal streams.

(i) On-site mitigation is required if any of the following activities disturbs more than 10% of the zone:

- (A) Ground based equipment;
- (B) Skid trails;
- (C) Stream crossings (other than existing roads); or

(D) Cabled logs that are partially suspended.

(ii) Mitigation must be designed to replace the equivalent of lost functions, especially prevention of sediment delivery. Examples include water bars, grass seeding, mulching, etc.

(iii) Nothing in this subsection (2) reduces or eliminates the department's authority to prevent actual or potential material damage to public resources under WAC 222-46-030 or 222-46-040 or any related authority to condition forest practices notifications or applications.

(b) **Type 4 Waters.**

(i) Within 50 horizontal feet of the bankfull width of the stream, the landowner must identify either a partial cut and/or clearcut strategy for each unit to be harvested as follows:

(A) For partial cuts:

(I) Basal areas must meet the timber type dependent basal areas required for the Eastern Washington RMZ inner zone.

(II) Where a stream-adjacent parallel road exists, the basal area required in (I) of this subsection is required to be left. (See stream-adjacent parallel roads for Type 4 Waters in (c) below.)

(III) The trees to be included in the basal area determination and left after harvest must include:

- The 10 largest trees per acre;
- Up to an additional 40 trees per acre greater than or equal to 10 inches dbh must be left. If all or some of the trees are not at least 10 inches dbh, then the largest of the remaining trees must be left. Select trees based on the following priority order:

- » Provide streambank stability;
- » Provide shade to water;
- » Lean towards the water;
- » Preferred species, as defined in WAC 222-16-010; or
- » Evenly distributed; and

• If the basal area target has not been met with the trees required above, up to an additional 50 trees are required greater than 6 inches in dbh based on the above priority order.

(IV) Side slope seeps must be protected with a 50-foot partial cut buffer.

(B) For clearcuts:

(I) The streamside boundary of all clearcuts must:

• Not exceed in total 30% of the total stream reach in the harvest unit;

- Not exceed 300 continuous feet in length;
- Not be located within 500 feet of the intersection of a Type 1, 2 or 3 Water; and

• Not occur within 50 feet of the following sensitive sites as defined in WAC 222-16-010:

- » The outer perimeter of a soil zone perennially saturated from a headwall seep;
- » The outer perimeter of a soil zone perennially saturated from a side-slope seep;
- » A side-slope spring;
- » The center of a perennial initiation point;
- » An alluvial fan;
- » The center point of intersection of two or more Type 4 Waters.

(II) When the clearcut strategy in (I) of this subsection is selected, the landowner must simultaneously designate a no-

cut zone buffer along the stream reach in the harvest unit that is equal in total area to the clearcut portion of the stream reach in the harvest unit.

Note: Once approved by the department, the selected strategy will remain in effect until July 1, 2051. If a landowner transfers title of the harvest unit, the landowner must provide written notice of this continuing obligation to the new owner and send a copy to the department. See WAC 222-20-055.

(c) **Stream-adjacent parallel roads for Type 4 Waters.** If a road exists in a Type 4 RMZ and the basal area required to be left cannot be met within 50 horizontal feet of the bankfull width of the stream due to the presence of the road, then the distance of the road to the stream determines the allowable operations as follows:

(i) A road that is within 30 to 49 horizontal feet from the bankfull width of the stream requires:

(A) A total of 100 horizontal feet of riparian zone (both sides of the stream count towards the total) must be left in a manner to provide maximum functions for nonfish use streams. If harvest is taking place on only one side of the stream, then 50' of RMZ must be left, regardless of presence of a stream-adjacent parallel road.

(B) The location of the riparian zone required in (A) of this subsection will be based on the following:

(I) Preferred: The area between the stream and the stream side edge of the road.

(II) The area that provides the most shade to the channel.

(III) The area that is most likely to deliver large woody debris to the channel.

(ii) A road that is within less than 30 horizontal feet from the bankfull width of the stream requires, in addition to (c)(i)(A) and (B) of this subsection, that all trees between the stream and the streamside edge of the road must be left.

NEW SECTION

WAC 222-30-023 Riparian management zones for exempt 20-acre parcels. On parcels of 20 contiguous acres or less, landowners with total parcel ownership of less than 80 forested acres shall not be required to leave the riparian buffers described in WAC 222-30-021 and 222-30-022. As required by RCW 76.13.130, these landowners are subject to the permanent riparian management zone rules and watershed analysis prescriptions in effect as of January 1, 1999, plus an additional fifteen percent volume requirement where watershed analysis prescriptions are not in effect.

***(1) Western Washington RMZs for exempt 20-acre parcels.** Riparian management zones are measured horizontally from the bankfull width of a Type 1, 2 or 3 Water and extend to the line where vegetation changes from wetland to upland plant community, or the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but must not be less than 29 feet in width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these rules, including those rules relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, trees shall be left for wildlife and fisheries habitat as provided for in the chart below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations. The number, size, species and ratio of leave trees, deciduous to conifer, is specified by the bed material and average width of the water type within the harvest unit. Trees left according to (d) of this subsection may be included in the number of required leave trees in this subsection.

**Western Washington Riparian Leave Tree Requirements
For exempt 20-acre parcels**

Water Type/Average Width	RMZ Maximum Width	Ratio of Conifer to Deciduous/Minimum Size Leave Trees	# Trees/1000 ft. each side	
			Gravel/Cobble <10" Diameter	Boulder/Bedrock
1 & 2 Water 75' & over	115'	representative of stand	58 trees	29 trees
1 & 2 Water under 75'	86'	representative of stand	115 trees	60 trees
3 Water 5' & over	58'	2 to 1/12" or next largest available*	86 trees	29 trees
3 Water less than 5'	29'	1 to 1/6" or next largest available*	29 trees	29 trees

* "Or next largest available" requires that the next largest trees to those specified in the rule be left standing when those available are smaller than the sizes specified.

Ponds or lakes which are Type 1, 2 or 3 Waters shall have the same leave tree requirements as boulder/bedrock streams.

(d) For wildlife habitat within the riparian management zone, leave an average of 5 undisturbed and uncut wildlife trees per acre at the ratio of 1 deciduous tree to 1 conifer tree equal in size to the largest existing trees of those species within the zone. Where the 1 to 1 ratio is not possible, then substitute either species present. Forty percent or more of the leave trees shall be live and undamaged on completion of harvest. Wildlife trees shall be left in clumps whenever possible.

(e) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and the harvest unit is a clearcutting of 20 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection.

***(2) Eastern Washington riparian management zones for exempt 20-acre parcels.** These zones shall be measured horizontally from the bankfull width of Type 1, 2 or 3 Waters and extend to the line where vegetation changes from wetland to upland plant community, or to the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than the minimum width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the

riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these rules, including those rules relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, trees shall be left for wildlife and fisheries habitat as provided for below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations.

(i) The width of the riparian management zone shall be based on the adjacent harvest type as defined in WAC 222-16-010 "Partial cutting." When the adjacent unit harvest type is:

Partial cutting - The riparian management zone width shall be a minimum of 35 feet to a maximum of 58 feet on each side of the stream.

Other harvest types - The riparian management zone shall average 58 feet in width on each side of the stream with

EMERGENCY

a minimum width of 35 feet and a maximum of 345 feet on each side of the stream.

(ii) Leave tree requirements within the riparian management zones of Type 1, 2 or 3 Waters:

(A) Leave all trees 12 inches or less in diameter breast height (dbh); and

(B) Leave all wildlife reserve trees within the riparian management zone where operations in the vicinity do not violate the state safety regulations (chapter 296-54 WAC and chapter 49.17 RCW administered by department of labor and industries, safety division); and

(C) Leave 18 live conifer trees/acre between 12 inches dbh and 20 inches dbh distributed by size, as representative of the stand; and

(D) Leave 4 live conifer trees/acre 20 inches dbh or larger and the 2 largest live deciduous trees/acre 16 inches dbh or larger. Where these deciduous trees do not exist, and where 2 wildlife reserve trees/acre 20 inches or larger do not exist, substitute 2 live conifer trees/acre 20 inches dbh or larger. If live conifer trees of 20 inches dbh or larger do not exist within the riparian management zone, then substitute the 5 largest live conifer trees/acre; and

(E) Leave 3 live deciduous trees/acre between 12 inches and 16 inches dbh where they exist.

(iii) Minimum leave tree requirements per acre for Type 1, 2 and 3 Waters. Trees left for (c)(ii) of this subsection shall be included in the minimum counts.

(A) On streams with a boulder/bedrock bed, the minimum leave tree requirements shall be 75 trees/acre 4 inches dbh or larger.

(B) On streams with a gravel/cobble (less than 10 inches diameter) bed, the minimum leave tree requirement shall be 155 trees/acre 4 inches dbh or larger.

(C) On lakes or ponds, the minimum leave tree requirement shall be 86 trees/acre 4 inches dbh or larger.

Note: See the board manual for guidelines for calculating trees/acre and average RMZ widths.

(d) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and the harvest unit is 20 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection. (See WAC 222-16-010 "Partial cutting.")

*** (3) Riparian leave tree areas for exempt 20-acre parcels.** The department will require trees to be left along Type 4 Water where such practices are necessary to protect public resources. Where such practices are necessary, leave at least 29 conifer or deciduous trees, 6 inches in diameter or larger, on each side of every 1000 feet of stream length within 29 feet of the stream. The leave trees may be arranged to accommodate the operation.

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

WAC 222-30-040 Shade requirements to maintain ~~((stream))~~ water temperature. * (1) Determination of adequate shade. The temperature prediction method mentioned in subsections (2) and (3) of this section shall be used to

determine appropriate shade levels for flowing Type 1, 2, and 3 Waters to prevent excessive water temperatures which may have detrimental impact on aquatic resources. No tree may be harvested from the RMZ inner zone of any Type 1, 2 or 3 Water if, according to the methodology, that tree is providing shade to the stream necessary to maintain compliance with temperature standards. If a landowner elects to remove any tree within 75 feet of any Type 1, 2 or 3 Water, the landowner must demonstrate, using the methods in the board manual section 1, that the removal of the tree would not be contrary to the restrictions of this subsection.

Note: Within the bull trout overlay, all available shade will be retained within 75 feet of bankfull width or CMZ of the stream.

* (2) Temperature prediction method. In addition to the riparian management zone requirements, leave trees shall be retained in riparian management zones on flowing Type 1, 2, and 3 Waters as provided by the method described in the board manual which includes the following considerations:

- (a) Minimum shade retention requirements; and
- (b) Regional water temperature characteristics; and
- (c) Elevation; and

(d) Temperature criteria defined for stream classes in chapter 173-201A WAC.

* (3) Leave tree requirements for shade. The method described in subsection (2) of this section (~~((shall))~~ must be used to establish the minimum required shade cover based on site specific characteristics. When site specific data indicate that preharvest conditions do not meet the minimums established by the method, no additional shade removal from riparian management zones will be allowed.

* (4) Shade requirements must be satisfied whether or not the inner zone includes a stream-adjacent parallel road. Nothing will preclude or limit the harvest of shade trees in connection with the construction and maintenance of road crossings or the creation and use of yarding corridors. (See WAC 222-30-060(1).)

* (5) **Waivers.** The department may waive or modify the shade requirements where:

~~((a)) The applicant agrees to a staggered setting program producing equal or greater shade requirements to maintain stream temperature; or~~

~~((b)) The applicant provides alternative means of stream temperature control satisfactory to the department; or~~

~~((c)) The temperature method indicates that additional shade will not affect ~~((stream))~~ water temperature.~~

NEW SECTION

WAC 222-30-045 Salvage logging within riparian management zones. Salvage logging within a riparian management zone is based upon the zone (core, inner or outer) in which the tree was originally located, applicable riparian stand requirements and the extent of previous harvest activities in the zone.

* (1) **Salvage logging within the bankfull width of any typed water.** No salvage may take place within the bankfull width of any typed water.

(2) **Salvage logging in a core zone or channel migration zone.** No salvage may take place within the RMZ core zone or a channel migration zone, including any portion of those trees that may have fallen outside of these zones.

(3) **Salvage logging in the inner zone.** Salvage may not take place within the inner zone if the stand requirements cannot be met by the residual stand. If the proposed salvage involves down tree(s) that originated from the inner zone, salvage of down wood may only be permitted if the down wood was not needed to meet stand requirements in the inner zone. Salvage of any existing down wood may not take place if the unremoved balance of down wood is insufficient to meet the regional down wood guidelines in (a) and (b) of this subsection. Salvage within the inner zone must be conducted to protect residual undamaged trees within the inner zone. Down wood guidelines for salvage in RMZ inner zones are:

(a) **In Western Washington:**

Logs with a solid core	< 1 foot diameter	1-2 foot diameter	> 2 foot diameter	Total
Number of logs/acre	85	83	26	194

(b) **In Eastern Washington** ponderosa pine, mixed conifer, and high elevation habitat types:

Follow the down wood requirements for each habitat type in WAC 222-30-022.

(4) **Salvage logging in the outer zone.** Salvage may not take place within the outer zone if the riparian leave tree requirements cannot be met by the residual stand. If the proposed salvage involves tree(s) that are down that originated from the outer zone, salvage may only be permitted of down wood if the down wood was not needed to meet riparian leave tree requirements in the outer zone.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-30-060 Cable yarding. *(1) **Type 1, 2 and 3 Waters.** No timber shall be cable yarded in or across a Type 1, 2 or 3 Waters except where the logs will not materially damage the bed of waters, banks or riparian management zones ~~((and removals from Type 1, 2 or 3 Water have hydraulic project approval of the department of fish and wildlife))~~. If yarding across Type 1, 2 or 3 Waters is permitted, then yarding is limited to cable or other aerial logging methods. Any work in or above Type 1, 2 or 3 Waters requires a hydraulics project approval (HPA). Any work in or above a Type 4 or 5 Water may require a HPA. Logs must be fully suspended above the water unless otherwise allowed in the applicable HPA. Yarding corridors must be no wider or more numerous than necessary to accommodate safe and efficient transport of logs. Generally, yarding corridors should be located no closer to each other than 150 feet (measured edge to edge) and should be no wider than 30 feet. Safety is a prime consideration in the location of yarding corridors. Total openings resulting from yarding corridors must not exceed 20% of the stream length associated with the forest practices application. When changing cable locations, care

must be taken to move cables around or clear of the riparian vegetation to avoid damage to riparian vegetation.

*(2) **Type A or B Wetlands.** No timber shall be cable yarded in or across Type A or B Wetlands without written approval from the department.

*(3) **Deadfalls.** Any logs which are firmly embedded in the bed of a Type 1, 2, 3 and 4 Waters shall not be removed or unnecessarily disturbed without approval of the department of fish and wildlife.

*(4) **Yarding in riparian management zones and wetland management zones.** Where timber is yarded from or across a riparian management zone, or wetland management zone reasonable care shall be taken to minimize damage to the vegetation providing shade to the stream or open water areas and to minimize disturbance to understory vegetation, stumps and root systems. Where practical and consistent with good safety practices, logs shall be yarded in the direction in which they lie and away from Type A or B Wetlands or Type 1, 2 and 3 Waters until clear of the wetland management zone or riparian management zone.

(5) **Direction of yarding.**

(a) Uphill yarding is preferred.

(b) Where downhill yarding is used, reasonable care shall be taken to lift the leading end of the log to minimize downhill movement of slash and soils.

*(c) When yarding parallel to a Type 1, 2 or 3 Water channel below the 50-year flood level or within the riparian management zone, reasonable care shall be taken to minimize soil disturbance and to prevent logs from rolling into the stream, lake, pond, or riparian management zone.

(6) **Disturbance avoidance for northern spotted owls.**

The operation of heavy equipment within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31 provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(7) **Disturbance avoidance for marbled murrelets.**

Yarding or operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-30-070 Tractor and wheeled skidding systems. *(1) **Typed waters and wetlands.**

(a) Tractor and wheeled skidders shall not be used in Type 1, 2 or 3 Water, except with approval by the department and with a hydraulic project approval of the department of fish and wildlife.

EMERGENCY

(b) In order to maintain wetland water movement and water quality, and to prevent soil compaction, tractor or wheeled skidders shall not be used in Type A or B Wetlands without prior written approval of the department.

(c) Within all wetlands, tractors and wheeled skidder systems shall be limited to low impact harvest systems. Ground based logging systems operating in wetlands shall only be allowed within wetlands during periods of low soil moisture or frozen soil conditions.

(d) Skidding across any flowing Type 4 Water shall be minimized and when done, temporary stream crossings shall be used, if necessary, to maintain stream bed integrity.

(e) Whenever skidding in or across any type water, the direction of log movement between stream banks shall be as close to right angles to the stream channel as is practical.

***(2) Riparian management zone.**

(a) Logging will be permitted within the zone. However, any use of tractors, wheeled skidders, or other yarding machines within the zone must be as described in an approved forest practices application or otherwise approved in writing by the department.

(b) Where skidding in or through the riparian management zone is necessary, the number of skidding routes through the zone shall be minimized.

(c) Logs shall be skidded so as to minimize damage to leave trees and vegetation in the riparian management zone, to the extent practical and consistent with good safety practices.

***(3) Wetlands management zones.**

(a) Logging will be permitted within wetland management zones.

(b) Where feasible logs shall be skidded at least with one end suspended from the ground so as to minimize soil disturbance and damage to leave trees and vegetation in the wetland management zone.

(c) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.

***(4) Deadfalls.** Logs firmly embedded in the bed or bank of Type 1, 2, 3 or 4 Waters shall not be removed or unnecessarily disturbed without hydraulic project approval of the departments of fisheries or wildlife.

***(5) Moisture conditions.** Tractor and wheeled skidders shall not be used on exposed erodible soils or saturated soils when soil moisture content is so high that unreasonable soil compaction, soil disturbance, or wetland, stream, lake or pond siltation would result.

(6) Protection of residual timber. Reasonable care shall be taken to minimize damage from skidding to the stems and root systems of residual timber and to young reproduction.

***(7) Skid trail construction.**

(a) Skid trails shall be kept to the minimum feasible width.

(b) Reasonable care shall be taken to minimize the amount of sidecast required and shall only be permitted above the ((50-year)) 100-year flood level.

(c) Skid trails shall be outloped where practical, but be insloped where necessary to prevent logs from sliding or rolling downhill off the skid trail.

***(8) Skid trail maintenance.** Upon completion of use and termination of seasonal use, skid trails on slopes in exposed soils shall be water barred where necessary to prevent soil erosion.

***(9) Slope restrictions.** Tractor and wheeled skidders shall not be used on slopes where in the opinion of the department this method of operation would cause unnecessary or material damage to a public resource.

(10) Disturbance avoidance for northern spotted owls. The operation of heavy equipment within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(11) Disturbance avoidance for marbled murrelets. Operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-38-010 Policy—Forest chemicals. ***(1)** Chemicals perform important functions in forest management. The purpose of these regulations is to regulate the handling, storage and application of chemicals in such a way that the public health, lands, fish, wildlife, aquatic habitat, wetland and riparian management zone vegetation will not be damaged, and water quality will not be endangered by contamination. This section in no way modifies the state department of agriculture regulations governing chemicals.

***(2) These rules are intended to implement best management practices designed to eliminate the direct entry of pesticides to water. Best management also includes minimizing the entry of forest chemicals into channel migration zones, wetland management zones or the core or inner zones of riparian management zones and buffers on Type 4 Waters. Damage for purposes of this section includes any damage that would inhibit or preclude the existing vegetation from protecting public resources as required under the rules.**

(NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-38-020 Handling, storage, and application of pesticides. *(1) No pesticide leakage, contamination, pollution.

Transportation, handling, storage, loading, application, and disposal of pesticides shall be consistent with applicable label requirements and other state and federal requirements.

***(2) Mixing and loading areas.**

(a) Mix pesticides and clean tanks and equipment only where any accidental spills would not enter surface water or wetlands.

(b) Storage and loading areas should be located where accidental spillage of pesticides will not enter surface water or wetlands. If any pesticide is spilled, immediate appropriate procedures should be taken to contain it.

(c) Use devices or procedures to prevent "back siphoning" such as providing an air gap or reservoir between the water source and the mixing tank.

***(3) Riparian management ((zone)) and wetland management zones.** Pesticide treatments within the riparian management zone core or inner zone or wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

***(4) ((Wetland management zone. Pesticide treatment within the wetland management zone shall be by hand unless**

~~the department has approved a site specific plan with another method of treatment.~~

***((5)) Aerial application of pesticides.**

(a) To keep pesticides out of the water ~~((, leave a 50 foot))~~ and wetlands, a buffer ~~((strip))~~ will be maintained during operations on all ~~((typed waters, except segments of Type 4 and 5 Waters with no surface water and other areas of open water, such as ponds or sloughs:))~~ Type 1, 2 and 3 Waters and Type 4 and 5 surface waters and Type A and B Wetlands, as set forth in (a)(i) of this subsection. To protect riparian vegetation, pesticides must not be applied to the core and inner zone of any Type 1, 2 or 3 Waters or to Type A or B Wetland management zones. In addition, operators must maintain an offset from the outer edge of the inner zone and wetland management zones as set forth in (a)(i) and (ii) of this subsection. (See the board manual, section 12 for a detailed example.) Where the buffer and offset widths overlap, the distance of offset must be whichever distance is greater from Type 1, 2 or 3 Waters or Type A or B Wetlands for the applicable conditions. Aerial applications of pesticides in and around Type 4 or 5 Waters with surface water and Type B Wetlands must be buffered according to (a)(iii) of this subsection. (Note: These application requirements do not apply to B.t. (*Bacillus thuringiensis*). When applying B.t., the operator must meet all label requirements.)

(i) Buffers On Type 1, 2 and 3 Waters.

		DETERMINING WIND FACTOR (See the board manual section 12 for detailed examples.)			
		Favorable		Calm or Unfavorable	
NOZZLE TYPE	APPLICATION HEIGHT	BUFFER ON WATER	OFFSET FROM INNER ZONE	BUFFER ON WATER	OFFSET FROM INNER ZONE
<u>Regular Nozzle*</u>	<u>Low (≤ 16 ft.)</u>	<u>Width of the inner zone</u>	<u>As needed for safety</u>	<u>100 ft., or the inner zone, whichever is greater</u>	<u>50 ft.</u>
	<u>Medium (17-50 ft.)</u>	<u>Width of the inner zone</u>	<u>As needed for safety</u>	<u>250 ft.</u>	<u>N/A</u>
	<u>High (51-65 ft.)</u>	<u>Width of the inner zone</u>	<u>As needed for safety</u>	<u>325 ft.</u>	<u>N/A</u>
<u>Raindrop Nozzle (or other nozzles that result in the same size spray droplets)**</u>	<u>Low (≤ 16 ft.)</u>	<u>Width of the inner zone</u>	<u>As needed for safety</u>	<u>Width of inner zone</u>	<u>20 ft.</u>
	<u>Medium (17-50 ft.)</u>	<u>Width of the inner zone</u>	<u>As needed for safety</u>	<u>Width of inner zone</u>	<u>20 ft.</u>
	<u>High (51-65 ft.)</u>	<u>Width of the inner zone</u>	<u>As needed for safety</u>	<u>125 ft. or the inner zone, whichever is greater</u>	<u>20 ft.</u>

* Course spray droplets = approximately 9% of spray-droplet volume ≤ 150 u

** Ultra course spray droplets = approximately 1% of spray-droplet volume ≤ 150 u

(ii) Buffers On Type A and B Wetlands.

EMERGENCY

		DETERMINING WIND FACTOR (See the board manual section 12 for detailed examples.)			
		Favorable		Calm or Unfavorable	
<u>NOZZLE TYPE</u>	<u>APPLICATION HEIGHT</u>	<u>BUFFER ON WETLAND</u>	<u>OFFSET FROM WMZ</u>	<u>BUFFER ON WETLAND</u>	<u>OFFSET FROM WMZ</u>
<u>Regular Nozzle*</u>	<u>Low (≤ 16 ft.)</u>	<u>Width of the WMZ</u>	<u>As needed for safety</u>	<u>150 ft.</u>	<u>N/A</u>
	<u>Medium (17-50 ft.)</u>	<u>Width of the WMZ</u>	<u>As needed for safety</u>	<u>250 ft.</u>	<u>N/A</u>
	<u>High (51-65 ft.)</u>	<u>Width of the WMZ</u>	<u>As needed for safety</u>	<u>325 ft.</u>	<u>N/A</u>
<u>Raindrop Nozzle (or other nozzles that result in the same size spray droplets)**</u>	<u>Low (≤ 16 ft.)</u>	<u>Width of the WMZ</u>	<u>As needed for safety</u>	<u>Width of WMZ</u>	<u>20 ft.</u>
	<u>Medium (17-50 ft.)</u>	<u>Width of the WMZ</u>	<u>As needed for safety</u>	<u>Width of WMZ</u>	<u>20 ft.</u>
	<u>High (51-65 ft.)</u>	<u>Width of the WMZ</u>	<u>As needed for safety</u>	<u>125 ft. or the width of the WMZ, whichever is greater</u>	<u>20 ft.</u>

* Course spray droplets = approximately 9% of spray-droplet volume ≤ 150 μ
 ** Ultra course spray droplets = approximately 1% of spray-droplet volume ≤ 150 μ

(iii) Buffers On Type 4 or 5 Waters and Type B Wetlands less than 5 acres.

		DETERMINING WIND FACTOR (See the board manual section 12 for detailed examples.)	
		Favorable	Calm or Unfavorable
<u>Nozzle Type</u>		<u>Buffer on wetland</u>	<u>Buffer on wetland</u>
<u>Regular Nozzle</u>		<u>50 ft.</u>	<u>100 ft.</u>
<u>Raindrop Nozzle (or other nozzles that result in the same size spray droplets)*</u>		<u>50 ft.</u>	<u>70 ft.</u>

* Course spray droplets = approximately 9% of spray-droplet volume ≤ 150 μ
 ** Ultra course spray droplets = approximately 1% of spray-droplet volume ≤ 150 μ

(b) ~~((Apply))~~ The initial swath of aerial pesticides must be applied parallel to the applicable buffer strip identified in (a) of this subsection unless a deviation is approved in advance by the department. Drift control agents shall be required adjacent to buffer strips. Operators applying aerial pesticides must avoid applications that might result in drift causing direct entry of pesticides into riparian management ((zones)) core and inner zones, Type A and B Wetlands, wetland management zones, and all typed waters, except segments of Type 4 and 5 Waters with no surface water.

(c) Operators applying aerial pesticides must use a bucket or spray device capable of immediate shutoff.

(d) Operators applying aerial pesticides must shut off spray equipment during turns and over open water.

(e) Operators applying aerial pesticides near residences or agricultural land must either:

(i) Leave at least a 200 foot no application buffer strip around residences and 100 foot no application buffer strip adjacent to lands used for agriculture ((unless such residence or farmland)); or

(ii) Apply the pesticides using the widest buffer for the applicable wind conditions as determined by the applicable tables in (a) of this subsection. These provisions do not apply where the residences or agricultural land that could be affected by drift from the aerial application of the pesticide is owned by the forest landowner or where the aerial application is acceptable to the resident or landowner.

(f) The landowner shall identify for the operator the units to be sprayed and the untreated areas within the units with appropriately marked aerial photos or detailed planimetric maps. Before application of the pesticide an over-flight of the area shall be made by the pilot with the marked photos or maps. Stream and wetland buffers required under (a) of this subsection must be clearly visible from the air. The department may require additional field delineation of buffers where the operation is dependent on the use of ground cover

EMERGENCY

features to determine unit area locations and where such ground cover is not readily distinguished from the no spray buffer areas.

(g) Aerial chemical application areas shall be posted by the landowner by signing at significant points of regular access at least 5 days prior to treatment. Posting shall remain at least 15 days after the spraying is complete. The department may require an extended posting period in areas where human use or consumption of plant materials is probable. Posting at formal, signed trailheads that are adjacent to aerially treated units is required. The signs will contain the name of the product used, date of treatment, a contact telephone number, and any applicable restrictions.

~~((*(6)))~~ ***(5) Ground application of pesticides with power equipment.**

~~((Leave a 25-foot buffer strip on each side of Type A or B Wetlands and all typed waters, except segments of Type 4 and 5 Waters with no surface water.))~~ Ground application of pesticides with power equipment is prohibited within the core and inner zone of Type 1, 2 and 3 Waters, unless necessary to meet requirements for noxious weed control. In addition, operators shall maintain a 25 foot no application buffer strip around Type A or B Wetlands and on all sides of all other surface waters. Provided, however, That dry stream segments (i.e., channels with no surface water at the time of application) do not require a buffer.

~~((*(7)))~~ ***(6) Hand application of pesticides.**

~~((Apply only))~~ Pesticides being applied by hand must only be applied to specific targets, such as vegetation, trees, stumps, and burrows, or as bait or in traps. No pesticides may be applied by hand within the core zone of Type 1, 2 and 3 Waters unless necessary to meet requirements for noxious weed control.

~~((*(8)))~~ ***(7) Limitations on application.** Pesticides shall be applied only in accordance with all limitations:

- (a) Printed on the United States Environmental Protection Agency container registration label, and/or
- (b) Established by regulation of the state department of agriculture.
- (c) Established by state and local health departments (in municipal watersheds).
- (d) Established by the Federal Occupational Safety and Health Administration, or the state department of labor and industries, as they relate to safety and health of operating personnel and the public.

(e) The department or the department of agriculture may suspend further use of any equipment responsible for chemical leakage until the deficiency has been corrected to the satisfaction of the department suspending its usage.

~~((*(9)))~~ ***(8) Container disposal.** Pesticide containers shall be either:

- (a) Removed from the forest and disposed of in the manner consistent with label directions; or
- (b) Removed and cleaned for reuse in a manner consistent with any applicable regulations of the state department of agriculture or the state or local health departments.

~~((*(10)))~~ ***(9) Daily records - aerial application of pesticides.** On all aerial applications of pesticides, the operator shall maintain for 7 years daily records of spray operations as

required by the state department of agriculture WAC 16-228-190.

~~((*(11)))~~ ***(10) Reporting of spills.** All potentially damaging chemical spills shall be immediately reported to the department of ecology. Emergency telephone numbers for reporting spills shall be available at the department's regional offices.

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

WAC 222-38-030 Handling, storage, and application of fertilizers. ***(1) Storage and loading areas.** Storage and loading areas should be located where accidental spillage of fertilizers will not enter surface water or wetlands. If any fertilizer is spilled, immediate appropriate procedures shall be taken to contain it.

***(2) Riparian management zone and wetland management zone.** Fertilizer treatments within a riparian management zone or wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

~~*(3) ((Wetland management zone. Fertilizer treatments within a wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.~~

~~*(4)))~~ **Aerial application of fertilizer.**

(a) Proposed fertilization units shall be planned to avoid and to minimize the direct or indirect introduction of fertilizer into waters and wetlands.

(b) Leave a 25 foot buffer on all Type 1, 2, and 3 Waters, except as noted in (f) of this subsection.

(c) When the helicopter flight path during fertilizer application is parallel to a water course or the WMZ edge, the centerline of the initial swath should be adjusted to prevent direct application within the buffers or WMZs.

(d) Leave at least a 200 foot buffer strip around residences and a 100 foot buffer strip adjacent to lands used for agriculture unless such residence or farmland is owned by the forest landowner or the aerial application is acceptable to the resident or landowner.

(e) The landowner shall identify for the operator the units to be fertilized and the untreated areas within the units with appropriately marked aerial photos or detailed planimetric maps. Before application of the fertilizer, an over-flight of the area shall be made by the pilot with the marked photos or maps.

(f) Where the department has been provided information by the department of ecology indicating that water quality in downstream waters is likely to be impaired by entry of fertilizer into waters, such waters shall be protected by site specific conditioning.

~~((*(5)))~~ ***(4) Ground and hand application of fertilizers.** Prevent fertilizer from entering Type A and B Wetlands and all typed waters, except segments of Type 4 and 5 Waters with no surface water.

~~((*(6)))~~ ***(5) Reporting of fertilizer spills.** All fertilizer spills involving streams, lakes, wetlands, or other waters of the state shall be immediately reported to the department of

ecology. Emergency telephone numbers for reporting spills shall be available at the department's regional offices.

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-38-040 Handling, storage, and application of other forest chemicals. *(1) **Waters and wetlands.** Do not allow direct entry of other forest chemicals into any ((typed)) water((s)) or Type A or B Wetlands, except segments of Type 4 and 5 Waters with no surface water(~~or Type A or B Wetlands~~)).

* (2) **Storage, mixing, and loading areas.**

(a) Mix other forest chemicals and clean tanks and equipment only where any accidental spills would not enter surface water or wetlands.

(b) Storage and loading areas should be located where accidental spillage of other forest chemicals will not enter surface water or wetlands. If any chemical is spilled, immediate appropriate procedures should be taken to contain it.

(c) Use devices or procedures to prevent "back siphoning" such as providing an air gap or reservoir between the water source and the mixing tank.

(d) Water protection requirements in subsection (1) of this section may be waived when emergency use of fire retardants is necessary to control wildfire.

NEW SECTION

WAC 222-46-012 Representatives on inspections. In connection with any watershed analysis, any review of a pending application by an interdisciplinary team appointed by the department, any compliance studies, any effectiveness monitoring, or other research that has been agreed to by a landowner, the department will invite representatives of other agencies necessary to provide specific expertise to resolve issues that have been raised, tribes, and interest groups to accompany a department representative and, at the landowner's election, the landowner, on any such inspections. Reasonable efforts must be made by the department to notify the landowner of the persons being invited onto the property and the purposes for which they are being invited.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

WAC 222-46-060 Civil penalties. (1) **Amount of penalty.** Every person who violates any provisions of RCW 76.09.010 through 76.09.280 or of the forest practices rules adopted pursuant thereto, or who converts forest land to a use other than commercial timber operation within three years after completion of the forest practice without the consent of the county, city, or town, shall be subject to a penalty in an amount of not more than ten thousand dollars for each such violation. Each and every such violation shall be a separate and distinct violation. In case of a failure to comply with a stop work order, every day's continuance thereafter shall be a separate and distinct violation.

(2) **Penalty assessments** shall consider the following:

- (a) Repairability of the adverse effect from the violation;
- (b) Whether the violation of the act or rules was intentional;
- (c) Cooperation with the department;
- (d) Previous violation history;
- (e) Severity of the impact or the potential for material damage to public resources; and
- (f) The extent to which a penalty to be imposed on a forest landowner for a forest practice violation committed by another should be reduced because the owner was unaware of the violation and did not receive substantial economic benefits from the violation.

(3) **Calculation of penalty.** The department shall evaluate any violation to determine if a civil penalty is warranted. When penalties are to be assessed they shall be calculated using the following process:

(a) Determine the base penalty; see WAC 222-46-065.

(b) The penalty may be adjusted using factors specific to the incident and the site. The following additional factors will be independently considered and added to the base penalty to calculate the civil penalty:

(i) **Repairability:**

Repairability shall be based on the length of time natural restoration or implementation of a restoration plan will take and whether repair can be achieved. The penalty will be substantially increased when natural restoration will not occur within three years and the damage cannot be effectively corrected. For this factor, up to double the base penalty may be added to the penalty.

(ii) **Intention:**

In making a determination of intent, the department shall consider, but not be limited to, the following considerations: The foreseeability of the violation; whether precautions were taken to avoid the violation; whether an informal conference or enforcement action was served on the violator prior to the violation. For this factor, up to double the base penalty may be added to the penalty.

(iii) **Cooperation:**

The department shall consider whether the violator did or did not make any attempt to correct the problem. Timeliness of action(s) and/or ignoring or evading agency contacts or directives shall determine if the penalty shall be increased. For this factor, up to double the base penalty may be added to the penalty.

(iv) **Previous violation(s):**

The department shall consider whether the violator has previous violations of a forest practice rule or regulation as documented in an enforcement action. The department may consider company organizations and assignment of operational responsibilities when evaluating previous violations. A history of violations with adverse impacts or potential for adverse impacts or that shows a pattern of ignoring the rules or the act, shall result in a substantially larger penalty.

Enforcement actions for the purposes of this section shall include notices to comply, stop work orders, civil penalties, and criminal citations when those enforcement actions are associated with forest practice violations. For this factor, up to quadruple the base penalty may be added to the penalty.

(v) **Severity:**

The department shall adjust the penalty based on the extent and magnitude of the damage or potential damage to public resources. For this factor, up to quadruple the base penalty may be added to the penalty.

(vi) **Landowner involvement:**

If in the opinion of the department, the landowner exercised reasonable prudence in the development of timber sale contracts or supervision of the forest practice operations, was unaware of the forest practice violation, and the landowner received no substantial economic benefit from the violation, then the landowner generally would not be assessed a civil penalty.

(c) In accordance with RCW 76.09.170, the penalty may not exceed ten thousand dollars for each and every violation.

(d) The department shall determine whether all or a portion of the penalty should be assessed against the operator, landowner, and/or timber owner. The department should consider the responsible party, the degree of control, the sophistication of the party and whether different parties conducted different violations.

(4) **Other participants.** Every person who through an act of commission or omission procures, aids or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty provided for in this section.

(5) **Government employees.** No penalty shall be imposed under this section upon any governmental official, an employee of any governmental department, agency, or entity, or a member of any board created by the act for any act or omission in his/her duties in the administration of the act or of these rules.

(6) **Written notice.** The penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department describing the violation with reasonable particularity.

(7) **Remission or mitigation.** Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the supervisor of the department ~~((to manager of the region in which the penalty was issued,))~~ or his or her designee for the remission or mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper: Provided, That the department deems such remission or mitigation to be in the best interests of carrying out the purposes of the act. The department shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rules as they may deem proper. The reviewer may reduce, dismiss or not change the civil penalty. ~~((Within fifteen days of the completion of the regional review, the person incurring the penalty may apply in writing to the supervisor of the department for further review.))~~

(8) **Right of appeal.** Any person incurring any penalty hereunder may appeal the same to the forest practices appeals board. Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When such an application for remission or mitigation is made, such

appeals shall be filed within thirty days of receipt of notice from the department setting forth the disposition of the application for remission or mitigation. Concurrently with the filing of any appeal to the forest practices appeals board as provided in this section, the appellant shall file a copy of the appeal with the department region from which the penalty was issued and a copy with the office of the attorney general.

(9) **Penalties due.** The penalty imposed under this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When such an application for remission or mitigation is made, any penalty incurred under this section shall become due and payable thirty days after receipt of notice setting forth the disposition of such application unless an appeal is filed from such disposition. Whenever an appeal of the penalty incurred is filed, the penalty shall become due and payable only upon completion of all administrative and judicial review proceedings and the issuance of a final order or decision confirming the penalty in whole or in part.

(10) **Enforcement.** If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty, interest, costs, and attorneys' fees. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise provided in the Forest Practices Act. In addition to or as an alternative to seeking enforcement of penalties in superior court, the department may bring an action in district court as provided in Title 3 RCW, to collect penalties, interest, costs, and attorneys' fees.

(11) **Liens.** Penalties imposed under this section for violations associated with a conversion to a use other than commercial timber operation shall be a lien upon the real property of the person assessed the penalty. The department may collect such amounts in the same manner provided in chapter 60.04 RCW for mechanics' liens.

(12) Any person incurring a penalty is also responsible for the payment of all costs and attorneys' fees incurred with the penalty as well as interest accruing on the unpaid penalty amount.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

WAC 222-46-070 Injunctions, civil suits, disapprovals. (1) **The department** may take any necessary action to enforce any final order or final decision ~~((, and))~~.

(2)(a) The department may disapprove ~~((for up to one year))~~ any forest practices application or notification submitted by any person who has failed to comply with a final order or decision as set forth in RCW 76.09.080, 76.09.090, or 76.09.110, or has failed to pay any civil penalties as provided in RCW 76.09.170. This disapproval will last for up to one year from the issuance of a notice of intent to disapprove notifications and applications under this section, or until the

violator pays all outstanding civil penalties and complies with all validly issued and outstanding notices to comply and stop work orders, whichever is longer.

(b) For purposes of this subsection, "validly issued" means a stop work order or notice to comply for which no appeal or request for hearing has been filed; or if appealed, it has not been declared invalid by a final order or decision and all appeals are exhausted.

(c) The department shall provide written notice of its intent to disapprove future applications or notifications, and shall forward copies of such notice to any affected landowner, timber owner or operator(~~such written notice shall occur within ninety days of the failure to comply with a final order or decisions as set forth in RCW 76.09.080, 76.09.090, or 76.09.110, or has failed to pay any civil penalties as provided in RCW 76.09.170~~)). The disapproval period shall run from thirty days following the date of actual notice or from the date all appeals, if any, have been exhausted.

(d) Any person provided notice of intent to disapprove an application or notification may seek review from the forest practices appeals board within thirty days of the date of notice.

((2)) (e) While the notice of intent to disapprove is in effect, the violator(s) may not serve as a person in charge of, be employed by, manage, or otherwise participate to any degree in forest practices.

(3) A county may bring injunctive, declaratory, or other actions for enforcement for forest practice activities within its jurisdiction in the superior court as provided by law against the department, the forest landowner, timber owner or operator to enforce the forest practices regulations or any final order of the department or the appeals board. No civil or criminal penalties shall be imposed for past actions or omissions if such actions or omissions were conducted pursuant to an approval or directive of the department. A county may not commence injunctions, declaratory actions, or other actions for enforcement under this subsection unless the department fails to take appropriate actions after ten days' written notice to the department by the county of a violation of the forest practices rules or final orders of the department or the appeals board.

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The mainstem salmon fishery will target surplus Willamette Hatchery spring chinook allocated by the Oregon Fish and Wildlife Commission to the commercial fishery. The fishery that is on-going is below these catch guidelines, and an extension is necessary to access the remaining allocation. The select area fisheries are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. Impacts to ESA-listed stocks in these fisheries through February "do not constitute an irreversible or irretrievable commitment of resources, in compliance with section 7(d)" of the Endangered Species Act (Stelle letter to Stan Speaks, January 26, 2000). The National Marine Fisheries Service estimates that the biological opinion will be done by February 29, 2000 and will address fisheries beginning March 1, 2000. This rule is consistent with actions of the Columbia River Compact hearings of January 27, 2000, and February 25, 2000, and conforms Washington and Oregon state rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

February 25, 2000

J. P. Koenings

Director

by Larry Peck

WSR 00-06-036

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 00-24—Filed February 25, 2000, 4:22 p.m.]

Date of Adoption: February 25, 2000.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000C; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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

NEW SECTION

WAC 220-33-01000D Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1) Mainstem Salmon Fishery

Area: SMCRA 1A, 1B, 1C, 1D and 1E.

Dates: 6 PM February 27 to 6 PM February 29, 2000

EMERGENCY

Gear: 8 inch minimum mesh and 9 3/4 inch maximum mesh restriction in SMCRA 1A, 1B, 1C, and those waters of 1D upstream to Kelley Point at the mouth of the Willamette River.

9 inch minimum and 9 3/4 inch maximum mesh restriction in SMCRA 1D in those waters upstream of Kelley Point at the mouth of the Willamette River and SMCRA 1E.

Allowable Sale: Salmon and sturgeon.

Sanctuaries: Standard sanctuaries are in place.

2) Blind Slough/Knappa Slough Select Area

Area: Open waters of Blind Slough extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge.

Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

Dates: 7 PM February 27 to 7 AM February 28, 2000

7 PM March 5 to 7 AM March 6, 2000

7 PM March 12 to 7 AM March 13, 2000

7 PM April 23 to 7 AM April 24, 2000

7 PM April 30 to 7 AM May 1, 2000

7 PM May 2 to 7 AM May 3, 2000

7 PM May 7 to 7 AM May 8, 2000

7 PM May 9 to 7 AM May 10, 2000

7 PM May 14 to 7 AM May 15, 2000

7 PM May 16 to 7 AM May 17, 2000

7 PM May 21 to 7 AM May 22, 2000

7 PM May 23 to 7 AM May 24, 2000

7 PM May 28 to 7 AM May 29, 2000

7 PM May 30 to 7 AM May 31, 2000

7 PM June 4 to 7 AM June 5, 2000

7 PM June 6 to 7 AM June 7, 2000

7 PM June 11 to 7 AM June 12, 2000

7 PM June 13 to 7 AM June 14, 2000

Gear: 8 inch minimum mesh restriction from February 27 through March 13, 2000 and 8 inch maximum mesh restriction from April 23 through June 14, 2000.

Nets restricted to 100 fathoms in length with no weight restriction on leadline.

Allowable Sale: Salmon, sturgeon, shad

Miscellaneous Rules: Transportation or possession of fish outside of the fishing area when the mainstem Columbia is closed is unlawful unless by a licensed buyer. An exception to the rule would allow fishers to transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch or by a self-issued permit in the absence of an authorized employee. One copy of the permit is to be retained by the fisher while the original must be deposited in a box located in or adjacent to the fishing area.

3) Tongue Point/South Channel Select Area

Area: Tongue Point Basin is open to fishing in all waters bounded by a line from the red light at Tongue Point to the flashing green light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island,

a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank.

South Channel is open to fishing in all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10".

All open waters are under concurrent jurisdiction.

Dates: 7 AM to 7 PM February 29, 2000

7 AM to 7 PM March 7, 2000

7 AM to 7 PM March 14, 2000

7 PM April 24 to 5 AM April 25, 2000

7 PM May 1 to 5 AM May 2, 2000

7 PM May 3 to 5 AM May 4, 2000

7 PM May 8 to 5 AM May 9, 2000

7 PM May 10 to 5 AM May 11, 2000

7 PM May 15 to 5 AM May 16, 2000

7 PM May 17 to 5 AM May 18, 2000

7 PM May 22 to 5 AM May 23, 2000

7 PM May 24 to 5 AM May 25, 2000

7 PM May 29 to 5 AM May 30, 2000

7 PM May 31 to 5 AM June 1, 2000

7 PM June 5 to 5 AM June 6, 2000

7 PM June 7 to 5 AM June 8, 2000

7 PM June 12 to 5 AM June 13, 2000

7 PM June 14 to 5 AM June 15, 2000

Gear: 8 inch minimum mesh restriction from February 29 through March 14, 2000.

8 inch maximum mesh restriction from April 24 through June 15, 2000.

In South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the leadline. Fishers participating in the Tongue Point Basin fishery may have stored on board their boats, gill nets with leadline in excess of 2 pounds per fathom.

Allowable Sale: Salmon, sturgeon and shad.

Miscellaneous Rules: Transportation or possession of fish outside of the fishing area when the mainstem Columbia is closed is unlawful unless by a licensed buyer. An exception to the rule would allow fishers to transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch or by a self-issued permit in the absence of an authorized employee. One copy of the permit is to be retained by the fisher while the original must be deposited in a box located in or adjacent to the fishing area.

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000C

Columbia River gillnet seasons below Bonneville. (00-22)

EMERGENCY

WSR 00-06-044
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 00-25—Filed February 28, 2000, 4:06 p.m.]

Date of Adoption: February 28, 2000.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-52-07300U and 220-52-07300V; and
 amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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 amounts of sea urchins exist in the areas described. A maximum daily landing limit is needed to prevent overharvest of the non-Indian share in the San Juan Area and Griffin Bay. Two divers are allowed when a vessel is designated on two licenses, consistent with SB 5658 passed by the 1999 legislature. Prohibition of all diving within two days of scheduled sea urchin openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

February 28, 2000

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-07300V Sea urchins Notwithstanding the provisions of WAC 220-52-073, effective immediately until further notice it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Red sea urchins: Sea Urchin Districts 1 and 2 are open only on Wednesday, March 1, 2000. The maximum daily landing for a vessel on March 1, 2000 is 2,000 pounds

of red sea urchins. The Griffin Bay Special Management Area is open only on Thursday, March 2, 2000. The maximum daily landing for a vessel on March 2, 2000 is 2,000 pounds of red sea urchins. It is unlawful to harvest red sea urchins smaller than 4.0 inches or larger than 5.5 inches (size in diameter exclusive of the spines).

(2) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea urchin harvest operation or when commercial quantities of sea urchins are aboard, except that two divers may be in the water if the vessel has been designated on two sea urchin dive fishery licenses.

(3) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources on February 28 and 29, 2000.

(4) Sea Urchin Districts:

(a) Sea Urchin District 1 (Northern San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, and those waters of Area 22A north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and west of a line projected true north from Limestone Point on San Juan Island.

(b) Sea Urchin District 2 (Southern San Juans and Port Townsend) is defined as those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true north from Limestone Point on San Juan Island, and Areas 21A, 21B, 22B, 23A, 23B, 25A, and 25B. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins when fishing is allowed in Sea Urchin District 2:

(i) Those waters of Haro Strait north of a line projected east-west one-half mile south of Eagle Point on San Juan Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.

(ii) Those waters of San Juan Channel and Upright Channel within the following lines: north of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, south of a line projected from Flat Point on Lopez Island true west to Shaw Island, west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island, and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island.

(5) Griffin Bay Special Management Area: Those waters of San Juan Channel and Upright Channel within the following lines: north of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, south of a line projected from Flat Point on Lopez Island to the northernmost point of Turn Island and thence projected true west to San Juan Island.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07300U Sea urchins. (00-15)

The following section of the Washington Administrative Code is repealed effective one hour after official sunset March 2, 2000:

WAC 220-52-07300V Sea urchins.

WSR 00-06-061
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed March 1, 2000, 8:18 a.m.]

Date of Adoption: March 1, 2000.

Purpose: Amend WAC 388-310-0800 to provide a transitional work expense of \$1000 to WorkFirst participants who are receiving a TANF/SFA grant of \$100 or less. This allows the TANF/SFA client to "bank" their remaining months of TANF/SFA.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-0800.

Statutory Authority for Adoption: RCW 74.08A.340(2), 74.08.090, and 74.04.050.

Other Authority: 45 C.F.R. 260.31.

Under 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 policy change supports the overall WorkFirst goal of helping low-income families become self-sufficient as quickly as possible and remain independent of TANF/SFA. Under current policy, WorkFirst participants whose TANF/SFA grants are \$100 a month or less often stay on cash assistance. This results in participants using up valuable months of their sixty-month lifetime limit for cash assistance.

Research show that employed former TANF/SFA recipients often face unexpected financial demand during her or his first year off assistance. This policy change gives these participants a financial "boost" as they leave assistance to help them make it through this important transition year. Perhaps more importantly, it allows them to "bank" their remaining month of cash assistance for future emergencies.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 1, 2000

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-14-043, filed 6/30/99, effective 7/31/99)

WAC 388-310-0800 WorkFirst—Support services.

(1) Why do I receive support services?

Support services help you participate in work and WorkFirst activities that lead to financial independence. You can also get help in paying your child care expenses through the working connections child care assistance program. (Chapter 388-290 WAC describes the rules for this child care assistance program.)

(2) What support services may I receive?

You may receive support services, including but not limited to any of the following:

- (a) Employment related needs such as work clothing or uniforms, tools, equipment, relocation expenses, or fees;
- (b) Transportation costs such as mileage reimbursement, public transportation vouchers, and car repair;
- (c) Professional services;
- (d) Personal needs such as clothing appropriate for job search or other work activities;
- (e) Special needs such as accommodations for employment;
- (f) Identified specific needs due to location or employment if you are an American Indian;
- (g) Job skills training, vocational education and/or basic education if:

(i) It is an approved activity in your individual responsibility plan; and

(ii) You do not qualify for sufficient student financial aid to meet the cost.

(h) Transitional work expense of one thousand dollars if:

(i) You are receiving a TANF/SFA grant of one hundred dollars or less a month; and

(ii) You voluntarily stop receiving your TANF/SFA grant; and

(iii) You are an adult and have never received a transitional work expense.

(3) When will I get support services?

The department or its agents will decide what support services you will receive, as follows:

(a) You need the support services to do the activities in your individual responsibility plan;

(b) It is within available funds; and

(c) It does not assist, promote, or deter religious activity.

(4) How much support services can I get?

The chart below shows the guidelines for the amount and type of support services you can get. There is a suggested limit of fifteen hundred dollars per person per calendar year

for the amount of support services you can receive from the department and/or employment security.

Type of Support Service	Suggested Limit
Accommodation (reasonable)	\$1,000 per request
Books/supplies (school)	No limit
Car repair	\$500 per calendar year
Clothing-General	Participant-\$250 per request Each child-\$100 per request
Clothing/uniforms-Employment	Participant-\$200 per year
Clothing/uniforms-Training	No limit
Diapers	\$50 per child per month
Employer reimbursement	No limit
GED	No limit
Haircut	\$40 per request
License/fees	\$300 per each license or fee
Lunch	\$15 per event
Medical exams (not covered by Medicaid)	\$150 per exam
Mileage	\$0.315 per mile (not to exceed \$100 per week)
Personal hygiene	\$50 per request (up to three times per calendar year)
Professional, trade, association, union and bonds	\$300 per each due or fee
Public transportation	\$150 per month
Relocation	\$1,000 per calendar year
Rent, housing, deposits	\$500 per calendar year
Short-term lodging and meals	\$300 per request
Testing-Certification	\$100 each
Testing-Diagnostic	\$200 each
Tools (training)	No limit
Tools/equipment	\$300 per request
Tutoring	\$200 per month
Tuition and fees	No limit

(5) What if I request more support services than the guidelines allow?

If you request support services from your case manager, you can:

- (a) Ask to see a copy of these guidelines;
- (b) Ask for an exception, if you are requesting more than the guidelines allow or asking for services or goods not mentioned in the guidelines; and/or
- (c) Request a fair hearing, if your request for support services is denied.

(6) What happens to my support services if I do not participate as required?

The department will give you ten days notice, following the rules in WAC 388-418-0030, then discontinue your support services until you participate as required.

**WSR 00-06-076
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed March 1, 2000, 10:01 a.m.]

Date of Adoption: March 1, 2000.

Purpose: To extend the compliance date from March 1, 2000, to June 30, 2000, to allow contractors, employers, administrators, and other individuals to come into compliance with the HVAC/refrigeration licensure and certification requirements found in WAC 296-46-930 and 296-401A-140.

Citation of Existing Rules Affected by this Order: Amending WAC 296-46-930 and 296-401A-140.

Statutory Authority for Adoption: Chapter 19.28 RCW.

Under 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 longstanding policy, which allowed HVAC/refrigeration work without certification, was determined to be both unsafe and possibly outside the department's statutory authority. The current rules (WAC 296-46-930 and 296-401A-140) have an implementation date of March 1, 2000. These rules have gone through the hearing process and were effective in March 1999. The department has determined that it is necessary to prolong the March 1, 2000, date, which would require that all HVAC/refrigeration work to be done by a certified and licensed contractor and certified installer(s) in order to assist in bringing them into compliance with the regulation.

Emergency adoption of the amendments to WAC 296-46-930 and 296-401A-140 is necessary to allow HVAC/refrigeration contractors and installers to come into compliance with the regulations. The allotment of more time will improve public safety and compliance with the regulations for purposes of consumer protection through the registration, licensure, and certification of more registered and bonded electrical contractors.

It is the goal of the department and this extension to increase compliance with the rule, public safety, and consumer protection for all citizens in the state.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

EMERGENCY

Effective Date of Rule: Immediately.

March 1, 2000

Gary Moore

Director

AMENDATORY SECTION [(Amending WSR 99-05-052, filed 2/12/99)]

WAC 296-46-930 Electrical contractor license and administrator certificate designation. See RCW 19.28.120.

(1) General electrical license and/or administrator's certificate encompasses all phases and all types of electrical installations.

(2) Specialty (limited) electrical licenses and/or administrator's certificates are as follows:

(a) Residential (02): Limited to the wiring of one and two family dwellings, or multifamily dwellings not exceeding three floors above grade. All wiring to be in nonmetallic sheathed cable, except service and/or feeders. This specialty does not include wiring commercial occupancies such as motels, hotels, offices, or stores.

(b)(i) Pump and irrigation (03): Limited to the electrical connection of domestic and irrigation water pumps, circular irrigating systems and related pumps and pump houses. This specialty includes circuits, feeders, controls, and services to supply said pumps.

(ii) Domestic well (03A): Limited to the extension of a branch circuit, which is supplied and installed by others, to pump controllers; pressure switches; alarm sensors; and water pumps which do not exceed 7 1/2 horsepower at 230 volts AC single phase.

(c) Signs (04): Limited to placement and connection of signs and outline lighting, the electrical supply, related controls and associated circuit extensions thereto; and the installation of a maximum 60 ampere, 120/240 volt single phase service to supply power to a remote sign only.

(d) Domestic appliances (05): Limited to the electrical connection of household appliances and the wiring thereto; such as hot water heaters, ranges, dishwashers, clothes dryers, oil and gas furnaces, and similar appliances. This specialty includes circuits to the appliances; however, it does not include the installation of service and/or feeders or circuits to electric furnaces and heat pump equipment.

(e)(i) Limited energy system (06): Limited to the installation of signaling and power limited circuits and related equipment. This specialty includes the installation of fire protection signaling systems, intrusion alarms, nonutility owned communications systems, and such similar low energy circuits and equipment.

(ii) HVAC/refrigeration limited energy system (06A): Limited to installation of low voltage, Class 2 HVAC/refrigeration control circuit cables for control of furnaces, heat pumps, and similar HVAC or refrigeration equipment when such conductors do not connect to other than HVAC or refrigeration equipment and when such buildings do not exceed three floors above grade, except for residential occupancies. Associated limited energy control components that are integral with, and control the operation of, the heating and cooling equipment or refrigeration equipment are included in the scope of this specialty. These limited energy components

include, but are not limited to, the following: Thermostats, humidistats, low voltage damper controls, outdoor sensing controls, outside air dampers, stand-alone duct smoke detectors, zone control valves, and the mounting of HVAC/refrigeration control panels and low voltage connections only. Installation of integrated energy management systems other than HVAC/refrigeration systems as defined herein, are not included in this specialty.

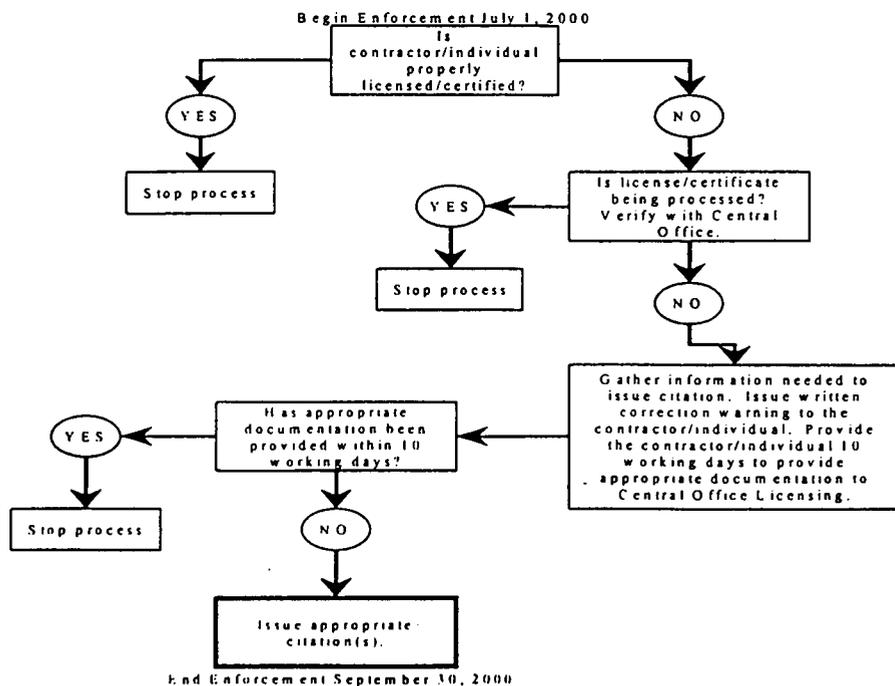
This specialty may install, service, maintain, repair, or replace HVAC/refrigeration electrical systems as long as the work is on the HVAC/refrigeration system itself. This specialty may replace line voltage components within the equipment, only if the components are like in kind with identical voltage and current ratings. This specialty may not install branch circuit (line voltage) conductors, services, feeders, panelboards, or disconnect switches to HVAC/refrigeration equipment. Short sections of raceway may be installed for access to or physical protection of cables, however wiring in conduit systems and wiring in classified locations are excluded from this specialty.

On or before ~~March 1, 2000~~ October 1, 2000, a registered contractor (chapter 18.27 RCW) who provides proof to the department that for a minimum of two years they were engaged full time in the business of HVAC or refrigeration equipment installation, service or repair work may designate a supervisory employee or member of the firm to take the required administrator's examination. This initial designee will satisfy the requirements of RCW 19.28.125 for application for an HVAC/refrigeration limited energy contractor's license. This initial designated administrator must successfully pass the HVAC/refrigeration limited energy specialty administrator's examination prior to the expiration (twenty-four months) of the specialty electrical contractor license. No extension of this initial administrator's status will be permitted unless they pass the HVAC/refrigeration limited energy specialty administrator's examination to qualify for a permanent certificate. The department will continue to accept proof of experience for HVAC/refrigeration contractors and installers until October 1, 2000, however non-compliance with (e)(ii) of this subsection after June 30, 2000 may result in a citation. The enforcement practices for non-compliance are outlined in Figure 1 (below). If a citation is issued for not complying with the licensing/certification requirements the contractor or administrator will lose the ability to designate a supervisory employee to the required administrator's exam as required by (e)(ii) of this subsection.

EMERGENCY

Figure 1

**H V A C / R E L E C T R I C A L S P E C I A L T Y
L i c e n s i n g / C e r t i f i c a t i o n R e q u i r e m e n t s**



(f)(i) Nonresidential maintenance (07): Limited to maintenance, repair and replacement of electrical equipment and conductors on industrial or commercial premises. This specialty certificate of license does not include maintenance activities in hotel, motel, or dwelling units.

(ii) Nonresidential lighting maintenance and lighting retrofit (07A): Limited to working within the housing of existing nonresidential lighting fixtures for work related to repair, service, maintenance of lighting fixtures and installation of energy efficiency lighting retrofit upgrades. This specialty includes replacement of lamps, ballasts, sockets and the installation of listed lighting retrofit reflectors and kits. All work is limited to the fixture body, except remote located ballasts may be replaced or retrofitted with approved products. This specialty does not include installing new fixtures or branch circuits; moving or relocating existing fixtures; or altering existing branch circuits.

This specialty contractor must employ an administrator who holds a nonresidential lighting maintenance and lighting retrofit administrator certificate; or a nonresidential maintenance administrator; or a general administrator. This specialty contractor must adhere to the ratio requirements for trainee supervision in RCW 19.28.510 for specialty electricians to trainees. A specialty lighting maintenance and retrofit specialty technician is allowed to supervise a maximum of two trainees on the same job site. A contractor must obtain an electrical permit and request inspection for all retrofit installations.

The contractor must have a documented electrical lighting maintenance safety training program for all employees working under this specialty contractor license.

(3) Combination specialty electrical contractor license. The department may issue a combination specialty electrical contractor license to a firm which qualifies for more than one specialty electrical contractor license. The license shall plainly indicate the specialty licenses which are included in the combination electrical contractor license.

(4) Combination specialty electrical administrator certificate. The department may issue a combination specialty administrator certificate to an individual who qualifies for more than one specialty administrators' certificate. The combination specialty administrators' certificate shall plainly indicate the specialty administrators' certificate the holder has qualified for.

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 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 WSR 99-05-052, filed 2/12/99)]

WAC 296-401A-140 Electrical specialties. Can I obtain a certificate of competency for an electrical specialty?

The department issues specialty electricians' certificates of competency in the following areas of electrical work:

(1) **Residential certificate (02):** This certificate limits you to wiring one-family and two-family dwellings, or multi-family dwellings that do not exceed three floors above grade.

EMERGENCY

All residential wiring, except service and feeder wiring, must be nonmetallic sheathed cable. **This certificate does not allow you to wire commercial occupancies such as motels, hotels, offices or stores.**

(2) **Pump and irrigation certificate (03):** This certificate limits you to wiring the electrical connection of domestic water pumps, irrigation pumps, circular irrigating systems and related pumps and pump houses. With this certificate, you may also install the circuits, feeders, controls and services necessary to supply electricity to the pumps.

(3) **Domestic well specialty electrical technician certificate (03A):** This certificate limits you to the installation of materials, wires and equipment providing electrical power, control and operation of domestic water pumping systems. In addition, you are limited to the extension of a branch circuit (which has been supplied and installed by others) to pump controllers, pressure switches, alarm sensors, and water pumps which do not exceed 7 and 1/2 horsepower at 230 volts AC single phase.

Prior to December 1, 1998, you will be eligible to take the domestic well specialty electrician's competency examination if you provide the department with notarized verification of at least four years prior experience installing domestic water systems, including pump installations, under the supervision of a firm engaged in the business of installing domestic water systems.

After December 1, 1998, you will be eligible to take the domestic well specialty electrician's competency examination **only if** you provide the department with notarized verification of two years experience installing domestic pump systems working under the direct supervision of a domestic well specialty technician, a pump and irrigation specialty electrician or a journeyman electrician.

Certification of domestic well specialty electrical technicians shall be according to the provisions of WAC 296-401A-105 (original certification) and WAC 296-401A-110 (renewal of certification).

(4) **Signs and outline lighting certificate (04):** This certificate limits you to placing signs and outline lighting and connecting them to their electrical supply, controls and related circuit extensions. You are further limited to the installation of a maximum 60 ampere, 120/240 volt, single phase service supplying power to a remote sign.

(5) **Domestic appliance certificate (05):** This certificate limits you to electrically connecting and wiring domestic appliances such as hot water heaters, ranges, dishwashers, clothes dryers, oil and gas furnaces and similar appliances. You may also install the circuits to those domestic appliances. However, **you may not** install service or feeder wires or circuits to electrical furnaces and heat pump equipment.

(6) **Limited energy system certificate (06):** This certificate limits you to installing signaling circuits, power limited circuits and related equipment. Examples of such equipment would be fire protection signaling systems, intrusion alarms, nonutility owned communication systems and similar low energy circuits and equipment.

(7) **HVAC/refrigeration limited energy technician (06A):**

(a) This certificate limits you to installing low voltage, Class 2 HVAC/refrigeration control circuit cables for control of furnaces, heat pumps, and similar HVAC or refrigeration equipment when such conductors do not connect to other than HVAC or refrigeration equipment and when such buildings do not exceed three floors above grade, except for residential occupancies. Associated limited energy control components that are integral with, and control the operation of, the heating and cooling equipment or refrigeration equipment are included in the scope of this specialty. These limited energy components include, but are not limited to, the following: Thermostats, humidistats, low voltage damper controls, outdoor sensing controls, outside air dampers, stand-alone duct smoke detectors, zone control valves, and the mounting of HVAC/refrigeration control panels and low voltage connections only. Installation of integrated energy management systems other than HVAC/refrigeration systems as defined herein, are **not** included in this specialty.

HVAC/refrigeration limited energy technicians may install, service, maintain, repair, or replace HVAC/refrigeration electrical systems as long as the work is on the HVAC/refrigeration system itself. HVAC/refrigeration technicians may replace line voltage components within the equipment, only if the components are like in kind with identical voltage and current ratings. HVAC/refrigeration technicians may **not** install branch circuit (line voltage) conductors, services, feeders, panelboards, or disconnect switches to HVAC/refrigeration equipment. Short sections of raceway may be installed for access to or physical protection of cables, however wiring in conduit systems and wiring in classified locations are excluded from this specialty.

To qualify to take this certificate examination on or before ~~March 1, 2000~~ October 1, 2000, you must provide proof to the department that you performed HVAC or refrigeration equipment installation, service or repair and you were employed for a minimum of two years by a contractor engaged full time in the business of HVAC or refrigeration equipment installation or repair work. Individuals that meet this requirement will qualify for a third year training certificate and be considered temporarily until March 1, 2002, an HVAC/refrigeration limited energy technician for the purposes of working within the scope of this specialty without supervision and for the purpose of supervising first and second year trainees in proper ratio. After March 1, 2002, you must have successfully passed the certificate examination to perform this work without supervision or to supervise trainees. If you have less than two years of experience, on or before ~~March 1, 2000~~ October 1, 2000, you may apply for a training certificate level comparable to the hours for which you can provide proof of experience.

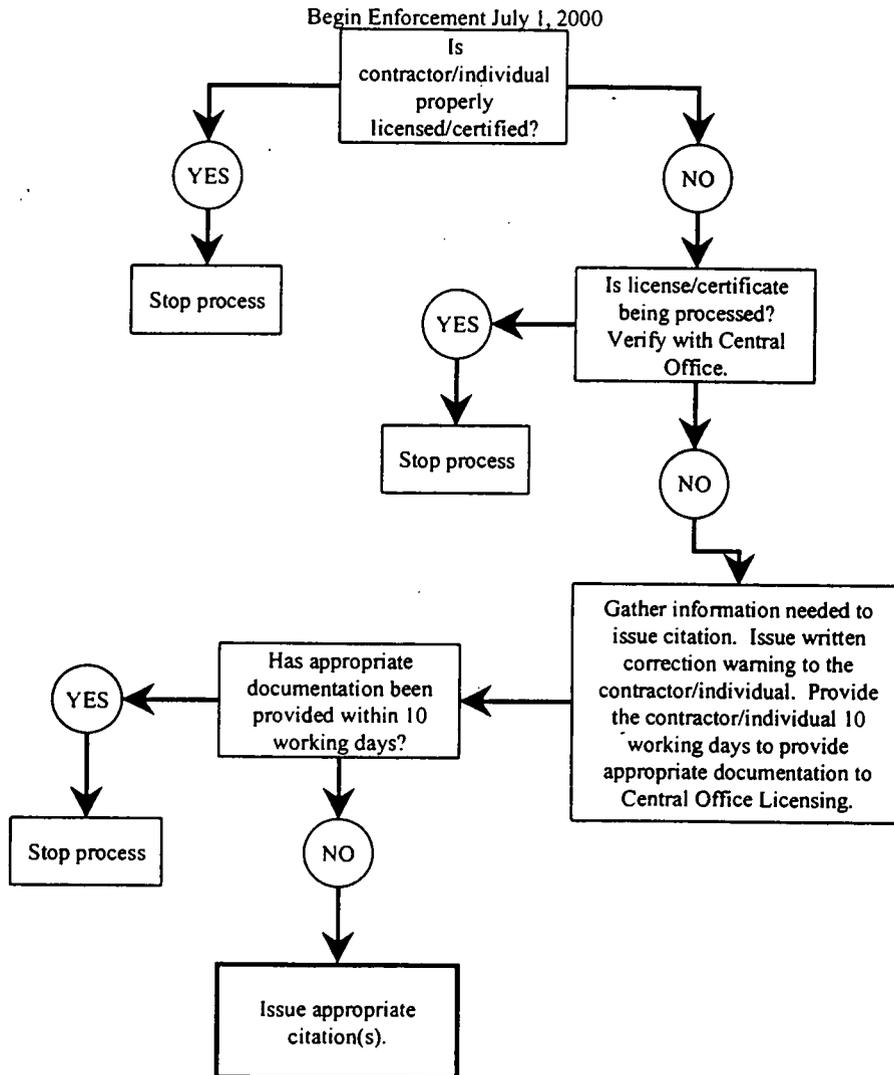
After ~~March 1, 2000~~ October 1, 2000, all applicants for this certificate examination must have a minimum of two years full-time experience under the direct supervision of an HVAC/refrigeration limited energy technician, or a limited energy specialty electrician, or a journeyman electrician. Trainees may work unsupervised during their second year when installing HVAC systems with controls consisting of a single thermostat in one and two family dwelling units only.

(b) The department will continue to accept proof of experience for HVAC/refrigeration contractors and installers until October 1, 2000, however non-compliance with (a) of this subsection after June 30, 2000 may result in a citation. The enforcement practices for non-compliance are outlined

in Figure 1 (below). If a citation is issued for failure to comply with the certification requirements the individual will lose the ability to apply previous HVAC/refrigeration work experience toward examination qualification.

Figure 1

HVAC/R ELECTRICAL SPECIALTY
Licensing/Certification Requirements



End Enforcement September 30, 2000

(8) **Nonresidential maintenance certificate (07):** This certificate limits you to maintaining, repairing and replacing electrical equipment and conductors on industrial or commercial premises. **You may not** conduct maintenance activities in hotels, motels or dwelling units.

(9) **Nonresidential lighting maintenance and lighting retrofit technician (07A):** This certificate limits you to working within the housing of existing nonresidential lighting fixtures and limits you to work related to repair, service,

maintenance of lighting fixtures and the installation of energy efficiency upgrades. Your work may include the replacement of lamps, ballasts, sockets and the installation of listed lighting retrofit reflectors and kits. Your work must be limited to the fixture body, however, you may replace or retrofit remote located ballasts with approved products. **You may not** install new fixtures or branch circuits, move or relocate existing fixtures, or alter existing branch circuits.

EMERGENCY

To qualify for this certificate **on or before June 30, 1999**, you must provide proof to the department that you performed electrical lighting maintenance and lighting retrofit installations and you were employed for a minimum of two years by a contractor engaged full-time in the business of nonresidential lighting maintenance and lighting retrofit work. **After June 30, 1999**, all applicants for this certificate must have a minimum of two years full-time experience under the direct supervision of a nonresidential lighting maintenance and retrofit technician; or a nonresidential maintenance specialty electrician; or a journeyman electrician.

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 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 00-06-002

**NOTICE OF PUBLIC MEETINGS
PUBLIC EMPLOYMENT
RELATIONS COMMISSION**

[Memorandum—February 16, 2000]

NOTICE OF 2000 PUBLIC MEETINGS

The following is a schedule of the regular meetings of the Public Employment Relations Commission for 1999 [2000]:

- March 14
- April 11
- May 9
- June 13
- July 11
- August 8
- October 10
- November 14
- December 12

All meetings begin at 10:00 a.m. Meetings are held in the Evergreen Plaza Building, 711 Capitol Way, Olympia, WA. Attendees should check at Room 603 for the specific room number.

Following due notice, some meetings may be rescheduled or relocated.

Meeting sites are barrier free to the greatest extent possible. Braille or taped agenda items for visually impaired persons, and interpreters for individuals with hearing impairment will be provided if requested with adequate notice. Such requests should be made at least ten working days in advance of the scheduled meeting date, and should be addressed to Public Employment Relations Commission, P.O. Box 40919, Olympia, WA 98504-0919.

WSR 00-06-003

**NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE**

[Memorandum—February 15, 2000]

The board of trustees of Community College District Number Eleven (Pierce College) would like to announce a **change in the date of a regular meeting.**

Original Meeting Date	Time
Wednesday, March 8, 2000	12:30 p.m.
Board Room, Fort Steilacoom Campus 9401 Farwest Drive S.W., Lakewood, WA	
New Meeting Date	
Monday, March 6, 2000	12:30 p.m.
Same location	

WSR 00-06-006

**NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER**

[Memorandum—February 16, 2000]

A regular meeting of the Washington State Convention and Trade Center's board of directors will be held on Wednesday, February 23, 2000, at 1:30 p.m. in Room 310 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 00-06-012

**NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY**

[Memorandum—February 22, 2000]

EASTERN WASHINGTON UNIVERSITY

BOARD OF TRUSTEES

February 25, 2000, 10:00 a.m.

Pence Union Building

Room 263-65

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-2371.

WSR 00-06-013

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed February 22, 2000, 1:05 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 00-04 MAA Numbered Memorandum.
Subject: Additional catheter (Lo-Fric Catheters) added to coverage list.

Effective Date: February 1, 2000.

Document Description: Effective for claims with dates of service on or after February 1, 2000, providers may bill for Lo-Fric Hydrophilic Intermittent Catheters.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 586-2337, TDD 1-800-848-5429, fax (360) 753-7315, e-mail mailto:MYERSEA@dshs.wa.gov.

February 17, 2000

Leslie Saeger

Regulatory Improvement

Project Manager

MISC.

WSR 00-06-018
NOTICE OF PUBLIC MEETINGS
TACOMA COMMUNITY COLLEGE

[Memorandum—February 21, 2000]

I am sending you the date changes for two of our board of trustees meetings. I realize that the date change for the March meeting will not make the cut-off, and therefore, will need to be considered as a special meeting. I have spoken with our assistant attorney general about what is allowed and not allowed during a special meeting. The April change, however, will be in your hands in sufficient time to remain listed as a regular meeting.

The following are the date changes for the Tacoma Community College board of trustees meetings:

Tuesday, March 14 at 2:30 p.m. (previously scheduled for March 16)

Thursday, April 13 at 4:00 p.m. (previously scheduled for April 20)

Both of the meetings listed above will be held at Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466. The meetings will be held in the Learning Resource Center, Building 7, Baker Room.

If you need any other information, call (253) 566-5101.

WSR 00-06-021
OFFICE OF THE
INSURANCE COMMISSIONER

[Filed February 23, 2000, 2:08 p.m.]

In the Matter of the Disclaimer) No. G 2000-10
of Control in relation to the)
Acquisition of PACIFICARE OF) NOTICE OF HEARING
WASHINGTON, INC., a regis-)
tered health care service)
contractor.)

TO: Philip de Toledo, Sr. Vice President

Capital Group Companies, Inc.
333 South Hope Street
Los Angeles, California 90071

J. Michael Low, P.C.
Low & Childers, P.C.
2999 North 44th Street, Suite 250
Phoenix, Arizona 85018

Christopher P. Wing, President
PacifiCare of Washington, Inc.
Post Office Box 9005
Mercer Island, Washington 98040

PacifiCare Health Systems, Inc. (PHS) is a California domestic insurance holding company, and owns 100% of the following Washington domestic insurance company:

PacifiCare of Washington, Inc., a registered health care service contractor.

Capital Group Companies, Inc. (CGC), and CGC Management Companies (CGCM) filed its disclaimer of control as to the identified Washington domestic insurer in anticipation of its acquisition of 10% or more of the voting stock of PHS.

The acquisition of a domestic Washington insurance company is controlled by Chapter 48.31B RCW. RCW 48.31B.005 establishes a presumption of control "if a person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person."

YOU ARE HEREBY NOTIFIED that a hearing will be held commencing Friday, March 24, 2000, at 10:00 a.m. in the 2nd Floor Conference Room at 420 Golf Club Road, Lacey, Washington 98503, to consider all appropriate action concerning the proposed acquisition of PHS as described in the Disclaimer of Control attached to this notice as Exhibit A.

The hearing will be held under the authority granted the Commissioner by RCW 48.02.060(3) and RCW 48.31B-.025(11).

The basic facts relied upon are those set forth in the Disclaimer of Control filed with the Commissioner. The complete Disclaimer of Control will be made part of the record of the hearing.

The Commissioner has not taken, and will not take, any position on this matter prior to entry of the hearing order.

All parties may be represented at the hearing. They may examine witnesses and fully respond and present evidence and argument on all issues involved, as required by the Administrative Procedure Act. The hearing will be governed by the Administrative Procedure Act, Chapter 34.05 RCW, and the model rules of procedure contained in Chapter 10-08 WAC. A party who fails to attend or participate in any stage of the proceeding may be held in default in accordance with Chapter 34.05 RCW.

The Commissioner will be represented by James Tompkins, Assistant Deputy Commissioner.

Deputy Insurance Commissioner James T. Odiorne has been designated to hear and determine this matter. His address is Office of the Insurance Commissioner, Post Office Box 40259, Olympia, Washington 98504-0259. His telephone number is (360) 407-0420.

ENTERED AT OLYMPIA, WASHINGTON, this 18th day of February, 2000.

Deborah Senn
Insurance Commissioner
By:
James T. Odiorne, CPA, JD
Deputy Insurance Commissioner
Company Supervision Division

MISC.

WSR 00-06-029

ATTORNEY GENERAL'S OFFICE

[Filed February 24, 2000, 3:58 p.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by March 8, 2000. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by March 8, 2000, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 586-4218, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

**00-02-04 Request by: Susan Brady, Chair
Public Disclosure Commission**

1. Does Public Disclosure Commission Interpretation 96-02 correctly reflect the circumstances under which commercial loans to a candidate or a candidate's authorized committee are not subject to the contribution limits of RCW 42.17.640?

2. Does Public Disclosure Commission Interpretation 96-02 correctly reflect when the maximum loan repayment restriction of RCW 42.17.125(3) applies to commercial loans made to a candidate or a candidate's authorized committee?

WSR 00-06-035

**NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR**

(Clemency and Pardons Board)

[Memorandum—February 23, 2000]

The Washington State Clemency and Pardons Board hereby files with the code reviser the following change to its meeting schedule: The March 10, 2000, Clemency and Pardons Board meeting has been canceled.

WSR 00-06-055

**NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE**

[Memorandum—February 23, 2000]

**Extraordinary Public Meeting
Board of Trustees
Bates Technical College**

Because three trustees of Bates Technical College board of trustees (a quorum) will attend the annual American Community College Trustees (ACCT) conference, we hereby notify you of an extraordinary meeting of the board.

Trustees Ceccarelli, Lake, and Russell will attend the ACCT Legislative Conference in Washington, DC, February 26-29, 2000. Meetings will occur at the Marriott Wardman Park Hotel, 260 Woodley Road N.W., Washington, DC 20008, in unspecified rooms. No regular board business (actions) will take place at this time.

WSR 00-06-058

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed March 1, 2000, 8:11 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 00-05 MAA Numbered Memorandum.
Subject: Addition of four new hospital selective contracts.

Effective Date: March 1, 2000.

Document Description: The Medical Assistance Administration (MAA) has contracted with four additional hospitals for inpatient hospital services for the Vancouver selective contract area.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 725-1345, TDD 1-800-848-5429, fax (360) 753-7315, e-mail mailto: MYERSEA@dshs.wa.gov.

February 28, 2000

Leslie Saeger
Regulatory Improvement
Project Manager

WSR 00-06-059

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed March 1, 2000, 8:12 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 00-04 MAA Numbered Memorandum.

MISC.

Subject: Additional catheter (Lo-Fric Catheters) added to coverage list.

Effective Date: February 1, 2000.

Document Description: Effective for claims with dates of service on or after February 1, 2000, providers may bill for Lo-Fric Hydrophilic Intermittent Catheters.

To receive a copy of interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 725-1345, TDD 1-800-848-5429, fax (360) 753-7315, e-mail mailto: MYERSEA@dshs.wa.gov.

February 28, 2000

Leslie Saeger
Regulatory Improvement
Project Manager

WSR 00-06-080
DEPARTMENT OF HEALTH
(Board of Pharmacy)

[Filed March 1, 2000, 10:15 a.m.]

Reviser's note: The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

WASHINGTON STATE BOARD OF PHARMACY
MEMORANDUM

DATE: February 24, 2000
TO: Dennis W. Cooper
Office of the Code Reviser
FROM: Donald H. Williams
Executive Director
SUBJECT: NOTICE OF INTENT TO ADOPT FEDERAL
SCHEDULING ORDER - PLACING KETAMINE IN
SCHEDULE III OF THE UNIFORM CONTROLLED
SUBSTANCES ACT

NOTICE

The Washington State Board of Pharmacy intends to adopt the August 12, 1999 action of the Drug Enforcement Administration (DEA) to place Ketamine in schedule III of the Uniform Controlled Substances Act.

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO:

Donald H. Williams, Executive Director
Washington State Board of Pharmacy
PO Box 47863
Olympia WA 98504-7863 - or
Fax (360) 586-4359

RCW 69.50.201(e) allows the Board of Pharmacy to directly adopt DEA scheduling orders without the need for the issuance of a Notice of Proposed Rule under RCW 34.05. The Board will use the expedited rule process allowed for under RCW 69.50.201 provided no objection is made to the Board's adoption of the DEA scheduling order.

The proposed rule will be adopted by the Board of Pharmacy on April 5, 2000 provided no objection to the rule is received. The Board will accept comments up to April 1, 2000.

AMENDATORY SECTION (Amending WSR 00-01-075, filed 12/13/99)

WAC 246-887-160 Schedule III. The board finds that the following substances have a potential for abuse less than the substances listed in Schedules I and II, and have currently accepted medical use in treatment in the United States and that the abuse of the substances may lead to moderate or low physical dependency or high psychological dependency. The board, therefore, places each of the following substances in Schedule III.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations are referred to as excepted compounds in Schedule III as published in 21 CFR 1308.13 (b)(1) as of April 1, 1984, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

- (2) Benzphetamine;
- (3) Chlorphentermine;
- (4) Clortermine;
- (5) Phendimetrazine.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

- (1) Any compound, mixture, or preparation containing:
 - (i) Amobarbital;
 - (ii) Secobarbital;
 - (iii) Pentobarbital;

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;

- (2) Any suppository dosage form containing:
 - (i) Amobarbital;
 - (ii) Secobarbital;

(iii) Pentobarbital; or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid;

(4) Chlorhexadol;

(5) Ketamine, its salts, isomers, and salts of isomers — some other names for ketamine: (<plus-minus>)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone.

(56) Lysergic acid;

(67) Lysergic acid amide;

(78) Methyprylon;

(89) Sulfondiethylmethane;

(910) Sulfonethylmethane;

(1011) Sulfonmethane;

(112) Tiletamine and zolazepam or any salt thereof—some trade or other names for a tiletamine-zolazepam combination product: Telazol some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl) cyclohexanone—some trade or other names for zolazepam: 4-(2-fluorophenyl)-6, 8-dihydro-1, 3, 8-trimethylpyrazolo-[3,4-e] [1,4] diazepin 7 (1H)-one flupyrzapon.

(d) Nalorphine.

(e) Anabolic steroids. The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

(1) Boldenone;

(2) Chlorotestosterone;

(3) Clostebol;

(4) Dehydrochlormethyltestosterone;

(5) Dehydroepiandrosterone;

(6) Dihydrotestosterone;

(7) Drostanolone;

(8) Ethylestrenol;

(9) Fluoxymesterone;

(10) Formebolone (Formebolone);

(11) Mesterolone;

(12) Methandienone;

(13) Methandranone;

(14) Methandriol;

(15) Methandrostenolone;

(16) Methenolone;

(17) Methyltestosterone;

(18) Mibolerone;

(19) Nandrolone;

(20) Norethandrolone;

(21) Oxandrolone;

(22) Oxymesterone;

(23) Oxymetholone;

(24) Stanolone;

(25) Stanozolol;

(26) Testolactone;

(27) Testosterone;

(28) Trenbolone; and

(29) Any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or iso-

mer promotes muscle growth. Except such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for such administration. If any person prescribes, dispenses, or distributes such steroid for human use such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph.

The following are implants or pellets which are exempt:

Ingredients	Trade Name	Company
Testosterone Propionate, Oestradiol Benzoate	F-TO	Animal Health Div. Upjohn International Kalamazoo, MI
Trenbolone Acetate	Finaplix-H	Hoechst-Roussel Agri-Vet Co., Somerville, NJ
Trenbolone Acetate	Finaplix-S	Hoechst-Roussel Agri-Vet Co., Somerville, NJ
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Anchor Division Boehringer Ingelheim St. Joseph, MO
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Bio-Ceutic Division Boehringer Ingelheim St. Joseph, MO
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Ivy Laboratories, Inc. Overland Park, KS
Testosterone Propionate, Estradiol Benzoate	Implus	The Upjohn Co. Kalamazoo, MI
Trenbolone Acetate, Estradiol	Revalor-s	Hoechst-Roussel Agri-Vet Co., Somerville, NJ
Testosterone Propionate, Estradiol Benzoate	Synovex H	Syntex Laboratories Palo Alto, CA

(f) The following anabolic steroid products containing compounds, mixtures, or preparations are exempt from the recordkeeping, refill restrictions, and other Controlled Substances Act requirements:

Ingredients	Trade Name	Company
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Androgyn L.A.	Forest Pharmaceuticals St. Louis, MO
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Andro-Estro 90-4	Rugby Laboratories Rockville Centre, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	depANDROGYN	Forest Pharmaceuticals St. Louis, MO
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	DEPO-T.E.	Quality Research Laboratories Carmel, IN
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	depTESTROGEN	Martica Pharmaceuticals Phoenix, AZ
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Duomone	Wintec Pharmaceutical Pacific, MO

MISC.

Ingredients	Trade Name	Company
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	DURATESTIN	W.E. Hauck Alpharetta, GA
Testosterone cypionate 50 mg/ml Esterified cypionate 2 mg/ml	DUO-SPAN II	Primedics laboratories Gardena, CA
Esterified estrogens 1.25 mg. Methyltestosterone 2.5 mg.	Estratest	Solvay Pharmaceuticals Marietta, GA
Esterified estrogens 0.525 mg. Methyltestosterone 1.25 mg.	Estratest HS	Solvay Pharmaceuticals Marietta, GA
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	PAN ESTRA TEST	Pan American Labs Covington, LA
Conjugated estrogens 1.25 mg. Methyltestosterone 10 mg.	Premarin with Methyltestoster- one	Ayerst Labs, Inc. New York, NY
Conjugated estrogens 0.625 mg. Methyltestosterone 5 mg.	Premarin with Methyltestoster- one	Ayerst Labs, Inc. New York, NY
Testosterone propi- onate 25 mg Estradiol benzoate 2.5 mg	Synovex H Pellets in process	Syntex Animal Health Palo Alto, CA
Testosterone propi- onate 10 parts Estradiol benzoate 1 part	Synovex H Pellets in process, granulation	Syntex Animal Health Palo Alto, CA
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testagen	Clint Pharmaceutical Nashville, TN
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	TEST-ESTRO Cypionates	Rugby Laboratories Rockville Centre, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cyp 50 Estradiol Cyp 2	I.D.E.-Interstate Amityville, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estra- diol Cypionate Injection	Best Generics No. Miami Beach, FL
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estra- diol Cypionate Injection	Goldline Labs Ft. Lauderdale FL
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estra- diol Cypionate Injection	Schein Pharmaceuticals Port Washington, NY

Ingredients	Trade Name	Company
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estra- diol Cypionate Injection	Steris Labs, Inc. Phoenix, AZ
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanth-ate-Estra- diol Valer-ate Injection	Goldline Labs Ft. Lauderdale FL
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanthate-Estra- diol Valerate Injection	Schein Pharmaceuticals Port Washington, NY
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanthate-Estra- diol Valerate Injection	Steris Labs, Inc. Phoenix, AZ

(g) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof calculated as the free anhydrous base or alkaloid, in limited quantities as set forth in paragraph (e) of this section:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(h) hallucinogenic substances

(i) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product. (Some other names for dronabinol [6aR-trans]-6a, 7, 8, 10a-tetrahydro-6, 6, 9-tri-

MISC.

methyl -3-pentyl-6H-dibenzo[b,d] pyran-i-ol, or(-)-delta-9-(trans)-tetrahydrocannabinol.)

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 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.

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.

MISC.



Table of WAC Sections Affected

KEY TO TABLE

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.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action

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 identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4- 25-510	PREP	00-03-032	16- 80-045	AMD-P	00-03-068	16-228-1380	PREP	00-03-080
4- 25-830	PREP	00-03-033	16- 80-045	AMD	00-06-066	16-228-1385	PREP	00-03-080
16- 70-001	REP-P	00-03-070	16- 80-047	AMD-P	00-03-068	16-228-1400	PREP	00-03-078
16- 70-001	REP	00-06-064	16- 80-047	AMD	00-06-066	16-228-1500	PREP	00-03-079
16- 70-005	AMD-P	00-03-070	16- 80-050	REP-P	00-03-068	16-228-1520	PREP	00-03-079
16- 70-005	AMD	00-06-064	16- 80-050	REP	00-06-066	16-228-1540	PREP	00-03-080
16- 70-010	AMD-P	00-03-070	16-101	PREP	00-02-077	16-228-1545	PREP	00-03-079
16- 70-010	AMD	00-06-064	16-112-001	REP	00-05-024	16-228-1580	PREP	00-03-080
16- 70-030	REP-P	00-03-070	16-112-010	REP	00-05-024	16-228-2000	PREP	00-03-077
16- 70-030	REP	00-06-064	16-112-020	REP	00-05-024	16-230	PREP	00-04-020
16- 74-001	REP-P	00-03-069	16-112-030	REP	00-05-024	16-230	PREP	00-04-021
16- 74-001	REP	00-06-065	16-147-010	AMD	00-05-025	16-230	PREP	00-04-022
16- 74-005	NEW-P	00-03-069	16-147-020	AMD	00-05-025	16-404	PREP	00-03-083
16- 74-005	NEW	00-06-065	16-147-030	AMD	00-05-025	16-409	PREP	00-03-085
16- 74-010	AMD-P	00-03-069	16-200-695	PREP	00-03-076	16-445	PREP	00-03-084
16- 74-010	AMD	00-06-065	16-202-1000	PREP	00-03-076	16-483	AMD-C	00-04-066
16- 74-020	AMD-P	00-03-069	16-202-2000	PREP	00-03-076	16-483-001	AMD	00-05-105
16- 74-020	AMD	00-06-065	16-213-010	REP-P	00-05-048	16-483-005	AMD	00-05-105
16- 74-030	AMD-P	00-03-069	16-213-100	REP-P	00-05-048	16-483-010	AMD	00-05-105
16- 74-030	AMD	00-06-065	16-213-110	REP-P	00-05-048	16-483-020	AMD	00-05-105
16- 74-040	REP-P	00-03-069	16-213-120	REP-P	00-05-048	16-483-030	AMD	00-05-105
16- 74-040	REP	00-06-065	16-213-130	REP-P	00-05-048	16-483-040	AMD	00-05-105
16- 80-005	AMD-P	00-03-068	16-213-200	AMD-P	00-05-048	16-483-050	AMD	00-05-105
16- 80-005	AMD	00-06-066	16-213-220	REP-P	00-05-048	16-483-060	REP	00-05-105
16- 80-007	AMD-P	00-03-068	16-213-230	REP-P	00-05-048	16-536-040	AMD-P	00-05-089
16- 80-007	AMD	00-06-066	16-213-240	REP-P	00-05-048	16-550-020	AMD-XA	00-05-090
16- 80-010	AMD-P	00-03-068	16-213-250	REP-P	00-05-048	16-555-020	AMD-XA	00-05-091
16- 80-010	AMD	00-06-066	16-213-260	AMD-P	00-05-048	16-565-020	AMD-XA	00-05-092
16- 80-015	AMD-P	00-03-068	16-213-270	AMD-P	00-05-048	82- 50-021	AMD-XA	00-05-016
16- 80-015	AMD	00-06-066	16-228-1010	PREP	00-03-080	112- 10-010	AMD	00-05-036
16- 80-020	AMD-P	00-03-068	16-228-1040	PREP	00-03-080	112- 10-020	AMD	00-05-036
16- 80-020	AMD	00-06-066	16-228-1150	PREP	00-03-080	112- 10-030	AMD	00-05-036
16- 80-025	AMD-P	00-03-068	16-228-1200	PREP	00-03-080	112- 10-040	AMD	00-05-036
16- 80-025	AMD	00-06-066	16-228-1220	PREP	00-03-077	112- 10-050	AMD	00-05-036
16- 80-030	AMD-P	00-03-068	16-228-1230	PREP	00-03-080	112- 10-060	AMD	00-05-036
16- 80-030	AMD	00-06-066	16-228-1240	PREP	00-03-077	112- 10-070	NEW	00-05-036
16- 80-035	AMD-P	00-03-068	16-228-1250	PREP	00-03-077	112- 10-080	NEW	00-05-036
16- 80-035	AMD	00-06-066	16-228-1270	PREP	00-03-080	118- 03-330	REP	00-05-012
16- 80-040	AMD-P	00-03-068	16-228-1300	PREP	00-03-077	118- 06-010	REP	00-05-011
16- 80-040	AMD	00-06-066	16-228-1320	PREP	00-03-077	118- 06-020	REP	00-05-011

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
118-06-030	REP	00-05-011	132E-124-020	DECOD-P	00-06-063	132X-50-180	AMD	00-05-023
118-06-040	REP	00-05-011	132G-276-010	AMD-P	00-02-074	132X-50-190	AMD	00-05-023
118-06-050	REP	00-05-011	132G-276-010	AMD-S	00-06-074	132X-50-210	AMD	00-05-023
118-06-060	REP	00-05-011	132G-276-020	AMD-P	00-02-074	132X-50-230	AMD	00-05-023
118-06-070	REP	00-05-011	132G-276-020	AMD-S	00-06-074	132X-50-240	AMD	00-05-023
118-06-080	REP	00-05-011	132G-276-030	REP-P	00-02-074	132X-50-260	AMD	00-05-023
118-07-010	REP	00-05-011	132G-276-030	REP-S	00-06-074	132X-50-270	AMD	00-05-023
118-07-020	REP	00-05-011	132G-276-040	REP-P	00-02-074	132X-50-280	AMD	00-05-023
118-07-030	REP	00-05-011	132G-276-040	REP-S	00-06-074	132X-60-010	AMD	00-05-023
118-07-040	REP	00-05-011	132G-276-050	AMD-P	00-02-074	132X-60-015	NEW	00-05-023
118-07-050	REP	00-05-011	132G-276-050	AMD-S	00-06-074	132X-60-020	AMD	00-05-023
118-07-060	REP	00-05-011	132G-276-060	AMD-P	00-02-074	132X-60-035	NEW	00-05-023
118-08-010	REP	00-05-011	132G-276-060	AMD-S	00-06-074	132X-60-037	NEW	00-05-023
118-08-020	REP	00-05-011	132G-276-080	AMD-P	00-02-074	132X-60-040	AMD	00-05-023
118-08-030	REP	00-05-011	132G-276-080	AMD-S	00-06-074	132X-60-045	NEW	00-05-023
118-08-040	REP	00-05-011	132G-276-090	AMD-P	00-02-074	132X-60-046	NEW	00-05-023
118-08-050	REP	00-05-011	132G-276-090	AMD-S	00-06-074	132X-60-050	AMD	00-05-023
118-08-060	REP	00-05-011	132G-276-100	AMD-P	00-02-074	132X-60-060	AMD	00-05-023
118-08-070	REP	00-05-011	132G-276-100	AMD-S	00-06-074	132X-60-065	NEW	00-05-023
132E-120	PREP	00-02-082	132G-276-110	AMD-P	00-02-074	132X-60-075	NEW	00-05-023
132E-120	AMD-P	00-06-063	132G-276-110	AMD-S	00-06-074	132X-60-080	AMD	00-05-023
132E-120-010	DECOD-P	00-06-063	132G-276-120	AMD-P	00-02-074	132X-60-090	AMD	00-05-023
132E-120-020	AMD-P	00-06-063	132G-276-120	AMD-S	00-06-074	132X-60-100	AMD	00-05-023
132E-120-020	DECOD-P	00-06-063	132G-276-130	AMD-P	00-02-074	132X-60-110	AMD	00-05-023
132E-120-030	AMD-P	00-06-063	132G-276-130	AMD-S	00-06-074	132X-60-120	AMD	00-05-023
132E-120-030	DECOD-P	00-06-063	132G-276-900	AMD-P	00-02-074	132X-60-130	AMD	00-05-023
132E-120-040	AMD-P	00-06-063	132G-276-900	AMD-S	00-06-074	132X-60-140	AMD	00-05-023
132E-120-040	DECOD-P	00-06-063	132X-10-010	AMD	00-05-023	132X-60-150	AMD	00-05-023
132E-120-110	NEW-P	00-06-063	132X-10-030	AMD	00-05-023	132X-60-160	AMD	00-05-023
132E-120-120	NEW-P	00-06-063	132X-10-050	AMD	00-05-023	132X-60-170	AMD	00-05-023
132E-120-130	NEW-P	00-06-063	132X-10-060	AMD	00-05-023	132X-60-178	NEW	00-05-023
132E-120-140	NEW-P	00-06-063	132X-10-080	AMD	00-05-023	132X-60-180	AMD	00-05-023
132E-120-150	NEW-P	00-06-063	132X-10-100	AMD	00-05-023	136-167-020	AMD	00-05-043
132E-120-160	RECOD-P	00-06-063	132X-10-110	AMD	00-05-023	136-167-030	AMD	00-05-043
132E-120-170	RECOD-P	00-06-063	132X-20-010	REP	00-05-022	137-28	PREP	00-02-070
132E-120-180	RECOD-P	00-06-063	132X-20-020	REP	00-05-022	137-125-005	NEW-E	00-05-044
132E-120-190	RECOD-P	00-06-063	132X-20-030	REP	00-05-022	137-125-010	NEW-E	00-05-044
132E-120-200	NEW-P	00-06-063	132X-20-040	REP	00-05-022	137-125-015	NEW-E	00-05-044
132E-120-210	NEW-P	00-06-063	132X-20-050	REP	00-05-022	137-125-040	NEW-E	00-05-044
132E-120-220	RECOD-P	00-06-063	132X-20-060	REP	00-05-022	137-125-042	NEW-E	00-05-044
132E-120-230	RECOD-P	00-06-063	132X-20-070	REP	00-05-022	137-125-044	NEW-E	00-05-044
132E-120-240	NEW-P	00-06-063	132X-20-080	REP	00-05-022	137-125-046	NEW-E	00-05-044
132E-120-250	NEW-P	00-06-063	132X-20-090	REP	00-05-022	137-125-048	NEW-E	00-05-044
132E-120-260	NEW-P	00-06-063	132X-20-100	REP	00-05-022	137-125-052	NEW-E	00-05-044
132E-120-270	NEW-P	00-06-063	132X-20-110	REP	00-05-022	137-125-054	NEW-E	00-05-044
132E-120-280	NEW-P	00-06-063	132X-20-120	REP	00-05-022	137-125-060	NEW-E	00-05-044
132E-120-290	NEW-P	00-06-063	132X-20-130	REP	00-05-022	137-125-070	NEW-E	00-05-044
132E-120-300	NEW-P	00-06-063	132X-30-040	AMD	00-05-023	137-125-072	NEW-E	00-05-044
132E-120-310	NEW-P	00-06-063	132X-40-020	AMD	00-05-023	137-125-076	NEW-E	00-05-044
132E-120-320	NEW-P	00-06-063	132X-50-020	AMD	00-05-023	137-125-078	NEW-E	00-05-044
132E-120-330	NEW-P	00-06-063	132X-50-030	AMD	00-05-023	137-125-090	NEW-E	00-05-044
132E-120-340	NEW-P	00-06-063	132X-50-040	AMD	00-05-023	137-125-095	NEW-E	00-05-044
132E-120-350	NEW-P	00-06-063	132X-50-050	AMD	00-05-023	137-125-100	NEW-E	00-05-044
132E-120-360	NEW-P	00-06-063	132X-50-060	AMD	00-05-023	137-125-105	NEW-E	00-05-044
132E-120-370	NEW-P	00-06-063	132X-50-080	AMD	00-05-023	137-125-110	NEW-E	00-05-044
132E-120-380	NEW-P	00-06-063	132X-50-110	AMD	00-05-023	137-125-115	NEW-E	00-05-044
132E-120-390	NEW-P	00-06-063	132X-50-120	AMD	00-05-023	137-125-120	NEW-E	00-05-044
132E-120-400	NEW-P	00-06-063	132X-50-130	AMD	00-05-023	137-125-125	NEW-E	00-05-044
132E-120-410	NEW-P	00-06-063	132X-50-140	AMD	00-05-023	137-125-130	NEW-E	00-05-044
132E-121-010	AMD-P	00-06-063	132X-50-150	AMD	00-05-023	137-125-135	NEW-E	00-05-044
132E-121-010	DECOD-P	00-06-063	132X-50-160	AMD	00-05-023	137-125-140	NEW-E	00-05-044
132E-124-020	AMD-P	00-06-063	132X-50-170	AMD	00-05-023	137-125-195	NEW-E	00-05-044

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
137-130-005	NEW-E	00-05-045	173-303-630	AMD-P	00-02-081	192- 12-072	REP	00-05-068
137-130-010	NEW-E	00-05-045	173-303-640	AMD-P	00-02-081	192- 12-405	REP	00-05-069
137-130-020	NEW-E	00-05-045	173-303-645	AMD-P	00-02-081	192- 16-017	REP-E	00-05-063
137-130-030	NEW-E	00-05-045	173-303-646	AMD-P	00-02-081	192-150-005	NEW-E	00-05-063
137-130-040	NEW-E	00-05-045	173-303-650	AMD-P	00-02-081	192-150-085	NEW-E	00-05-063
137-130-050	NEW-E	00-05-045	173-303-680	AMD-P	00-02-081	192-270-005	NEW-E	00-05-063
137-130-060	NEW-E	00-05-045	173-303-690	AMD-P	00-02-081	192-270-010	NEW-E	00-05-063
137-130-070	NEW-E	00-05-045	173-303-691	AMD-P	00-02-081	192-270-015	NEW-E	00-05-063
137-130-080	NEW-E	00-05-045	173-303-692	NEW-P	00-02-081	192-270-020	NEW-E	00-05-063
137-130-090	NEW-E	00-05-045	173-303-693	NEW-P	00-02-081	192-270-025	NEW-E	00-05-063
137-130-100	NEW-E	00-05-045	173-303-800	AMD-P	00-02-081	192-270-030	NEW-E	00-05-063
137-130-110	NEW-E	00-05-045	173-303-803	NEW-P	00-02-081	192-270-035	NEW-E	00-05-063
137-130-120	NEW-E	00-05-045	173-303-804	AMD-P	00-02-081	192-270-040	NEW-E	00-05-063
137-130-130	NEW-E	00-05-045	173-303-805	AMD-P	00-02-081	192-270-045	NEW-E	00-05-063
137-130-140	NEW-E	00-05-045	173-303-806	AMD-P	00-02-081	192-270-050	NEW-E	00-05-063
137-130-150	NEW-E	00-05-045	173-303-807	AMD-P	00-02-081	192-270-055	NEW-E	00-05-063
139- 01	PREP	00-04-048	173-303-810	AMD-P	00-02-081	192-270-060	NEW-E	00-05-063
139- 05	PREP	00-04-048	173-303-830	AMD-P	00-02-081	192-270-065	NEW-E	00-05-063
139- 10	PREP	00-04-048	173-303-840	AMD-P	00-02-081	192-270-070	NEW-E	00-05-063
139- 25	PREP	00-04-048	173-303-9904	AMD-P	00-02-081	192-300-050	NEW	00-05-068
173- 98-030	AMD-XA	00-04-085	173-303-9907	AMD-P	00-02-081	192-300-170	NEW	00-05-064
173-181	PREP	00-05-096	180- 27-032	AMD	00-04-007	192-300-190	NEW	00-05-067
173-202-010	REP-XR	00-06-038	180- 27-102	AMD-P	00-05-104	192-320-050	NEW	00-05-068
173-202-020	REP-XR	00-06-038	180- 29-068	NEW	00-04-008	192-320-070	NEW	00-05-069
173-303-010	AMD-P	00-02-081	180- 51-063	NEW	00-04-047	192-330-100	NEW	00-05-066
173-303-016	AMD-P	00-02-081	180- 51-064	NEW	00-04-047	192-340-010	NEW	00-05-065
173-303-040	AMD-P	00-02-081	180- 51-075	AMD	00-05-010	196- 31-010	NEW-P	00-04-059
173-303-045	AMD-P	00-02-081	180- 51-075	PREP	00-06-054	196- 31-020	NEW-P	00-04-059
173-303-060	AMD-P	00-02-081	180- 52-041	NEW	00-03-046	196- 31-030	NEW-P	00-04-059
173-303-070	AMD-P	00-02-081	180- 78A-010	AMD	00-03-049	196- 31-040	NEW-P	00-04-059
173-303-071	AMD-P	00-02-081	180- 78A-100	AMD-P	00-05-082	196- 31-050	NEW-P	00-04-059
173-303-073	AMD-P	00-02-081	180- 78A-209	AMD-P	00-05-079	196- 31-060	NEW-P	00-04-059
173-303-077	AMD-P	00-02-081	180- 78A-500	PREP	00-05-078	196- 31-070	NEW-P	00-04-059
173-303-100	AMD-P	00-02-081	180- 78A-505	AMD	00-03-049	204- 24-050	AMD	00-03-081
173-303-110	AMD-P	00-02-081	180- 78A-510	AMD	00-03-049	204- 38-030	AMD	00-03-023
173-303-120	AMD-P	00-02-081	180- 78A-515	AMD	00-03-049	204- 38-040	AMD	00-03-023
173-303-160	AMD-P	00-02-081	180- 78A-520	AMD	00-03-049	204- 38-050	AMD	00-03-023
173-303-170	AMD-P	00-02-081	180- 78A-525	AMD	00-03-049	208-440	PREP	00-04-074
173-303-180	AMD-P	00-02-081	180- 78A-530	AMD	00-03-049	208-440-010	PREP	00-04-074
173-303-190	AMD-P	00-02-081	180- 78A-535	AMD	00-03-049	208-440-020	PREP	00-04-074
173-303-200	AMD-P	00-02-081	180- 78A-540	AMD	00-03-049	208-440-040	PREP	00-04-074
173-303-201	AMD-P	00-02-081	180- 79A-006	AMD	00-03-048	208-440-050	PREP	00-04-074
173-303-240	AMD-P	00-02-081	180- 79A-007	AMD	00-03-048	210- 01-120	AMD-P	00-03-040
173-303-280	AMD-P	00-02-081	180- 79A-123	AMD-P	00-05-080	220- 16-590	AMD-P	00-06-083
173-303-281	AMD-P	00-02-081	180- 79A-130	AMD	00-03-048	220- 16-740	NEW-P	00-06-083
173-303-300	AMD-P	00-02-081	180- 79A-140	PREP	00-05-076	220- 16-750	NEW-P	00-06-083
173-303-320	AMD-P	00-02-081	180- 79A-145	AMD	00-03-048	220- 20-015	AMD-P	00-06-083
173-303-360	AMD-P	00-02-081	180- 79A-206	AMD	00-03-048	220- 20-020	AMD-P	00-06-083
173-303-370	AMD-P	00-02-081	180- 79A-231	PREP	00-05-076	220- 20-025	AMD-P	00-06-083
173-303-380	AMD-P	00-02-081	180- 79A-250	AMD	00-03-048	220- 32-05100R	NEW-E	00-04-071
173-303-390	AMD-P	00-02-081	180- 79A-257	AMD	00-03-048	220- 32-05100R	REP-E	00-04-071
173-303-400	AMD-P	00-02-081	180- 79A-260	AMD	00-03-050	220- 33-01000B	NEW-E	00-05-047
173-303-505	AMD-P	00-02-081	180- 82-204	AMD-P	00-05-083	220- 33-01000B	REP-E	00-05-047
173-303-510	AMD-P	00-02-081	180- 82-311	NEW-P	00-05-083	220- 33-01000B	REP-E	00-06-011
173-303-515	AMD-P	00-02-081	180- 82-313	NEW-P	00-05-083	220- 33-01000C	NEW-E	00-06-011
173-303-520	AMD-P	00-02-081	180- 82-335	NEW-P	00-05-083	220- 33-01000C	REP-E	00-06-036
173-303-522	AMD-P	00-02-081	180- 82-340	NEW-P	00-05-083	220- 33-01000D	NEW-E	00-06-036
173-303-573	AMD-P	00-02-081	180- 82-341	NEW-P	00-05-083	220- 33-04000I	REP-E	00-06-017
173-303-578	NEW-P	00-02-081	180- 82-342	AMD-P	00-05-083	220- 33-04000J	NEW-E	00-06-017
173-303-600	AMD-P	00-02-081	180- 82-343	AMD-P	00-05-083	220- 33-04000J	REP-E	00-06-017
173-303-610	AMD-P	00-02-081	180- 85-030	PREP	00-05-077	220- 44-05000A	NEW-E	00-04-041
173-303-620	AMD-P	00-02-081	192- 12-025	REP	00-05-064	220- 44-05000Z	REP-E	00-04-041

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220- 52-0400Q	REP-E	00-04-084	222- 20-080	AMD-E	00-06-026	230- 12-050	AMD-P	00-05-101
220- 52-0400R	NEW-E	00-04-084	222- 22-070	AMD-E	00-06-026	230- 12-072	NEW-P	00-05-101
220- 52-04600U	NEW-E	00-04-084	222- 22-075	NEW-E	00-06-026	230- 12-073	NEW-P	00-05-101
220- 52-04600U	REP-E	00-06-009	222- 22-076	NEW-E	00-06-026	230- 12-078	AMD-P	00-04-099
220- 52-04600V	REP-E	00-04-084	222- 22-080	AMD-E	00-06-026	230- 12-310	AMD-P	00-05-103
220- 52-04600X	NEW-E	00-06-009	222- 22-090	AMD-E	00-06-026	230- 20-110	REP-P	00-04-099
220- 52-06900A	NEW-E	00-04-015	222- 24-010	AMD-E	00-06-026	230- 20-120	REP-P	00-04-099
220- 52-071	AMD	00-03-042	222- 24-015	NEW-E	00-06-026	230- 20-220	AMD-P	00-04-099
220- 52-073	AMD	00-03-042	222- 24-020	AMD-E	00-06-026	230- 20-243	AMD-P	00-04-099
220- 52-07300Q	REP-E	00-03-006	222- 24-025	REP-E	00-06-026	230- 20-244	AMD-P	00-04-099
220- 52-07300R	NEW-E	00-03-006	222- 24-026	NEW-E	00-06-026	230- 40-010	AMD-P	00-05-101
220- 52-07300R	REP-E	00-03-006	222- 24-030	AMD-E	00-06-026	230- 40-015	REP-P	00-05-101
220- 52-07300R	REP-E	00-03-044	222- 24-035	AMD-E	00-06-026	230- 40-030	AMD-P	00-05-101
220- 52-07300S	NEW-E	00-03-044	222- 24-040	AMD-E	00-06-026	230- 40-040	NEW-P	00-05-101
220- 52-07300S	REP-E	00-03-044	222- 24-050	AMD-E	00-06-026	230- 40-050	AMD-P	00-05-101
220- 52-07300S	REP-E	00-04-013	222- 24-051	NEW-E	00-06-026	230- 40-060	REP-P	00-05-101
220- 52-07300T	NEW-E	00-04-013	222- 24-052	NEW-E	00-06-026	230- 40-070	AMD-P	00-05-101
220- 52-07300T	REP-E	00-05-041	222- 24-060	AMD-E	00-06-026	230- 40-120	AMD-P	00-05-101
220- 52-07300U	NEW-E	00-05-041	222- 30-010	AMD-E	00-06-026	230- 40-125	REP-P	00-05-101
220- 52-07300U	REP-E	00-06-044	222- 30-020	AMD-E	00-06-026	230- 40-130	AMD-P	00-05-101
220- 52-07300V	NEW-E	00-06-044	222- 30-021	NEW-E	00-06-026	230- 40-150	REP-P	00-05-101
220- 52-07300V	REP-E	00-06-044	222- 30-022	NEW-E	00-06-026	230- 40-160	REP-P	00-05-101
220- 52-075	AMD	00-05-054	222- 30-023	NEW-E	00-06-026	230- 40-200	AMD-P	00-05-101
220- 55-005	AMD-P	00-06-084	222- 30-040	AMD-E	00-06-026	230- 40-225	AMD-P	00-05-101
220- 55-010	AMD-P	00-06-084	222- 30-045	NEW-E	00-06-026	230- 40-400	AMD-P	00-05-101
220- 55-015	AMD-P	00-06-084	222- 30-060	AMD-E	00-06-026	230- 40-550	NEW-P	00-05-101
220- 55-070	AMD-P	00-06-084	222- 30-070	AMD-E	00-06-026	230- 40-552	NEW-P	00-05-101
220- 55-105	AMD-P	00-06-084	222- 38-010	AMD-E	00-06-026	230- 40-554	NEW-P	00-05-101
220- 55-110	AMD-P	00-06-084	222- 38-020	AMD-E	00-06-026	230- 40-556	NEW-P	00-05-101
220- 55-115	AMD-P	00-06-084	222- 38-030	AMD-E	00-06-026	230- 40-558	NEW-P	00-05-101
220- 55-132	NEW-P	00-06-084	222- 38-040	AMD-E	00-06-026	230- 40-560	NEW-P	00-05-101
220- 55-170	AMD-P	00-06-042	222- 46-012	NEW-E	00-06-026	230- 40-562	NEW-P	00-05-101
220- 55-180	AMD-P	00-06-043	222- 46-060	AMD-E	00-06-026	230- 40-600	NEW-P	00-05-101
220- 56-175	AMD-P	00-06-084	222- 46-070	AMD-E	00-06-026	230- 40-610	NEW-P	00-05-101
220- 56-27000G	NEW-E	00-06-017	230- 02-108	AMD-P	00-04-099	230- 40-615	NEW-P	00-05-101
220- 56-27000G	REP-E	00-06-017	230- 02-109	NEW-P	00-05-101	230- 40-800	NEW-P	00-05-101
220- 56-33000	NEW-E	00-06-009	230- 02-110	AMD-P	00-05-101	230- 40-803	NEW-P	00-05-101
220- 56-36000A	REP-E	00-06-010	230- 02-123	AMD-P	00-04-099	230- 40-805	NEW-P	00-05-101
220- 56-36000B	NEW-E	00-06-010	230- 02-183	AMD-P	00-04-099	230- 40-810	NEW-P	00-05-101
220- 56-36000B	REP-E	00-06-010	230- 02-205	AMD	00-05-102	230- 40-815	NEW-P	00-05-101
220- 57-34500A	NEW-E	00-03-007	230- 02-206	AMD	00-05-102	230- 40-820	NEW-P	00-05-101
220- 57-34500A	REP-E	00-03-007	230- 02-380	AMD-W	00-02-067	230- 40-823	NEW-P	00-05-101
220- 69-236	AMD-P	00-06-084	230- 02-400	REP-P	00-05-101	230- 40-825	NEW-P	00-05-101
222- 08-035	AMD-E	00-06-026	230- 02-415	AMD-P	00-05-101	230- 40-830	NEW-P	00-05-101
222- 10-010	AMD-E	00-06-026	230- 02-425	REP-P	00-05-101	230- 40-833	NEW-P	00-05-101
222- 10-030	NEW-E	00-06-026	230- 04-022	AMD-P	00-05-101	230- 40-835	NEW-P	00-05-101
222- 10-035	NEW-E	00-06-026	230- 04-119	AMD	00-05-102	230- 40-840	NEW-P	00-05-101
222- 12-010	AMD-E	00-06-026	230- 04-140	AMD-P	00-05-101	230- 40-845	NEW-P	00-05-101
222- 12-041	NEW-E	00-06-026	230- 04-142	REP-P	00-05-101	230- 40-850	NEW-P	00-05-101
222- 12-044	NEW-E	00-06-026	230- 04-203	AMD-P	00-05-101	230- 40-855	NEW-P	00-05-101
222- 12-045	AMD-E	00-06-026	230- 04-204	AMD-P	00-05-101	230- 40-860	NEW-P	00-05-101
222- 12-090	AMD-E	00-06-026	230- 04-207	NEW-P	00-05-101	230- 40-865	NEW-P	00-05-101
222- 16-010	AMD-E	00-06-026	230- 04-255	AMD-P	00-05-101	230- 40-870	NEW-P	00-05-101
222- 16-030	AMD-E	00-06-026	230- 04-450	AMD-P	00-05-101	230- 40-875	NEW-P	00-05-101
222- 16-035	AMD-E	00-06-026	230- 08-027	NEW-P	00-05-101	230- 40-880	NEW-P	00-05-101
222- 16-036	NEW-E	00-06-026	230- 08-040	AMD-P	00-05-101	230- 40-885	NEW-P	00-05-101
222- 16-050	AMD-E	00-06-026	230- 08-080	AMD-P	00-04-099	230- 40-890	NEW-P	00-05-101
222- 16-080	AMD-E	00-06-026	230- 08-090	AMD-P	00-05-101	230- 40-895	NEW-P	00-05-101
222- 20-010	AMD-E	00-06-026	230- 08-100	REP-P	00-04-099	230- 40-897	NEW-P	00-05-101
222- 20-015	NEW-E	00-06-026	230- 08-105	AMD-P	00-04-099	230- 40-900	REP-P	00-05-101
222- 20-020	AMD-E	00-06-026	230- 08-160	AMD-P	00-05-101	230- 50-010	AMD-P	00-05-101
222- 20-055	NEW-E	00-06-026	230- 12-050	AMD-P	00-04-099	232- 12-011	AMD	00-04-017

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232- 12-011	AMD-P	00-06-083	246-235-086	NEW-P	00-04-088	246-338-090	AMD	00-06-079
232- 12-011	AMD-P	00-06-100	246-235-090	AMD-P	00-04-088	246-338-100	AMD-P	00-03-073
232- 12-014	AMD	00-04-017	246-243-020	AMD-P	00-04-088	246-338-100	AMD	00-06-079
232- 12-047	AMD-P	00-06-088	246-243-030	AMD-P	00-04-088	246-338-110	AMD-P	00-03-073
232- 12-051	AMD-P	00-06-089	246-243-042	NEW-P	00-04-088	246-338-110	AMD	00-06-079
232- 12-054	AMD-P	00-06-090	246-243-044	NEW-P	00-04-088	246-358-001	AMD	00-06-082
232- 12-068	AMD-P	00-06-091	246-243-047	NEW-P	00-04-088	246-358-010	AMD	00-06-082
232- 12-257	AMD-W	00-02-066	246-243-050	AMD-P	00-04-088	246-358-020	REP	00-06-082
232- 12-257	AMD-P	00-06-094	246-243-060	AMD-P	00-04-088	246-358-025	AMD	00-06-082
232- 12-31500G	NEW-E	00-04-014	246-243-080	AMD-P	00-04-088	246-358-027	NEW	00-06-082
232- 16-700	AMD-P	00-06-093	246-243-090	AMD-P	00-04-088	246-358-029	NEW	00-06-082
232- 28-02201	AMD	00-04-017	246-243-100	AMD-P	00-04-088	246-358-030	REP	00-06-082
232- 28-02202	AMD	00-04-017	246-243-110	AMD-P	00-04-088	246-358-040	NEW	00-06-082
232- 28-02202	AMD-P	00-06-097	246-243-120	AMD-P	00-04-088	246-358-045	AMD	00-06-082
232- 28-02203	AMD	00-04-017	246-243-130	AMD-P	00-04-088	246-358-055	AMD	00-06-082
232- 28-02204	AMD	00-04-017	246-243-140	AMD-P	00-04-088	246-358-065	AMD	00-06-082
232- 28-02205	AMD	00-04-017	246-243-141	NEW-P	00-04-088	246-358-070	NEW	00-06-082
232- 28-02206	AMD	00-04-017	246-243-150	AMD-P	00-04-088	246-358-075	AMD	00-06-082
232- 28-02220	AMD	00-04-017	246-243-160	AMD-P	00-04-088	246-358-090	AMD	00-06-082
232- 28-02240	AMD	00-04-017	246-243-170	AMD-P	00-04-088	246-358-095	AMD	00-06-082
232- 28-24102	REP	00-04-017	246-243-180	AMD-P	00-04-088	246-358-100	AMD	00-06-082
232- 28-248	AMD-P	00-06-095	246-243-190	AMD-P	00-04-088	246-358-125	AMD	00-06-082
232- 28-255	REP	00-04-017	246-243-195	AMD-P	00-04-088	246-358-135	AMD	00-06-082
232- 28-26000A	NEW-E	00-03-025	246-243-200	AMD-P	00-04-088	246-358-140	REP	00-06-082
232- 28-261	REP	00-04-017	246-243-203	NEW-P	00-04-088	246-358-145	AMD	00-06-082
232- 28-262	REP	00-04-017	246-243-210	REP-P	00-04-088	246-358-155	AMD	00-06-082
232- 28-263	REP	00-04-017	246-243-220	AMD-P	00-04-088	246-358-165	AMD	00-06-082
232- 28-266	AMD-P	00-06-096	246-243-230	AMD-P	00-04-088	246-358-175	AMD	00-06-082
232- 28-269	REP	00-04-017	246-243-250	NEW-P	00-04-088	246-358-600	REP	00-06-082
232- 28-270	REP	00-04-017	246-252-001	AMD-P	00-04-088	246-358-610	REP	00-06-082
232- 28-271	AMD	00-04-017	246-252-030	AMD-P	00-04-088	246-358-620	REP	00-06-082
232- 28-272	AMD-P	00-06-099	246-254-150	AMD-P	00-04-088	246-358-630	REP	00-06-082
232- 28-273	AMD-P	00-06-092	246-323	PREP	00-05-097	246-358-640	REP	00-06-082
232- 28-275	AMD	00-04-017	246-325	PREP	00-05-097	246-358-650	REP	00-06-082
232- 28-276	NEW-P	00-06-086	246-326	PREP	00-05-097	246-358-660	REP	00-06-082
232- 28-277	NEW	00-04-017	246-338-001	AMD-P	00-03-073	246-358-670	REP	00-06-082
232- 28-278	NEW-P	00-06-087	246-338-001	AMD	00-06-079	246-358-680	REP	00-06-082
232- 28-279	NEW-P	00-06-085	246-338-010	AMD-P	00-03-073	246-361-001	NEW	00-06-082
232- 28-61900D	NEW-E	00-03-041	246-338-010	AMD	00-06-079	246-361-010	NEW	00-06-082
232- 28-61900D	REP-E	00-03-041	246-338-020	AMD-P	00-03-073	246-361-020	NEW	00-06-082
232- 28-61900D	REP-E	00-03-055	246-338-020	AMD	00-06-079	246-361-025	NEW	00-06-082
232- 28-61900E	NEW-E	00-03-055	246-338-022	NEW-P	00-03-073	246-361-030	NEW	00-06-082
232- 28-61900E	REP-E	00-03-055	246-338-022	NEW	00-06-079	246-361-035	NEW	00-06-082
232- 28-61900E	REP-E	00-05-085	246-338-024	NEW-P	00-03-073	246-361-045	NEW	00-06-082
232- 28-61900F	NEW-E	00-05-085	246-338-024	NEW	00-06-079	246-361-055	NEW	00-06-082
232- 28-61900F	REP-E	00-05-085	246-338-026	NEW-P	00-03-073	246-361-065	NEW	00-06-082
232- 28-61900G	NEW-E	00-06-008	246-338-026	NEW	00-06-079	246-361-070	NEW	00-06-082
236- 18-040	AMD	00-06-052	246-338-028	NEW-P	00-03-073	246-361-075	NEW	00-06-082
236- 18-070	AMD	00-06-052	246-338-028	NEW	00-06-079	246-361-080	NEW	00-06-082
236- 18-080	AMD	00-06-052	246-338-030	REP-P	00-03-073	246-361-090	NEW	00-06-082
242- 02-052	AMD-P	00-05-021	246-338-030	REP	00-06-079	246-361-095	NEW	00-06-082
242- 02-255	NEW-P	00-05-021	246-338-040	AMD-P	00-03-073	246-361-100	NEW	00-06-082
242- 02-522	AMD-P	00-05-021	246-338-040	AMD	00-06-079	246-361-125	NEW	00-06-082
242- 02-832	AMD-P	00-05-021	246-338-050	AMD-P	00-03-073	246-361-135	NEW	00-06-082
242- 02-834	AMD-P	00-05-021	246-338-050	AMD	00-06-079	246-361-145	NEW	00-06-082
242- 04-030	AMD-P	00-05-021	246-338-060	AMD-P	00-03-073	246-361-155	NEW	00-06-082
242- 04-050	AMD-P	00-05-021	246-338-060	AMD	00-06-079	246-361-165	NEW	00-06-082
246-220-007	AMD-P	00-04-088	246-338-060	AMD	00-06-079	246-361-175	NEW	00-06-082
246-220-010	AMD-P	00-04-088	246-338-070	AMD-P	00-03-073	246-361-190	NEW	00-06-082
246-221-020	AMD-P	00-04-088	246-338-070	AMD	00-06-079	246-490-010	NEW-P	00-05-098
246-235-080	AMD-P	00-04-088	246-338-080	AMD-P	00-03-073	246-490-020	NEW-P	00-05-098
246-235-084	NEW-P	00-04-088	246-338-080	AMD	00-06-079	246-490-030	NEW-P	00-05-098
			246-338-090	AMD-P	00-03-073			

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-490-055	NEW-P	00-05-098	246-976-151	NEW-P	00-03-075	251- 23-040	AMD-P	00-04-052
246-490-065	NEW-P	00-05-098	246-976-160	REP-P	00-03-075	251- 23-040	AMD-C	00-06-050
246-490-070	NEW-P	00-05-098	246-976-161	NEW-P	00-03-075	260- 28-230	AMD	00-06-072
246-780-001	AMD-P	00-03-074	246-976-165	REP-P	00-03-075	260- 34-030	AMD-P	00-03-088
246-780-010	AMD-P	00-03-074	246-976-170	REP-P	00-03-075	260- 34-080	AMD-P	00-03-088
246-780-020	AMD-P	00-03-074	246-976-171	NEW-P	00-03-075	260- 34-090	AMD-P	00-03-088
246-780-022	NEW-P	00-03-074	246-976-180	REP-P	00-03-075	260- 34-100	AMD-P	00-03-088
246-780-025	NEW-P	00-03-074	246-976-181	REP-P	00-03-075	260- 34-140	AMD-P	00-03-088
246-780-028	NEW-P	00-03-074	246-976-182	NEW-P	00-03-075	260- 34-150	AMD-P	00-03-088
246-780-030	AMD-P	00-03-074	246-976-190	REP-P	00-03-075	260- 40-100	AMD-P	00-03-089
246-780-040	AMD-P	00-03-074	246-976-191	NEW-P	00-03-075	260- 44-070	AMD	00-06-071
246-780-050	REP-P	00-03-074	246-976-200	REP-P	00-03-075	260- 48-600	AMD	00-06-070
246-780-060	AMD-P	00-03-074	246-976-210	REP-P	00-03-075	260- 48-620	AMD	00-06-070
246-780-070	REP-P	00-03-074	246-976-220	REP-P	00-03-075	260- 52-010	AMD	00-06-069
246-808-700	REP-XR	00-04-087	246-976-230	REP-P	00-03-075	260- 52-030	AMD	00-06-069
246-810-600	NEW	00-03-075A	246-976-240	REP-P	00-03-075	260- 52-040	AMD	00-06-069
246-810-610	NEW	00-03-075A	246-976-260	AMD-P	00-03-075	260- 52-060	AMD-P	00-03-091
246-810-620	NEW	00-03-075A	246-976-270	AMD-P	00-03-075	260- 70-700	AMD-P	00-03-092
246-810-630	NEW	00-03-075A	246-976-280	REP-P	00-03-075	260- 75-020	NEW-P	00-03-090
246-810-640	NEW	00-03-075A	246-976-290	AMD-P	00-03-075	260- 75-030	NEW-P	00-03-090
246-810-650	NEW	00-03-075A	246-976-300	AMD-P	00-03-075	260- 88-010	AMD-P	00-03-093
246-810-660	NEW	00-03-075A	246-976-310	AMD-P	00-03-075	262- 01-140	NEW	00-06-030
246-841-400	PREP	00-03-072	246-976-320	AMD-P	00-03-075	275- 35	PREP	00-03-028
246-841-410	PREP	00-03-072	246-976-330	AMD-P	00-03-075	284- 43-120	AMD	00-04-034
246-841-420	PREP	00-03-072	246-976-340	AMD-P	00-03-075	284- 43-125	NEW	00-04-034
246-841-430	PREP	00-03-072	246-976-350	REP-P	00-03-075	284- 43-200	AMD	00-04-034
246-841-440	PREP	00-03-072	246-976-370	REP-P	00-03-075	284- 43-210	AMD	00-04-034
246-841-450	PREP	00-03-072	246-976-390	AMD-P	00-03-075	284- 43-220	AMD	00-04-034
246-841-460	PREP	00-03-072	246-976-400	AMD-P	00-03-075	284- 43-250	AMD	00-04-034
246-841-470	PREP	00-03-072	246-976-420	AMD-P	00-03-075	284- 43-710	AMD	00-04-034
246-841-480	PREP	00-03-072	246-976-430	AMD-P	00-03-075	284- 43-720	AMD	00-04-034
246-841-490	PREP	00-03-072	246-976-440	REP-P	00-03-075	284- 74-300	NEW-P	00-04-090
246-841-500	PREP	00-03-072	246-976-450	REP-P	00-03-075	284- 74-310	NEW-P	00-04-090
246-841-510	PREP	00-03-072	246-976-890	AMD-P	00-03-075	284- 74-320	NEW-P	00-04-090
246-883-020	AMD	00-06-078	246-976-910	AMD-P	00-03-075	284- 74-330	NEW-P	00-04-090
246-887-160	AMD-P	00-06-080	246-976-920	AMD-P	00-03-075	284- 74-340	NEW-P	00-04-090
246-976-001	AMD-P	00-03-075	246-976-930	AMD-P	00-03-075	284- 74-350	NEW-P	00-04-090
246-976-010	AMD-P	00-03-075	246-976-940	AMD-P	00-03-075	284- 74-360	NEW-P	00-04-090
246-976-020	REP-P	00-03-075	246-976-950	AMD-P	00-03-075	284- 74-370	NEW-P	00-04-090
246-976-021	NEW-P	00-03-075	246-976-960	AMD-P	00-03-075	284- 74-380	NEW-P	00-04-090
246-976-025	REP-P	00-03-075	246-976-970	AMD-P	00-03-075	286- 40-020	AMD	00-05-008
246-976-030	REP-P	00-03-075	246-976-990	AMD-P	00-03-075	296- 17	PREP	00-02-090
246-976-031	NEW-P	00-03-075	250- 81-010	NEW-P	00-05-084	296- 18A	PREP	00-05-002
246-976-035	REP-P	00-03-075	250- 81-020	NEW-P	00-05-084	296- 20-022	AMD-P	00-05-111
246-976-040	REP-P	00-03-075	250- 81-030	NEW-P	00-05-084	296- 20-12401	NEW-P	00-05-111
246-976-041	NEW-P	00-03-075	250- 81-040	NEW-P	00-05-084	296- 20-135	AMD-P	00-05-112
246-976-045	REP-P	00-03-075	250- 81-050	NEW-P	00-05-084	296- 21-290	AMD-P	00-05-111
246-976-050	REP-P	00-03-075	250- 81-060	NEW-P	00-05-084	296- 23-220	AMD-P	00-05-112
246-976-055	REP-P	00-03-075	251- 01-345	AMD-P	00-04-053	296- 23-230	AMD-P	00-05-112
246-976-060	REP-P	00-03-075	251- 01-345	AMD-W	00-05-060	296- 23A-0200	AMD	00-06-027
246-976-065	REP-P	00-03-075	251- 01-345	AMD-C	00-06-051	296- 23A-0210	AMD	00-06-027
246-976-070	REP-P	00-03-075	251- 08-115	AMD-P	00-04-052	296- 23A-0220	AMD	00-06-027
246-976-075	REP-P	00-03-075	251- 08-115	AMD-C	00-06-050	296- 23A-0230	AMD-P	00-05-111
246-976-076	REP-P	00-03-075	251- 09-080	AMD-P	00-04-052	296- 23A-0240	AMD	00-06-027
246-976-077	REP-P	00-03-075	251- 09-080	AMD-C	00-06-050	296- 24	PREP	00-05-057
246-976-080	REP-P	00-03-075	251- 19-085	NEW-P	00-06-048	296- 27-150	REP-P	00-05-058
246-976-085	REP-P	00-03-075	251- 20-020	AMD-P	00-04-053	296- 27-160	REP-P	00-05-058
246-976-110	REP-P	00-03-075	251- 20-020	AMD-W	00-05-060	296- 27-16001	REP-P	00-05-058
246-976-120	REP-P	00-03-075	251- 20-020	AMD-C	00-06-051	296- 27-16002	REP-P	00-05-058
246-976-140	REP-P	00-03-075	251- 20-030	AMD-P	00-04-053	296- 27-16003	REP-P	00-05-058
246-976-141	NEW-P	00-03-075	251- 20-030	AMD-W	00-05-060	296- 27-16004	REP-P	00-05-058
246-976-150	REP-P	00-03-075	251- 20-030	AMD-C	00-06-051	296- 27-16007	REP-P	00-05-058

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-27-16011	REP-P	00-05-058	296-307-160	REP	00-06-081	296-350-050	REP-P	00-05-058
296-27-16018	REP-P	00-05-058	296-307-16001	REP	00-06-081	296-350-060	REP-P	00-05-058
296-27-16020	REP-P	00-05-058	296-307-16003	REP	00-06-081	296-350-070	REP-P	00-05-058
296-27-16022	REP-P	00-05-058	296-307-16004	REP	00-06-081	296-350-080	REP-P	00-05-058
296-27-16026	REP-P	00-05-058	296-307-16005	REP	00-06-081	296-350-090	REP-P	00-05-058
296-30-010	AMD-P	00-02-091	296-307-16007	REP	00-06-081	296-350-095	REP-P	00-05-058
296-30-080	AMD	00-03-056	296-307-16009	REP	00-06-081	296-350-100	NEW-P	00-05-058
296-30-081	AMD	00-03-056	296-307-16011	REP	00-06-081	296-350-10010	NEW-P	00-05-058
296-30-085	NEW	00-03-056	296-307-16013	REP	00-06-081	296-350-10020	NEW-P	00-05-058
296-30-090	NEW	00-03-056	296-307-16015	REP	00-06-081	296-350-10030	NEW-P	00-05-058
296-30-095	NEW	00-03-056	296-307-16017	REP	00-06-081	296-350-10040	NEW-P	00-05-058
296-30-100	NEW	00-03-056	296-307-16019	REP	00-06-081	296-350-10050	NEW-P	00-05-058
296-30-105	NEW	00-03-056	296-307-16021	REP	00-06-081	296-350-150	NEW-P	00-05-058
296-30-120	AMD	00-03-056	296-307-16023	REP	00-06-081	296-350-15010	NEW-P	00-05-058
296-30-130	AMD-P	00-02-091	296-307-161	NEW	00-06-081	296-350-15015	NEW-P	00-05-058
296-30-170	AMD	00-03-056	296-307-16101	NEW	00-06-081	296-350-15020	NEW-P	00-05-058
296-30-180	AMD	00-03-056	296-307-16103	NEW	00-06-081	296-350-15025	NEW-P	00-05-058
296-31-012	AMD-P	00-02-091	296-307-16105	NEW	00-06-081	296-350-15030	NEW-P	00-05-058
296-31-020	REP-P	00-02-091	296-307-16110	NEW	00-06-081	296-350-15035	NEW-P	00-05-058
296-31-030	AMD	00-03-056	296-307-16115	NEW	00-06-081	296-350-15040	NEW-P	00-05-058
296-31-035	NEW	00-03-056	296-307-16120	NEW	00-06-081	296-350-15045	NEW-P	00-05-058
296-31-045	NEW	00-03-056	296-307-16125	NEW	00-06-081	296-350-200	REP-P	00-05-058
296-31-050	REP	00-03-056	296-307-16130	NEW	00-06-081	296-350-210	REP-P	00-05-058
296-31-055	NEW	00-03-056	296-307-16135	NEW	00-06-081	296-350-230	REP-P	00-05-058
296-31-056	NEW	00-03-056	296-307-16140	NEW	00-06-081	296-350-240	REP-P	00-05-058
296-31-057	NEW	00-03-056	296-307-16145	NEW	00-06-081	296-350-250	REP-P	00-05-058
296-31-058	NEW	00-03-056	296-307-16150	NEW	00-06-081	296-350-255	REP-P	00-05-058
296-31-070	AMD	00-03-056	296-307-16155	NEW	00-06-081	296-350-260	REP-P	00-05-058
296-31-074	NEW	00-03-056	296-307-16160	NEW	00-06-081	296-350-270	REP-P	00-05-058
296-31-090	REP	00-03-056	296-307-16165	NEW	00-06-081	296-350-280	REP-P	00-05-058
296-46-930	AMD-E	00-06-076	296-307-16170	NEW	00-06-081	296-350-400	REP-P	00-05-058
296-62-051	NEW-C	00-04-075	296-307-16175	NEW	00-06-081	296-350-450	REP-P	00-05-058
296-62-05101	NEW-C	00-04-075	296-307-16180	NEW	00-06-081	296-350-460	REP-P	00-05-058
296-62-05103	NEW-C	00-04-075	296-307-16185	NEW	00-06-081	296-350-470	REP-P	00-05-058
296-62-05105	NEW-C	00-04-075	296-307-16190	NEW	00-06-081	296-350-600	NEW-P	00-05-058
296-62-05110	NEW-C	00-04-075	296-307-163	NEW	00-06-081	296-350-60010	NEW-P	00-05-058
296-62-05120	NEW-C	00-04-075	296-307-16301	NEW	00-06-081	296-350-60015	NEW-P	00-05-058
296-62-05122	NEW-C	00-04-075	296-307-16303	NEW	00-06-081	296-350-60020	NEW-P	00-05-058
296-62-05130	NEW-C	00-04-075	296-307-16305	NEW	00-06-081	296-350-60025	NEW-P	00-05-058
296-62-05140	NEW-C	00-04-075	296-307-16310	NEW	00-06-081	296-350-60030	NEW-P	00-05-058
296-62-05150	NEW-C	00-04-075	296-307-16315	NEW	00-06-081	296-350-60035	NEW-P	00-05-058
296-62-05160	NEW-C	00-04-075	296-307-16320	NEW	00-06-081	296-350-60040	NEW-P	00-05-058
296-62-05170	NEW-C	00-04-075	296-307-16325	NEW	00-06-081	296-350-60045	NEW-P	00-05-058
296-62-05172	NEW-C	00-04-075	296-307-16330	NEW	00-06-081	296-350-700	NEW-P	00-05-058
296-62-05174	NEW-C	00-04-075	296-307-16335	NEW	00-06-081	296-350-70010	NEW-P	00-05-058
296-62-05176	NEW-C	00-04-075	296-307-16340	NEW	00-06-081	296-350-70015	NEW-P	00-05-058
296-62-07515	AMD	00-06-075	296-307-16345	NEW	00-06-081	296-350-70020	NEW-P	00-05-058
296-62-07709	AMD	00-06-075	296-307-16350	NEW	00-06-081	296-350-70025	NEW-P	00-05-058
296-62-07713	AMD	00-06-075	296-307-16355	NEW	00-06-081	296-350-70030	NEW-P	00-05-058
296-62-07722	AMD	00-06-075	296-307-16360	NEW	00-06-081	296-350-70035	NEW-P	00-05-058
296-62-07727	AMD	00-06-075	296-307-16365	NEW	00-06-081	296-350-70040	NEW-P	00-05-058
296-62-07745	AMD	00-06-075	296-307-16370	NEW	00-06-081	296-350-70045	NEW-P	00-05-058
296-65-003	AMD	00-06-075	296-307-16375	NEW	00-06-081	296-350-70050	NEW-P	00-05-058
296-150C	PREP	00-06-077	296-307-16380	NEW	00-06-081	296-350-70055	NEW-P	00-05-058
296-150F	PREP	00-06-077	296-307-16385	NEW	00-06-081	296-350-70060	NEW-P	00-05-058
296-150M	PREP	00-06-077	296-307-16390	NEW	00-06-081	296-350-70065	NEW-P	00-05-058
296-150P	PREP	00-06-077	296-307-16395	NEW	00-06-081	296-350-70070	NEW-P	00-05-058
296-150R	PREP	00-06-077	296-350	AMD-P	00-05-058	296-401A-140	AMD-E	00-06-076
296-150V	PREP	00-06-077	296-350-010	AMD-P	00-05-058	308-04-020	AMD-P	00-05-014
296-155	PREP	00-04-002	296-350-020	REP-P	00-05-058	308-56A-450	AMD	00-04-046
296-155	PREP	00-05-057	296-350-030	REP-P	00-05-058	308-56A-455	AMD	00-04-046
296-155-526	NEW-P	00-06-056	296-350-040	REP-P	00-05-058	308-56A-460	AMD	00-06-025

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308- 56A-465	REP	00-04-046	308- 94-010	REP-P	00-05-050	314- 37	PREP	00-02-087
308- 56A-470	REP	00-04-046	308- 94-160	REP-P	00-05-050	314- 42-010	NEW-P	00-02-089
308- 56A-500	AMD	00-06-004	308- 96A-005	AMD-P	00-03-094	314- 42-010	NEW	00-06-016
308- 56A-505	AMD	00-06-004	308- 96A-099	PREP	00-06-001	314- 48-010	PREP	00-02-087
308- 56A-510	REP	00-06-004	308- 96A-135	PREP	00-06-001	314- 56-010	REP-XR	00-02-086
308- 56A-515	REP	00-06-004	308- 96A-145	PREP	00-06-001	314- 56-020	REP-XR	00-02-086
308- 56A-520	REP	00-06-004	308- 96A-175	PREP	00-06-001	314- 60	PREP	00-02-088
308- 56A-610	REP	00-06-020	308- 96A-176	PREP	00-06-001	314- 62	PREP	00-02-088
308- 56A-620	AMD	00-06-020	308- 96A-180	PREP	00-06-001	314- 64	PREP	00-02-087
308- 56A-640	AMD	00-06-020	308- 96A-202	PREP	00-06-001	314- 76-010	PREP	00-02-087
308- 56A-650	REP	00-06-020	308- 96A-203	PREP	00-06-001	314- 78-010	REP-XR	00-02-086
308- 56A-660	REP	00-06-020	308- 96A-345	AMD	00-03-057	315- 06-120	PREP	00-05-059
308- 56A-670	REP	00-06-020	308- 96A-350	AMD	00-03-057	315- 11A-165	REP-XR	00-02-055
308- 56A-680	REP	00-06-020	308- 96A-355	AMD	00-03-057	315- 11A-187	REP-XR	00-02-055
308- 56A-690	REP	00-06-020	308- 96A-360	REP	00-03-057	315- 11A-188	REP-XR	00-02-055
308- 57-005	PREP	00-06-001	308- 96A-365	AMD	00-03-057	315- 11A-189	REP-XR	00-02-055
308- 57-010	PREP	00-06-001	308- 96A-370	REP	00-03-057	315- 11A-190	REP-XR	00-02-055
308- 57-020	PREP	00-06-001	308- 96A-375	REP	00-03-057	315- 11A-191	REP-XR	00-02-055
308- 57-030	PREP	00-06-001	308- 96A-380	REP	00-03-057	315- 11A-192	REP-XR	00-02-055
308- 57-110	PREP	00-06-001	308- 96A-400	PREP	00-06-001	315- 11A-193	REP-XR	00-02-055
308- 57-120	PREP	00-06-001	308- 96A-410	PREP	00-06-001	315- 11A-194	REP-XR	00-02-055
308- 57-130	PREP	00-06-001	308- 97-230	PREP	00-06-001	315- 11A-195	REP-XR	00-02-055
308- 57-135	PREP	00-06-001	308-124-021	AMD-P	00-03-063	315- 11A-196	REP-XR	00-02-055
308- 57-140	PREP	00-06-001	308-124E-013	AMD-P	00-03-063	315- 11A-197	REP-XR	00-02-055
308- 57-210	PREP	00-06-001	308-124H-011	AMD-P	00-03-063	315- 11A-198	REP-XR	00-02-055
308- 57-230	PREP	00-06-001	308-124H-012	NEW-P	00-03-063	315- 11A-199	REP-XR	00-02-055
308- 57-240	PREP	00-06-001	308-124H-013	NEW-P	00-03-063	315- 11A-200	REP-XR	00-02-055
308- 57-500	PREP	00-06-001	308-124H-021	REP-P	00-03-063	315- 11A-201	REP-XR	00-02-055
308- 58-010	REP	00-06-025	308-124H-025	AMD-P	00-03-063	315- 11A-202	REP-XR	00-02-055
308- 58-020	REP	00-06-025	308-124H-026	NEW-P	00-03-063	315- 11A-203	REP-XR	00-02-055
308- 58-030	REP	00-06-025	308-124H-027	NEW-P	00-03-063	315- 11A-204	REP-XR	00-02-055
308- 58-040	REP	00-06-025	308-124H-028	NEW-P	00-03-063	315- 11A-205	REP-XR	00-02-055
308- 58-050	REP	00-06-025	308-124H-029	NEW-P	00-03-063	315- 11A-206	REP-XR	00-02-055
308- 63	PREP	00-06-007	308-124H-031	NEW-P	00-03-063	315- 11A-207	REP-XR	00-02-055
308- 65	PREP	00-06-031	308-124H-034	NEW-P	00-03-063	315- 11A-207	REP-XR	00-02-055
308- 72-720	NEW-P	00-05-014	308-124H-039	NEW-P	00-03-063	315- 11A-208	REP-XR	00-02-055
308- 77	PREP	00-03-037	308-124H-041	AMD-P	00-03-063	315- 11A-209	REP-XR	00-02-055
308- 77-045	PREP	00-03-037	308-124H-042	NEW-P	00-03-063	315- 11A-210	REP-XR	00-02-055
308- 77-155	PREP	00-03-037	308-124H-042	NEW-P	00-03-063	315- 11A-211	REP-XR	00-02-055
308- 77-165	PREP	00-03-037	308-124H-051	AMD-P	00-03-063	315- 11A-212	REP-XR	00-02-055
308- 77-170	PREP	00-03-037	308-124H-061	AMD-P	00-03-063	315- 11A-213	REP-XR	00-02-055
308- 77-180	PREP	00-03-037	308-124H-062	AMD-P	00-03-063	315- 11A-214	REP-XR	00-02-055
308- 77-240	PREP	00-03-037	308-124H-210	AMD-P	00-03-063	317- 10	PREP	00-05-096
308- 77-265	PREP	00-03-037	308-124H-220	REP-P	00-03-063	352- 32	PREP	00-04-081
308- 77-270	PREP	00-03-037	308-124H-221	NEW-P	00-03-063	352- 32-285	PREP	00-04-081
308- 77-280	PREP	00-03-037	308-124H-230	AMD-P	00-03-063	356- 14-045	AMD-P	00-04-052
308- 77-290	NEW-P	00-05-014	308-124H-240	REP-P	00-03-063	356- 14-045	AMD-C	00-06-050
308- 78-100	NEW-P	00-05-014	308-124H-245	NEW-P	00-03-063	356- 26-040	AMD-P	00-04-052
308- 80	PREP	00-06-032	308-124H-246	NEW-P	00-03-063	356- 26-040	AMD-C	00-06-050
308- 88-010	REP	00-06-024	308-124H-260	AMD-P	00-03-063	356- 30-075	AMD-P	00-04-052
308- 88-020	AMD	00-06-024	308-124H-270	AMD-P	00-03-063	356- 30-075	AMD-C	00-06-050
308- 88-030	REP	00-06-024	308-124H-290	AMD-P	00-03-063	356- 30-331	AMD-P	00-06-047
308- 88-040	REP	00-06-024	308-124H-300	AMD-P	00-03-063	359- 14-010	NEW-P	00-04-054
308- 88-050	REP	00-06-024	308-124H-310	AMD-P	00-03-063	359- 14-010	NEW-C	00-06-049
308- 88-170	REP	00-06-024	308-124H-320	AMD-P	00-03-063	359- 14-020	NEW-P	00-04-054
308- 90	PREP	00-06-033	308-124H-510	AMD-P	00-03-063	359- 14-020	NEW-C	00-06-049
308- 91-090	PREP	00-03-038	308-124H-520	REP-P	00-03-063	359- 14-030	NEW-P	00-04-054
308- 91-150	AMD-P	00-05-014	308-124H-525	NEW-P	00-03-063	359- 14-030	NEW-C	00-06-049
308- 93-145	AMD-P	00-05-056	308-124H-530	AMD-P	00-03-063	359- 14-050	NEW-P	00-04-054
308- 93-165	REP-P	00-05-049	308-124H-551	NEW-P	00-03-063	359- 14-050	NEW-C	00-06-049
308- 93-650	AMD-P	00-05-049	308-124H-580	AMD-P	00-03-063	359- 14-070	NEW-P	00-04-054
308- 94	PREP	00-06-034	308-124H-800	AMD-P	00-03-063	359- 14-070	NEW-C	00-06-049
			308-125-200	AMD	00-04-057	359- 14-080	NEW-P	00-04-054

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
359- 14-080	NEW-C	00-06-049	388- 03-150	NEW	00-06-014	388- 14-220	PREP	00-06-039
359- 14-100	NEW-P	00-04-054	388- 03-152	NEW	00-06-014	388- 14-250	PREP	00-06-039
359- 14-100	NEW-C	00-06-049	388- 03-154	NEW	00-06-014	388- 14-260	PREP	00-06-039
359- 14-130	NEW-P	00-04-054	388- 03-156	NEW	00-06-014	388- 14-270	PREP	00-06-039
359- 14-130	NEW-C	00-06-049	388- 03-170	NEW	00-06-014	388- 14-271	PREP	00-06-039
359- 40-010	NEW-P	00-04-054	388- 03-172	NEW	00-06-014	388- 14-272	PREP	00-06-039
359- 40-010	NEW-C	00-06-049	388- 03-174	NEW	00-06-014	388- 14-273	PREP	00-06-039
359- 40-020	NEW-P	00-04-054	388- 03-176	NEW	00-06-014	388- 14-274	PREP	00-06-039
359- 40-020	NEW-C	00-06-049	388- 11-011	PREP	00-06-039	388- 14-276	PREP	00-06-039
359- 40-050	NEW-P	00-04-054	388- 11-015	PREP	00-06-039	388- 14-300	PREP	00-06-039
359- 40-050	NEW-C	00-06-049	388- 11-045	PREP	00-06-039	388- 14-310	PREP	00-06-039
359- 40-060	NEW-P	00-04-054	388- 11-048	PREP	00-06-039	388- 14-350	PREP	00-06-039
359- 40-060	NEW-C	00-06-049	388- 11-065	PREP	00-06-039	388- 14-360	PREP	00-06-039
365-120	AMD	00-05-020	388- 11-067	PREP	00-06-039	388- 14-365	PREP	00-06-039
365-120-010	AMD	00-05-020	388- 11-100	PREP	00-06-039	388- 14-370	PREP	00-06-039
365-120-020	AMD	00-05-020	388- 11-120	PREP	00-06-039	388- 14-376	PREP	00-06-039
365-120-030	AMD	00-05-020	388- 11-135	PREP	00-06-039	388- 14-385	PREP	00-06-039
365-120-040	AMD	00-05-020	388- 11-140	PREP	00-06-039	388- 14-386	PREP	00-06-039
365-120-050	AMD	00-05-020	388- 11-145	PREP	00-06-039	388- 14-387	PREP	00-06-039
365-120-060	AMD	00-05-020	388- 11-150	PREP	00-06-039	388- 14-388	PREP	00-06-039
365-120-070	NEW	00-05-020	388- 11-155	PREP	00-06-039	388- 14-390	PREP	00-06-039
365-120-080	NEW	00-05-020	388- 11-170	PREP	00-06-039	388- 14-395	PREP	00-06-039
365-120-090	NEW	00-05-020	388- 11-180	PREP	00-06-039	388- 14-395	PREP	00-06-039
365-135-020	AMD	00-02-061	388- 11-205	PREP	00-06-039	388- 14-410	PREP	00-06-039
365-195-900	NEW-P	00-03-066	388- 11-210	PREP	00-06-039	388- 14-415	PREP	00-06-039
365-195-905	NEW-P	00-03-066	388- 11-215	PREP	00-06-039	388- 14-420	PREP	00-06-039
365-195-910	NEW-P	00-03-066	388- 11-220	PREP	00-06-039	388- 14-421	PREP	00-06-039
365-195-915	NEW-P	00-03-066	388- 11-280	PREP	00-06-039	388- 14-422	PREP	00-06-039
365-195-920	NEW-P	00-03-066	388- 11-285	PREP	00-06-039	388- 14-423	PREP	00-06-039
365-195-925	NEW-P	00-03-066	388- 11-290	PREP	00-06-039	388- 14-424	PREP	00-06-039
365-197-010	NEW-P	00-03-067	388- 11-295	PREP	00-06-039	388- 14-427	PREP	00-06-039
365-197-020	NEW-P	00-03-067	388- 11-300	PREP	00-06-039	388- 14-435	PREP	00-06-039
365-197-030	NEW-P	00-03-067	388- 11-305	PREP	00-06-039	388- 14-440	PREP	00-06-039
365-197-040	NEW-P	00-03-067	388- 11-310	PREP	00-06-039	388- 14-445	PREP	00-06-039
365-197-050	NEW-P	00-03-067	388- 11-315	PREP	00-06-039	388- 14-450	PREP	00-06-039
365-197-060	NEW-P	00-03-067	388- 11-315	REP-P	00-06-068	388- 14-460	PREP	00-06-039
365-197-070	NEW-P	00-03-067	388- 11-315	PREP	00-06-039	388- 14-480	PREP	00-06-039
365-197-080	NEW-P	00-03-067	388- 11-320	PREP	00-06-039	388- 14-490	PREP	00-06-039
388- 03-010	NEW	00-06-014	388- 11-325	PREP	00-06-039	388- 14-495	PREP	00-06-039
388- 03-020	NEW	00-06-014	388- 11-330	PREP	00-06-039	388- 14-500	PREP	00-06-039
388- 03-030	NEW	00-06-014	388- 11-335	PREP	00-06-039	388- 14-510	PREP	00-06-039
388- 03-050	NEW	00-06-014	388- 11-340	PREP	00-06-039	388- 14-520	PREP	00-06-039
388- 03-060	NEW	00-06-014	388- 11-400	PREP	00-06-039	388- 14-530	PREP	00-06-039
388- 03-110	NEW	00-06-014	388- 11-410	PREP	00-06-039	388- 14-540	PREP	00-06-039
388- 03-112	NEW	00-06-014	388- 11-415	PREP	00-06-039	388- 14-550	PREP	00-06-039
388- 03-114	NEW	00-06-014	388- 11-420	PREP	00-06-039	388- 14-560	PREP	00-06-039
388- 03-115	NEW	00-06-014	388- 11-425	PREP	00-06-039	388- 14-570	PREP	00-06-039
388- 03-116	NEW	00-06-014	388- 11-430	PREP	00-06-039	388- 14A-3850	NEW-P	00-06-068
388- 03-117	NEW	00-06-014	388- 13	PREP	00-06-039	388- 14A-3855	NEW-P	00-06-068
388- 03-118	NEW	00-06-014	388- 14-010	PREP	00-06-039	388- 14A-3860	NEW-P	00-06-068
388- 03-120	NEW	00-06-014	388- 14-020	PREP	00-06-039	388- 14A-3865	NEW-P	00-06-068
388- 03-122	NEW	00-06-014	388- 14-030	PREP	00-06-039	388- 14A-3870	NEW-P	00-06-068
388- 03-123	NEW	00-06-014	388- 14-035	PREP	00-06-039	388- 14A-3875	NEW-P	00-06-068
388- 03-124	NEW	00-06-014	388- 14-040	PREP	00-06-039	388- 15-120	REP	00-03-029
388- 03-125	NEW	00-06-014	388- 14-045	PREP	00-06-039	388- 15-145	REP	00-04-056
388- 03-126	NEW	00-06-014	388- 14-050	PREP	00-06-039	388- 15-196	REP	00-03-043
388- 03-130	NEW	00-06-014	388- 14-100	PREP	00-06-039	388- 15-19600	REP	00-03-043
388- 03-132	NEW	00-06-014	388- 14-200	PREP	00-06-039	388- 15-19610	REP	00-03-043
388- 03-133	NEW	00-06-014	388- 14-201	PREP	00-06-039	388- 15-19620	REP	00-03-043
388- 03-135	NEW	00-06-014	388- 14-202	PREP	00-06-039	388- 15-19630	REP	00-03-043
388- 03-138	NEW	00-06-014	388- 14-203	PREP	00-06-039	388- 15-19640	REP	00-03-043
388- 03-140	NEW	00-06-014	388- 14-205	PREP	00-06-039	388- 15-19650	REP	00-03-043
			388- 14-210	PREP	00-06-039	388- 15-19660	REP	00-03-043

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-15-19670	REP	00-03-043	388-71-0410	NEW	00-04-056	388-87-027	PREP	00-03-011
388-15-19680	REP	00-03-043	388-71-0415	NEW	00-04-056	388-87-067	REP	00-05-039
388-15-198	REP	00-03-043	388-71-0420	NEW	00-04-056	388-87-077	REP	00-05-039
388-15-200	REP	00-04-056	388-71-0425	NEW	00-04-056	388-87-090	REP	00-04-019
388-15-201	REP	00-04-056	388-71-0430	NEW	00-04-056	388-97-005	AMD	00-06-028
388-15-206	REP	00-04-056	388-71-0440	NEW	00-04-056	388-97-010	REP	00-06-028
388-15-207	REP	00-04-056	388-71-0445	NEW	00-04-056	388-97-012	NEW	00-06-028
388-15-209	REP	00-04-056	388-71-0450	NEW	00-04-056	388-97-015	REP	00-06-028
388-15-214	REP	00-04-056	388-71-0455	NEW	00-04-056	388-97-017	NEW	00-06-028
388-15-215	REP	00-04-056	388-71-0460	NEW	00-04-056	388-97-020	REP	00-06-028
388-15-219	REP	00-04-056	388-71-0465	NEW	00-04-056	388-97-022	NEW	00-06-028
388-15-222	REP	00-04-056	388-71-0470	NEW	00-04-056	388-97-025	REP	00-06-028
388-15-548	REP	00-04-056	388-71-0475	NEW	00-04-056	388-97-027	NEW	00-06-028
388-15-551	REP	00-04-056	388-71-0480	NEW	00-04-056	388-97-030	REP	00-06-028
388-15-552	REP	00-04-056	388-71-0500	NEW	00-03-043	388-97-032	NEW	00-06-028
388-15-553	REP	00-04-056	388-71-0505	NEW	00-03-043	388-97-035	REP	00-06-028
388-15-554	REP	00-04-056	388-71-0510	NEW	00-03-043	388-97-037	NEW	00-06-028
388-15-555	REP	00-04-056	388-71-0515	NEW	00-03-043	388-97-040	REP	00-06-028
388-15-560	REP	00-04-056	388-71-0520	NEW	00-03-043	388-97-042	NEW	00-06-028
388-15-562	REP	00-04-056	388-71-0525	NEW	00-03-043	388-97-043	NEW	00-06-028
388-15-563	REP	00-04-056	388-71-0530	NEW	00-03-043	388-97-045	REP	00-06-028
388-15-564	REP	00-04-056	388-71-0535	NEW	00-03-043	388-97-047	NEW	00-06-028
388-15-566	REP	00-04-056	388-71-0540	NEW	00-03-043	388-97-050	REP	00-06-028
388-15-568	REP	00-04-056	388-71-0545	NEW	00-03-043	388-97-051	NEW	00-06-028
388-15-600	REP	00-04-056	388-71-0550	NEW	00-03-043	388-97-052	NEW	00-06-028
388-15-620	REP	00-04-056	388-71-0555	NEW	00-03-043	388-97-053	NEW	00-06-028
388-15-630	REP	00-04-056	388-71-0560	NEW	00-03-043	388-97-055	AMD	00-06-028
388-15-690	REP	00-04-056	388-71-0580	NEW	00-03-043	388-97-060	AMD	00-06-028
388-15-695	REP	00-04-056	388-71-0600	NEW	00-04-056	388-97-065	AMD	00-06-028
388-15-700	REP	00-04-056	388-71-0605	NEW	00-04-056	388-97-070	REP	00-06-028
388-15-705	REP	00-04-056	388-71-0610	NEW	00-04-056	388-97-07005	NEW	00-06-028
388-15-710	REP	00-04-056	388-71-0615	NEW	00-04-056	388-97-07010	NEW	00-06-028
388-15-715	REP	00-04-056	388-71-0620	NEW	00-04-056	388-97-07015	NEW	00-06-028
388-15-810	REP	00-04-056	388-71-1000	NEW	00-04-056	388-97-07020	NEW	00-06-028
388-15-830	REP	00-04-056	388-71-1005	NEW	00-04-056	388-97-07025	NEW	00-06-028
388-15-880	REP	00-04-056	388-71-1010	NEW	00-04-056	388-97-07030	NEW	00-06-028
388-15-890	REP	00-04-056	388-71-1015	NEW	00-04-056	388-97-07035	NEW	00-06-028
388-15-895	REP	00-04-056	388-71-1020	NEW	00-04-056	388-97-07040	NEW	00-06-028
388-17-010	REP	00-04-056	388-71-1025	NEW	00-04-056	388-97-07045	NEW	00-06-028
388-17-020	REP	00-04-056	388-71-1030	NEW	00-04-056	388-97-07050	NEW	00-06-028
388-17-100	REP	00-04-056	388-71-1035	NEW	00-04-056	388-97-07055	NEW	00-06-028
388-17-120	REP	00-04-056	388-71-1065	NEW	00-04-056	388-97-07060	NEW	00-06-028
388-17-160	REP	00-04-056	388-71-1070	NEW	00-04-056	388-97-07065	NEW	00-06-028
388-17-180	REP	00-04-056	388-71-1075	NEW	00-04-056	388-97-07070	NEW	00-06-028
388-17-500	REP	00-04-056	388-71-1080	NEW	00-04-056	388-97-075	AMD	00-06-028
388-17-510	REP	00-04-056	388-71-1085	NEW	00-04-056	388-97-076	NEW	00-06-028
388-24-2070	REP	00-03-012	388-71-1090	NEW	00-04-056	388-97-077	NEW	00-06-028
388-24-2100	REP	00-03-012	388-71-1095	NEW	00-04-056	388-97-080	REP	00-06-028
388-24-2150	REP	00-03-012	388-71-1100	NEW	00-04-056	388-97-08010	NEW	00-06-028
388-24-2200	REP	00-03-012	388-71-1105	NEW	00-04-056	388-97-08020	NEW	00-06-028
388-24-2250	REP	00-03-012	388-71-1110	NEW	00-04-056	388-97-08030	NEW	00-06-028
388-24-2350	REP	00-03-012	388-86	PREP	00-03-011	388-97-08040	NEW	00-06-028
388-24-2430	REP	00-03-012	388-86-012	PREP	00-03-011	388-97-08050	NEW	00-06-028
388-71-0100	NEW	00-03-029	388-86-017	PREP	00-05-108	388-97-08060	NEW	00-06-028
388-71-0105	NEW	00-03-029	388-86-019	PREP	00-03-011	388-97-08070	NEW	00-06-028
388-71-0110	NEW	00-03-029	388-86-067	REP	00-05-039	388-97-085	AMD	00-06-028
388-71-0115	NEW	00-03-029	388-86-090	REP	00-04-019	388-97-090	AMD	00-06-028
388-71-0120	NEW	00-03-029	388-86-090	REP	00-04-019	388-97-095	REP	00-06-028
388-71-0150	NEW	00-03-029	388-86-110	PREP	00-03-011	388-97-097	NEW	00-06-028
388-71-0155	NEW	00-03-029	388-86-115	PREP	00-03-011	388-97-100	REP	00-06-028
388-71-0400	NEW	00-04-056	388-86-120	PREP	00-03-011	388-97-105	REP	00-06-028
388-71-0405	NEW	00-04-056	388-86-300	PREP	00-03-011	388-97-110	AMD	00-06-028
			388-87	PREP	00-03-011			

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-97-115	AMD	00-06-028	388-97-325	AMD	00-06-028	388-97-400	AMD	00-06-028
388-97-120	AMD	00-06-028	388-97-32510	NEW	00-06-028	388-97-40010	NEW	00-06-028
388-97-12010	NEW	00-06-028	388-97-32520	NEW	00-06-028	388-97-401	NEW	00-06-028
388-97-12020	NEW	00-06-028	388-97-32530	NEW	00-06-028	388-97-402	NEW	00-06-028
388-97-12030	NEW	00-06-028	388-97-32540	NEW	00-06-028	388-97-403	NEW	00-06-028
388-97-12040	NEW	00-06-028	388-97-32550	NEW	00-06-028	388-97-405	AMD	00-06-028
388-97-12050	NEW	00-06-028	388-97-32560	NEW	00-06-028	388-97-410	AMD	00-06-028
388-97-12060	NEW	00-06-028	388-97-32570	NEW	00-06-028	388-97-415	AMD	00-06-028
388-97-12070	NEW	00-06-028	388-97-32580	NEW	00-06-028	388-97-420	AMD	00-06-028
388-97-125	AMD	00-06-028	388-97-330	AMD	00-06-028	388-97-425	AMD	00-06-028
388-97-130	AMD	00-06-028	388-97-33010	NEW	00-06-028	388-97-430	AMD	00-06-028
388-97-135	AMD	00-06-028	388-97-33020	NEW	00-06-028	388-97-43010	NEW	00-06-028
388-97-140	AMD	00-06-028	388-97-33030	NEW	00-06-028	388-97-43020	NEW	00-06-028
388-97-145	REP	00-06-028	388-97-33040	NEW	00-06-028	388-97-43030	NEW	00-06-028
388-97-147	NEW	00-06-028	388-97-33050	NEW	00-06-028	388-97-43040	NEW	00-06-028
388-97-150	REP	00-06-028	388-97-335	AMD	00-06-028	388-97-43050	NEW	00-06-028
388-97-155	AMD	00-06-028	388-97-33510	NEW	00-06-028	388-97-435	REP	00-06-028
388-97-160	AMD	00-06-028	388-97-33520	NEW	00-06-028	388-97-440	REP	00-06-028
388-97-162	NEW	00-06-028	388-97-33530	NEW	00-06-028	388-97-445	REP	00-06-028
388-97-165	AMD	00-06-028	388-97-33540	NEW	00-06-028	388-97-450	REP	00-06-028
388-97-170	AMD	00-06-028	388-97-33550	NEW	00-06-028	388-97-455	AMD	00-06-028
388-97-175	AMD	00-06-028	388-97-33560	NEW	00-06-028	388-97-45510	NEW	00-06-028
388-97-180	AMD	00-06-028	388-97-33570	NEW	00-06-028	388-97-460	AMD	00-06-028
388-97-185	AMD	00-06-028	388-97-33580	NEW	00-06-028	388-97-46010	NEW	00-06-028
388-97-190	AMD	00-06-028	388-97-340	AMD	00-06-028	388-97-465	AMD	00-06-028
388-97-195	AMD	00-06-028	388-97-34010	NEW	00-06-028	388-97-46510	NEW	00-06-028
388-97-200	REP	00-06-028	388-97-34020	NEW	00-06-028	388-97-46520	NEW	00-06-028
388-97-202	NEW	00-06-028	388-97-345	AMD	00-06-028	388-97-46530	NEW	00-06-028
388-97-205	AMD	00-06-028	388-97-347	NEW	00-06-028	388-97-46540	NEW	00-06-028
388-97-210	REP	00-06-028	388-97-350	AMD	00-06-028	388-97-46550	NEW	00-06-028
388-97-212	NEW	00-06-028	388-97-35010	NEW	00-06-028	388-97-46560	NEW	00-06-028
388-97-215	REP	00-06-028	388-97-35020	NEW	00-06-028	388-97-46570	NEW	00-06-028
388-97-220	AMD	00-06-028	388-97-35030	NEW	00-06-028	388-97-46580	NEW	00-06-028
388-97-225	REP	00-06-028	388-97-35040	NEW	00-06-028	388-97-46590	NEW	00-06-028
388-97-230	REP	00-06-028	388-97-35050	NEW	00-06-028	388-97-470	AMD	00-06-028
388-97-235	REP	00-06-028	388-97-35060	NEW	00-06-028	388-97-47010	NEW	00-06-028
388-97-240	REP	00-06-028	388-97-352	NEW	00-06-028	388-97-47020	NEW	00-06-028
388-97-245	REP	00-06-028	388-97-353	NEW	00-06-028	388-97-475	REP	00-06-028
388-97-247	NEW	00-06-028	388-97-355	AMD	00-06-028	388-97-480	AMD	00-06-028
388-97-249	NEW	00-06-028	388-97-357	NEW	00-06-028	388-97-48010	NEW	00-06-028
388-97-250	REP	00-06-028	388-97-35710	NEW	00-06-028	388-97-48020	NEW	00-06-028
388-97-251	NEW	00-06-028	388-97-35720	NEW	00-06-028	388-97-48030	NEW	00-06-028
388-97-253	NEW	00-06-028	388-97-360	AMD	00-06-028	388-97-48040	NEW	00-06-028
388-97-255	REP	00-06-028	388-97-36010	NEW	00-06-028	388-97-550	NEW	00-06-028
388-97-260	AMD	00-06-028	388-97-36020	NEW	00-06-028	388-97-555	NEW	00-06-028
388-97-265	REP	00-06-028	388-97-36030	NEW	00-06-028	388-97-560	NEW	00-06-028
388-97-270	REP	00-06-028	388-97-36040	NEW	00-06-028	388-97-565	NEW	00-06-028
388-97-275	REP	00-06-028	388-97-36050	NEW	00-06-028	388-97-570	NEW	00-06-028
388-97-280	REP	00-06-028	388-97-36060	NEW	00-06-028	388-97-575	NEW	00-06-028
388-97-285	NEW	00-06-028	388-97-36070	NEW	00-06-028	388-97-580	NEW	00-06-028
388-97-295	AMD	00-06-028	388-97-365	AMD	00-06-028	388-97-585	NEW	00-06-028
388-97-29510	NEW	00-06-028	388-97-36510	NEW	00-06-028	388-97-590	NEW	00-06-028
388-97-29520	NEW	00-06-028	388-97-36520	NEW	00-06-028	388-97-595	NEW	00-06-028
388-97-29530	NEW	00-06-028	388-97-36530	NEW	00-06-028	388-97-600	NEW	00-06-028
388-97-29540	NEW	00-06-028	388-97-370	AMD	00-06-028	388-155-010	AMD	00-06-040
388-97-29550	NEW	00-06-028	388-97-37010	NEW	00-06-028	388-155-020	AMD	00-06-040
388-97-29560	NEW	00-06-028	388-97-37020	NEW	00-06-028	388-155-070	AMD	00-06-040
388-97-300	REP	00-06-028	388-97-375	AMD	00-06-028	388-155-098	AMD	00-06-040
388-97-305	REP	00-06-028	388-97-380	REP	00-06-028	388-155-100	AMD	00-06-040
388-97-310	AMD	00-06-028	388-97-385	AMD	00-06-028	388-155-110	AMD	00-06-040
388-97-315	AMD	00-06-028	388-97-390	REP	00-06-028	388-155-120	AMD	00-06-040
388-97-320	REP	00-06-028	388-97-395	REP	00-06-028	388-155-130	AMD	00-06-040

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-155-140	AMD	00-06-040	388-430-0001	REP	00-05-007	391-45-070	AMD-E	00-03-053
388-155-150	AMD	00-06-040	388-430-0005	REP	00-05-007	391-45-110	AMD-E	00-03-053
388-155-165	AMD	00-06-040	388-430-0010	REP	00-05-007	391-45-130	AMD-E	00-03-053
388-155-170	AMD	00-06-040	388-430-0015	REP	00-05-007	391-95	PREP	00-04-070
388-155-180	AMD	00-06-040	388-430-0020	REP	00-05-007	392-127-011	AMD	00-02-064
388-155-200	AMD	00-06-040	388-430-0025	REP	00-05-007	392-127-015	AMD	00-02-064
388-155-210	REP	00-06-040	388-436-0010	REP-P	00-06-067	392-127-030	REP	00-02-064
388-155-220	AMD	00-06-040	388-440-0001	AMD	00-03-034	392-127-035	REP	00-02-064
388-155-230	AMD	00-06-040	388-440-0005	AMD	00-03-034	392-127-040	REP	00-02-064
388-155-240	AMD	00-06-040	388-442-0010	AMD	00-05-007	392-127-050	REP	00-02-064
388-155-250	AMD	00-06-040	388-444-0015	AMD	00-04-006	392-127-055	REP	00-02-064
388-155-260	REP	00-06-040	388-444-0035	AMD	00-04-006	392-127-060	REP	00-02-064
388-155-270	AMD	00-06-040	388-444-0055	AMD	00-04-006	392-127-065	AMD	00-02-064
388-155-280	AMD	00-06-040	388-444-0065	AMD	00-04-006	392-127-070	AMD	00-02-064
388-155-290	AMD	00-06-040	388-444-0075	AMD	00-04-006	392-127-085	AMD	00-02-064
388-155-295	AMD	00-06-040	388-450-0015	PREP	00-03-060	392-127-095	REP	00-02-064
388-155-310	AMD	00-06-040	388-450-0015	AMD-E	00-06-023	392-127-101	REP	00-02-064
388-155-320	AMD	00-06-040	388-450-0035	AMD-E	00-02-062	392-127-106	REP	00-02-064
388-155-340	AMD	00-06-040	388-480-0001	AMD	00-05-007	392-127-111	AMD	00-02-064
388-155-350	AMD	00-06-040	388-490-0005	AMD-P	00-04-092	392-127-112	NEW	00-02-064
388-155-360	AMD	00-06-040	388-501-0125	PREP	00-03-011	392-127-810	REP	00-02-064
388-155-390	AMD	00-06-040	388-501-0160	AMD	00-03-035	392-139-001	AMD-P	00-05-061
388-155-400	AMD	00-06-040	388-501-0165	AMD	00-03-035	392-139-005	AMD-P	00-05-061
388-155-410	AMD	00-06-040	388-502-0205	PREP	00-06-022	392-139-007	AMD-P	00-05-061
388-155-430	AMD	00-06-040	388-529-2940	REP	00-05-039	392-139-008	NEW-P	00-05-061
388-155-440	AMD	00-06-040	388-529-2950	REP	00-05-039	392-139-310	AMD-P	00-05-061
388-155-450	AMD	00-06-040	388-538-001	REP	00-04-080	392-139-320	AMD-P	00-05-061
388-155-460	AMD	00-06-040	388-538-050	AMD	00-04-080	392-139-605	REP-P	00-05-061
388-155-470	AMD	00-06-040	388-538-060	AMD	00-04-080	392-139-610	AMD-P	00-05-061
388-155-490	AMD	00-06-040	388-538-065	NEW	00-04-080	392-139-615	AMD-P	00-05-061
388-155-500	AMD	00-06-040	388-538-066	NEW	00-04-080	392-139-620	AMD-P	00-05-061
388-155-600	AMD	00-06-040	388-538-070	AMD	00-04-080	392-139-622	REP-P	00-05-061
388-200-1160	REP	00-03-035	388-538-080	AMD	00-04-080	392-139-623	REP-P	00-05-061
388-200-1300	PREP	00-04-036	388-538-090	REP	00-04-080	392-139-625	AMD-P	00-05-061
388-200-1350	PREP	00-04-036	388-538-095	AMD	00-04-080	392-139-660	AMD-P	00-05-061
388-235-9000	AMD	00-05-007	388-538-100	AMD	00-04-080	392-139-661	REP-P	00-05-061
388-310-0200	AMD-P	00-03-051	388-538-110	AMD	00-04-080	392-139-670	AMD-P	00-05-061
388-310-0200	AMD	00-06-062	388-538-120	AMD	00-04-080	392-139-676	AMD-P	00-05-061
388-310-0300	AMD-P	00-03-051	388-538-130	AMD	00-04-080	392-140-600	AMD	00-03-015
388-310-0300	AMD	00-06-062	388-538-140	AMD	00-04-080	392-140-601	AMD	00-03-015
388-310-0400	AMD-P	00-03-051	388-538-150	REP	00-04-080	392-140-605	AMD	00-03-015
388-310-0400	AMD	00-06-062	388-539	PREP	00-05-038	392-140-613	AMD	00-03-015
388-310-0700	AMD-P	00-03-051	388-542-0050	NEW-P	00-03-061	392-140-625	AMD	00-03-015
388-310-0700	AMD	00-06-062	388-542-0100	NEW-P	00-03-061	392-140-626	NEW	00-03-015
388-310-0800	PREP	00-05-109	388-542-0125	NEW-P	00-03-061	392-140-630	AMD	00-03-015
388-310-0800	AMD-E	00-06-061	388-542-0150	NEW-P	00-03-061	392-140-660	AMD	00-03-015
388-310-1400	AMD-P	00-03-051	388-542-0200	NEW-P	00-03-061	392-140-665	REP	00-03-015
388-310-1400	AMD	00-06-062	388-542-0250	NEW-P	00-03-061	392-140-675	AMD	00-03-015
388-310-1450	NEW-P	00-03-051	388-542-0275	NEW-P	00-03-061	392-140-680	AMD	00-03-015
388-310-1450	NEW	00-06-062	388-542-0300	NEW-P	00-03-061	392-140-700	REP	00-02-063
388-310-1850	AMD-E	00-03-013	388-545-500	NEW	00-04-019	392-140-701	REP	00-02-063
388-310-1850	AMD-P	00-04-091	388-547	PREP	00-03-010	392-140-702	REP	00-02-063
388-400-0005	AMD	00-05-007	388-550-4500	AMD-W	00-06-046	392-140-710	REP	00-02-063
388-400-0010	AMD	00-05-007	388-825-226	AMD-P	00-05-107	392-140-711	REP	00-02-063
388-404-0005	AMD	00-05-007	388-825-228	AMD-P	00-05-107	392-140-712	REP	00-02-063
388-406-0015	AMD	00-06-015	388-825-254	AMD-P	00-05-107	392-140-713	REP	00-02-063
388-406-0060	PREP	00-06-060	388-890-0735	NEW-W	00-02-065	392-140-714	REP	00-02-063
388-408-0020	AMD	00-05-007	388-890-0740	NEW-W	00-02-065	392-140-715	REP	00-02-063
388-416-0015	AMD-P	00-04-045	388-890-0865	NEW-W	00-02-065	392-140-716	REP	00-02-063
388-418-0012	REP-P	00-03-062	390-05-400	AMD	00-04-058	392-140-720	REP	00-02-063
388-418-0025	AMD-P	00-04-045	391-08	PREP	00-04-070	392-140-721	REP	00-02-063
388-424-0015	AMD-P	00-05-110	391-45	PREP	00-04-070	392-140-722	REP	00-02-063

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
392-140-723	REP	00-02-063	415-112-330	AMD-P	00-04-024	434-663-320	AMD-P	00-04-083
392-140-724	REP	00-02-063	415-112-460	AMD-P	00-04-024	434-663-400	AMD-P	00-04-083
392-140-725	REP	00-02-063	415-112-4605	AMD-P	00-04-024	434-663-400	DECOD-P	00-04-083
392-140-726	REP	00-02-063	415-112-4608	AMD-P	00-04-024	434-663-405	NEW-P	00-04-083
392-140-727	REP	00-02-063	415-112-471	AMD-P	00-04-024	434-663-410	AMD-P	00-04-083
392-140-728	REP	00-02-063	415-112-473	AMD-P	00-04-024	434-663-410	DECOD-P	00-04-083
392-140-730	REP	00-02-063	415-112-475	AMD-P	00-04-024	434-663-420	AMD-P	00-04-083
392-140-731	REP	00-02-063	415-112-477	AMD-P	00-04-024	434-663-420	DECOD-P	00-04-083
392-140-732	REP	00-02-063	415-112-705	NEW-P	00-04-024	434-663-430	AMD-P	00-04-083
392-140-733	REP	00-02-063	415-112-920	NEW-P	00-04-024	434-663-430	DECOD-P	00-04-083
392-140-735	REP	00-02-063	415-112-950	NEW-P	00-04-024	434-663-440	AMD-P	00-04-083
392-140-736	REP	00-02-063	434-219-020	AMD	00-03-003	434-663-440	DECOD-P	00-04-083
392-140-740	REP	00-02-063	434-219-120	AMD	00-03-003	434-663-450	DECOD-P	00-04-083
392-140-741	REP	00-02-063	434-219-160	AMD	00-03-003	434-663-460	REP-P	00-04-083
392-140-742	REP	00-02-063	434-219-160	AMD-E	00-03-036	434-663-470	REP-P	00-04-083
392-140-743	REP	00-02-063	434-219-165	NEW	00-03-003	434-663-480	REP-P	00-04-083
392-140-744	REP	00-02-063	434-219-170	NEW	00-03-003	434-663-490	AMD-P	00-04-083
392-140-745	REP	00-02-063	434-219-180	AMD	00-03-003	434-663-490	DECOD-P	00-04-083
392-140-746	REP	00-02-063	434-219-185	NEW	00-03-003	434-663-510	REP-P	00-04-083
392-140-747	REP	00-02-063	434-219-210	AMD	00-03-003	434-663-520	REP-P	00-04-083
392-140-900	NEW	00-02-063	434-219-220	AMD	00-03-003	434-663-530	AMD-P	00-04-083
392-140-901	NEW	00-02-063	434-219-230	AMD	00-03-003	434-663-600	AMD-P	00-04-083
392-140-902	NEW	00-02-063	434-219-240	AMD	00-03-003	434-663-610	AMD-P	00-04-083
392-140-903	NEW	00-02-063	434-219-250	AMD	00-03-003	434-663-620	AMD-P	00-04-083
392-140-905	NEW	00-02-063	434-219-255	NEW	00-03-003	434-663-640	NEW-P	00-04-083
392-140-906	NEW	00-02-063	434-219-260	AMD	00-03-003	434-663-700	RECOD-P	00-04-083
392-140-907	NEW	00-02-063	434-219-270	AMD	00-03-003	434-663-710	RECOD-P	00-04-083
392-140-908	NEW	00-02-063	434-219-280	AMD	00-03-003	434-663-720	RECOD-P	00-04-083
392-140-910	NEW	00-02-063	434-219-280	AMD-E	00-05-093	434-663-730	RECOD-P	00-04-083
392-140-911	NEW	00-02-063	434-219-285	NEW	00-03-003	434-663-740	RECOD-P	00-04-083
392-140-912	NEW	00-02-063	434-219-290	AMD	00-03-003	434-663-750	RECOD-P	00-04-083
392-140-913	NEW	00-02-063	434-219-300	NEW	00-03-003	434-663-760	RECOD-P	00-04-083
392-172-107	NEW-W	00-06-045	434-219-310	AMD	00-03-003	434-663-770	NEW-P	00-04-083
392-172-109	NEW-W	00-06-045	434-219-320	AMD	00-03-003	434-663-780	NEW-P	00-04-083
392-172-161	NEW-W	00-06-045	434-240-202	NEW-E	00-03-036	446-30-010	AMD	00-02-069
392-300-070	NEW-E	00-05-099	434-257	AMD-E	00-04-010	446-85-005	NEW-P	00-06-037
399-30-030	PREP	00-04-096	434-257-010	AMD-E	00-04-010	446-85-010	NEW-P	00-06-037
399-30-030	AMD-E	00-04-097	434-257-020	AMD-E	00-04-010	458-12-315	REP-P	00-05-033
399-50-010	NEW-C	00-04-100	434-257-030	AMD-E	00-04-010	458-12-320	AMD-P	00-05-033
399-50-020	NEW-C	00-04-100	434-257-050	REP-E	00-04-010	458-16-080	AMD-P	00-05-032
399-50-030	NEW-C	00-04-100	434-257-070	AMD-E	00-04-010	458-16-081	REP-P	00-05-032
399-50-040	NEW-C	00-04-100	434-257-080	REP-E	00-04-010	458-16A-010	AMD-P	00-06-073
415-02-010	AMD-P	00-04-025	434-257-090	AMD-E	00-04-010	458-16A-020	AMD-P	00-06-073
415-02-020	AMD-P	00-04-025	434-257-100	AMD-E	00-04-010	458-20-135	AMD-E	00-04-026
415-02-030	AMD-P	00-04-025	434-257-120	REP-E	00-04-010	458-20-135	AMD-P	00-04-029
415-02-040	REP-P	00-04-025	434-257-130	AMD-E	00-04-010	458-20-13501	PREP	00-04-027
415-02-050	AMD-P	00-04-025	434-257-150	AMD-E	00-04-010	458-20-136	AMD-E	00-04-026
415-02-060	AMD-P	00-04-025	434-262-080	AMD-P	00-05-095	458-20-136	AMD-P	00-04-029
415-02-070	REP-P	00-04-025	434-262-110	AMD-P	00-05-095	458-20-13601	NEW-E	00-04-026
415-02-080	AMD-P	00-04-025	434-262-120	AMD-P	00-05-095	458-20-13601	NEW-P	00-04-029
415-02-100	AMD-P	00-04-025	434-334-090	AMD-P	00-05-094	458-20-217	PREP	00-05-073
415-02-120	NEW-P	00-04-025	434-334-110	AMD-P	00-05-094	458-20-228	AMD	00-04-028
415-02-130	NEW-P	00-04-025	434-334-127	NEW-P	00-05-094	458-20-239	AMD-XA	00-05-015
415-04	PREP	00-04-061	434-334-140	AMD-P	00-05-094	458-20-261	AMD-XA	00-03-001
415-08	PREP	00-04-061	434-334-160	AMD-P	00-05-094	458-30-200	PREP	00-05-074
415-10	PREP	00-04-062	434-334-165	AMD-P	00-05-094	458-30-275	PREP	00-05-074
415-104-450	NEW-P	00-04-023	434-663-100	AMD-P	00-04-083	458-30-285	PREP	00-05-074
415-108-315	NEW-P	00-04-024	434-663-270	NEW-P	00-04-083	458-30-295	PREP	00-05-074
415-112-125	AMD-P	00-04-024	434-663-280	NEW-P	00-04-083	458-30-300	PREP	00-05-074
415-112-140	AMD-P	00-04-024	434-663-300	AMD-P	00-04-083	458-30-305	PREP	00-05-074
415-112-145	AMD-P	00-04-024	434-663-305	NEW-P	00-04-083	458-30-310	PREP	00-05-074
415-112-155	AMD-P	00-04-024	434-663-310	AMD-P	00-04-083	458-30-315	PREP	00-05-074

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
458- 30-325	PREP	00-05-074	478-324-170	AMD	00-04-039	495A-121-022	NEW-P	00-05-017
458- 30-350	PREP	00-05-074	478-324-180	AMD	00-04-039	495A-121-023	NEW-P	00-05-017
458- 40-660	PREP	00-06-053	478-324-190	AMD	00-04-039	495A-121-024	NEW-P	00-05-017
458- 61-230	AMD-P	00-04-055	478-324-200	AMD	00-04-039	495A-121-025	NEW-P	00-05-017
460- 21C-005	NEW-P	00-02-068	478-324-210	AMD	00-04-039	495A-121-026	NEW-P	00-05-017
460- 21C-005	NEW	00-05-055	480- 60-010	AMD	00-04-011	495A-121-027	NEW-P	00-05-017
460- 21C-010	NEW-P	00-02-068	480- 60-012	NEW	00-04-011	495A-121-028	NEW-P	00-05-017
460- 21C-010	NEW	00-05-055	480- 60-014	NEW	00-04-011	495A-121-029	NEW-P	00-05-017
460- 21C-020	NEW-P	00-02-068	480- 60-020	AMD	00-04-011	495A-121-040	NEW-P	00-05-017
460- 21C-020	NEW	00-05-055	480- 60-030	AMD	00-04-011	495A-121-041	NEW-P	00-05-017
460- 21C-030	NEW-P	00-02-068	480- 60-035	NEW	00-04-011	495A-121-042	NEW-P	00-05-017
460- 21C-030	NEW	00-05-055	480- 60-040	AMD	00-04-011	495A-121-043	NEW-P	00-05-017
460- 21C-040	NEW-P	00-02-068	480- 60-050	AMD	00-04-011	495A-121-044	NEW-P	00-05-017
460- 21C-040	NEW	00-05-055	480- 60-060	AMD	00-04-011	495A-121-045	NEW-P	00-05-017
460- 44A-500	AMD	00-04-094	480- 60-070	REP	00-04-011	495A-121-046	NEW-P	00-05-017
460- 44A-504	AMD	00-04-094	480- 60-080	AMD	00-04-011	495A-121-047	NEW-P	00-05-017
460- 46A-010	REP	00-04-095	480- 60-090	AMD	00-04-011	495A-121-048	NEW-P	00-05-017
460- 46A-020	REP	00-04-095	480- 60-99002	REP	00-04-011	495A-121-049	NEW-P	00-05-017
460- 46A-025	REP	00-04-095	480- 60-99003	REP	00-04-011	495A-121-060	NEW-P	00-05-017
460- 46A-030	REP	00-04-095	480- 66-010	REP	00-04-011	495A-121-061	NEW-P	00-05-017
460- 46A-040	REP	00-04-095	480- 66-020	REP	00-04-011	495A-121-062	NEW-P	00-05-017
460- 46A-050	REP	00-04-095	480- 66-030	REP	00-04-011	495A-121-063	NEW-P	00-05-017
460- 46A-055	REP	00-04-095	480- 66-040	REP	00-04-011	495A-121-064	NEW-P	00-05-017
460- 46A-061	REP	00-04-095	480- 66-050	REP	00-04-011	495A-121-065	NEW-P	00-05-017
460- 46A-065	REP	00-04-095	480- 66-060	REP	00-04-011	495A-121-066	NEW-P	00-05-017
460- 46A-071	REP	00-04-095	480- 66-070	REP	00-04-011	495A-121-070	NEW-P	00-05-017
460- 46A-072	REP	00-04-095	480- 66-100	NEW	00-04-011	495A-121-090	NEW-P	00-05-017
460- 46A-090	REP	00-04-095	480- 66-110	NEW	00-04-011	495A-121-091	NEW-P	00-05-017
460- 46A-091	REP	00-04-095	480- 66-120	NEW	00-04-011	495A-121-092	NEW-P	00-05-017
460- 46A-092	REP	00-04-095	480- 66-140	NEW	00-04-011	495A-121-093	NEW-P	00-05-017
460- 46A-095	REP	00-04-095	480- 66-150	NEW	00-04-011	495A-121-094	NEW-P	00-05-017
460- 46A-100	REP	00-04-095	480- 66-160	NEW	00-04-011	495D-120-040	AMD	00-03-031
460- 46A-105	REP	00-04-095	480- 66-170	NEW	00-04-011	495D-135-040	AMD	00-03-030
460- 46A-110	REP	00-04-095	480- 66-200	NEW	00-04-011	508- 64	PREP	00-06-057
460- 46A-115	REP	00-04-095	480- 66-210	NEW	00-04-011	516- 52	PREP	00-05-030
460- 46A-145	REP	00-04-095	480- 66-220	NEW	00-04-011			
460- 46A-150	REP	00-04-095	480- 66-230	NEW	00-04-011			
460- 46A-155	REP	00-04-095	480- 66-300	NEW	00-04-011			
460- 46A-160	REP	00-04-095	480- 66-310	NEW	00-04-011			
460- 46A-165	REP	00-04-095	480- 66-320	NEW	00-04-011			
468- 38-070	PREP	00-04-068	480- 66-330	NEW	00-04-011			
468- 38-290	AMD-E	00-05-087	480- 66-400	NEW	00-04-011			
468- 38-290	PREP	00-05-088	480- 66-410	NEW	00-04-011			
468-300-010	PREP	00-04-086	480- 66-420	NEW	00-04-011			
468-300-020	PREP	00-04-086	480- 66-430	NEW	00-04-011			
468-300-040	PREP	00-04-086	480- 66-440	NEW	00-04-011			
468-300-220	PREP	00-04-086	480- 66-450	NEW	00-04-011			
478-132-010	AMD	00-04-038	480- 66-460	NEW	00-04-011			
478-132-030	AMD	00-04-038	480- 66-470	NEW	00-04-011			
478-324-020	AMD	00-04-039	480- 66-480	NEW	00-04-011			
478-324-030	AMD	00-04-039	480- 66-490	NEW	00-04-011			
478-324-040	AMD	00-04-039	480- 66-500	NEW	00-04-011			
478-324-045	NEW	00-04-039	480- 66-510	NEW	00-04-011			
478-324-050	REP	00-04-039	480- 66-520	NEW	00-04-011			
478-324-060	AMD	00-04-039	480- 66-600	NEW	00-04-011			
478-324-070	AMD	00-04-039	480- 66-620	NEW	00-04-011			
478-324-090	AMD	00-04-039	480-120-139	AMD	00-03-047			
478-324-110	AMD	00-04-039	495A-121-010	NEW-P	00-05-017			
478-324-120	AMD	00-04-039	495A-121-011	NEW-P	00-05-017			
478-324-130	AMD	00-04-039	495A-121-012	NEW-P	00-05-017			
478-324-140	AMD	00-04-039	495A-121-020	NEW-P	00-05-017			
478-324-150	AMD	00-04-039	495A-121-021	NEW-P	00-05-017			

TABLE

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY

COMMISSION
Meetings MISC 00-05-072

ACCOUNTANCY, BOARD OF

Continuing education PREP 00-03-033
Meetings MISC 00-02-006
PREP 00-03-032
Officers PREP 00-03-032

AFRICAN AMERICAN AFFAIRS, COMMISSION ON

Meetings MISC 00-05-046

AGING AND ADULT SERVICES

(See **SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**)

AGRICULTURE, DEPARTMENT OF

Animal health
disease reporting PROP 00-03-070
PERM **00-06-064**
livestock testing PROP 00-03-069
PERM **00-06-065**
swine pseudorabies PROP 00-03-068
PERM **00-06-066**

Asparagus commission meetings MISC 00-01-115

Barley commission meetings MISC 00-04-063

Beef commission meetings MISC 00-02-056

Blueberry commission auditing schedule EXAD 00-05-090
Buckwheat PROP 00-01-193
PROP 00-05-048

Bulb commission meetings MISC 00-01-020

Corn broken PROP 00-01-193

Cranberry commission auditing schedule EXAD 00-05-092

Dry pea and lentil commission assessment increase, proposal PROP 00-05-089

Eggs and egg products EXRE 00-01-138
PERM 00-05-024

Fruits and vegetables
apple standards PROP 00-03-083
asparagus standards PROP 00-03-085
Italian prune standards PROP 00-03-084

Garlic seed certification PERM 00-01-148

Grapes
nursery stock PERM 00-01-149
quarantine PROP 00-01-195
PROP 00-04-066
PERM 00-05-105

Hop commission meetings MISC 00-01-183

Livestock
disease reporting PROP 00-03-070
PERM **00-06-064**
swine pseudorabies PROP 00-03-068
PERM **00-06-066**
testing PROP 00-03-069
PERM **00-06-065**

Milk and milk products
processing plants, sanitary certificates PROP 00-01-178
PERM 00-05-025
PREP 00-02-077

sanitation and standards
Noxious weed control board meetings MISC 00-03-002

Pesticide registration, commission on meetings MISC 00-01-054
MISC 00-04-043

Pesticides
blossoming alfalfa, clover, and mint chemigation and fertigation PREP 00-04-021
PREP 00-03-076
labeling PREP 00-03-078
licenses PREP 00-03-079
microencapsulated methyl parathion PREP 00-04-022
pollen shedding corn PREP 00-04-020
rules update PREP 00-03-077
PREP 00-03-080

Quarantine
grape virus PROP 00-01-195
PROP 00-04-066
PERM 00-05-105
PERM 00-02-033

purple nutsedge
Red raspberry commission definitions and labeling requirements PREP 00-05-100
meetings MISC 00-01-112
Rules agenda MISC 00-04-069

Strawberry commission language clarified EXAD 00-05-091

Weeds
purple nutsedge PERM 00-02-033

Weights and measures
uniform testing procedures and tolerances, adoption PREP 00-03-052

AIR POLLUTION

(See **ECOLOGY, DEPARTMENT OF**; individual air pollution control authorities)

ARTS COMMISSION

Meetings MISC 00-05-037

ASBESTOS

(See **LABOR AND INDUSTRIES, DEPARTMENT OF**)

ATHLETICS

(See **LICENSING, DEPARTMENT OF**)

ATTORNEY GENERAL'S OFFICE

Notice of request for opinion MISC 00-05-003
MISC 00-05-004
MISC **00-06-029**

BAIL BONDS AGENTS

(See **LICENSING, DEPARTMENT OF**)

BATES TECHNICAL COLLEGE

Meetings MISC 00-01-053
MISC 00-03-039
MISC 00-05-029
MISC **00-06-055**

Students
conduct code EXRE 00-01-130
rights and responsibilities PREP 00-01-129
PROP 00-05-017

BELLEVUE COMMUNITY COLLEGE

Meetings MISC 00-01-062

BELLINGHAM TECHNICAL COLLEGE

Meetings MISC 00-01-032
MISC 00-03-004
MISC 00-05-005

BENTON COUNTY CLEAN AIR AUTHORITY

Exemptions PERM 00-05-051

BUILDING CODE COUNCIL

Building code review and update PREP 00-03-017
Meetings MISC 00-03-016

CASCADIA COMMUNITY COLLEGE

Meetings PREP 00-02-007
MISC 00-04-030
MISC 00-04-064

CENTRALIA COLLEGE

Student rights and responsibilities EXAD 00-02-051

CHILD SUPPORT

(See **SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**)

CITIZENS COMMISSION ON SALARIES FOR ELECTED OFFICIALS

Rules coordinator MISC 00-03-026

CLARK COLLEGE

Meetings MISC 00-01-137

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

CLOVER PARK TECHNICAL COLLEGE					
Student code	PREP	00-05-028	Water quality loans	EXAD	00-04-085
			Weather modification	PERM	00-01-009
CODE REVISER'S OFFICE			ECONOMIC DEVELOPMENT FINANCE AUTHORITY		
Quarterly reports			Meetings	MISC	00-01-063
99-19 - 99-24 See Issue 00-01			EDMONDS COMMUNITY COLLEGE		
COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF			Meetings	MISC	00-01-014
Bond cap allocation program	PERM	00-02-061		MISC	00-03-005
Community economic revitalization board meetings	MISC	00-04-065		MISC	00-03-021
Emergency shelter assistance program	PERM	00-05-020		MISC	00-05-009
Growth management				MISC	00-05-018
best available science	PROP	00-03-066	EDUCATION, STATE BOARD OF		
project consistency	PROP	00-03-067	Certification		
Long-term care ombudsman program	PROP	00-01-163	compliance and requirements	PROP	00-05-080
Public works board			endorsements		
ethics in public service	PROP	00-01-089	deadlines extended	PREP	00-01-171
	PROP	00-04-100	field experience requirements	PREP	00-01-170
voter approval of project financing			foreign course work, equivalency	PROP	00-05-083
election costs	PREP	00-04-096	limited certificates	PERM	00-03-050
	EMER	00-04-097	standards	PREP	00-05-076
				PERM	00-03-048
				PERM	00-03-049
COMMUNITY AND TECHNICAL COLLEGES			Construction documents		
Information services, center for meetings	MISC	00-04-032	construction management	PERM	00-04-008
CONSERVATION COMMISSION			Continuing education requirements	PREP	00-05-077
Meetings	MISC	00-01-046	Education advisory board	PREP	00-01-173
				PROP	00-05-079
CONVENTION AND TRADE CENTER			High schools		
Meetings	MISC	00-01-056	graduation requirements	EMER	00-01-049
	MISC	00-03-020		PERM	00-04-047
	MISC	00-06-006	social studies requirements	PERM	00-05-010
				PREP	00-06-054
CORRECTIONS, DEPARTMENT OF			Home schooling		
Detainers	PREP	00-05-034	student testing	PERM	00-03-046
	EMER	00-05-045	Meetings	MISC	00-01-157
Discipline	PREP	00-02-070	Preparation programs	PREP	00-01-172
Facilities				PREP	00-05-078
visits	PREP	00-05-035	School plant facilities	PROP	00-05-082
	EMER	00-05-044	basic state support	PERM	00-04-007
Rules agenda	MISC	00-04-067		PROP	00-05-104
COUNTY ROAD ADMINISTRATION BOARD			ELECTIONS		
Rural arterial program	PERM	00-05-043	(See SECRETARY OF STATE)		
CRIME VICTIMS COMPENSATION			EMERGENCY SERVICES		
(See LABOR AND INDUSTRIES, DEPARTMENT OF)			(See MILITARY DEPARTMENT)		
CRIMINAL JUSTICE TRAINING COMMISSION			EMPLOYMENT SECURITY, DEPARTMENT OF		
Meetings	MISC	00-02-079	Employers		
Powers and duties			predecessor and successor	PERM	00-01-165
rules clarification	PREP	00-04-048		PERM	00-05-068
EASTERN WASHINGTON UNIVERSITY			records	PERM	00-01-164
Meetings	MISC	00-03-022		PERM	00-01-166
	MISC	00-03-027	voluntary election coverage	PERM	00-05-064
	MISC	00-04-037	Rules agenda	MISC	00-04-072
	MISC	00-06-012	Unemployment benefits		
ECOLOGY, DEPARTMENT OF			adjustments and refunds	PERM	00-05-066
Air pollution			application process	PERM	00-05-065
standards and compliance	PROP	00-01-078	benefit charges, relief	PERM	00-01-167
Dairies				PERM	00-05-069
general discharge permit	MISC	00-05-062	dislocated workers	EMER	00-05-063
Forest practices to protect water quality	EXRE	00-06-038	owners of businesses	PERM	00-05-067
Hazardous waste			ENERGY FACILITY SITE EVALUATION COUNCIL		
federal regulations, incorporation	PROP	00-02-081	Meetings	MISC	00-05-070
Oil spill prevention	PREP	00-05-096	ENGINEERS		
Public hearings	MISC	00-04-098	(See LICENSING, DEPARTMENT OF)		
Rules agenda	MISC	00-04-082	EVERETT COMMUNITY COLLEGE		
Wastewater			Meetings	MISC	00-02-080
discharge permit	MISC	00-01-194	Student rights and responsibilities	PREP	00-02-082
	MISC	00-03-095		PROP	00-06-063
fees	PERM	00-02-031	FACTORY-ASSEMBLED STRUCTURES		
Water			(See LICENSING, DEPARTMENT OF)		
meter water use	PREP	00-06-057			
Water conservancy boards					
procedures	PROP	00-01-080			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

FAMILY AND CHILDREN'S OMBUDSMAN, OFFICE OF

Administrative procedures PROP 00-01-099
 PERM 00-05-036

FINANCIAL INSTITUTIONS, DEPARTMENT OF

Credit unions
 commercial business activities PREP 00-04-074
 Escrow commission
 meetings MISC 00-02-027
 Mortgage broker commission
 meetings MISC 00-02-027
 Rules agenda MISC 00-04-040
 Securities division
 broker-dealer services PROP 00-02-068
 PERM 00-05-055
 PERM 00-01-001
 compensation PERM 00-01-001
 corporate limited offering exemption PERM 00-04-095
 examination PERM 00-01-001
 exempt transactions PERM 00-04-094

FINANCIAL MANAGEMENT, OFFICE OF

Official pay dates for 2000-2001 EXAD 00-05-016

FIRE PROTECTION

(See WASHINGTON STATE PATROL)

FISH AND WILDLIFE, DEPARTMENT OF

Aquaculture disease control PREP **00-06-041**
 Dogs harassing deer or elk EMER 00-04-014
 Fishing, commercial
 bottomfish
 gear PREP 00-01-160
 limits and seasons EMER 00-02-053
 PREP 00-02-085
 catch reporting PERM 00-01-145
 EMER 00-04-041
 crab fishery
 areas and seasons EMER 00-01-127
 EMER 00-04-084
 gear limitations EMER 00-04-084
 size limitations EMER 00-01-093
 food fish
 lawful and unlawful acts PERM 00-01-096
 licenses PERM 00-01-102
 lingcod EMER 00-02-053
 salmon
 Columbia River above Bonneville EMER 00-04-071
 Columbia River below Bonneville EMER 00-05-047
 EMER 00-06-011
 EMER 00-06-036
 lawful and unlawful acts PERM 00-01-096
 sardine fishery
 trial commercial fishery permits PREP 00-05-027
 scallop fishery EMER 00-04-015
 PREP 00-05-040
 sea cucumbers
 areas and seasons PERM 00-03-042
 sea urchins
 areas and seasons EMER 00-01-094
 EMER 00-02-046
 EMER 00-03-006
 EMER 00-03-044
 EMER 00-04-013
 PREP 00-04-016
 EMER 00-05-041
 EMER 00-06-044
 shellfish
 harvest logs PERM 00-05-054
 lawful and unlawful acts PERM 00-01-096
 Puget Sound PREP 00-01-158
 PREP 00-01-169
 shrimp fishery
 Puget Sound PERM 00-01-124
 smelt
 areas and seasons PREP 00-02-002
 EMER 00-02-003
 EMER 00-06-017
 spot prawn fishery PREP 00-05-026
 sturgeon
 Columbia River above Bonneville EMER 00-02-004
 Columbia River below Bonneville EMER 00-04-071
 EMER 00-02-005

trawl
 Fishing, recreational
 bottomfish
 crab
 areas and seasons

 gamefish
 areas and seasons
 kokanee
 licenses

salmon
 areas and seasons

shellfish
 driving on tideflats
 razor clams

smelt
 areas and seasons

state-wide rules
 exemptions
 steelhead
 areas and seasons

trout
 Hunting
 auction permit procedures
 bear

bighorn sheep

bow and arrow requirements

cougar

decoys, use on department lands

deer

elk

firearms
 muzzleloaders

nontoxic shot
 restriction areas

unlawful

game management units (GMUs)

goose
 landowner damage hunts

licenses

migratory gamebirds

EMER 00-06-011
EMER 00-06-036
 EMER 00-02-053

PREP 00-01-159

EMER 00-01-127
EMER 00-06-009

EMER 00-01-168
EMER 00-06-008
 PERM 00-01-101
 PERM 00-01-102
 EMER 00-02-047
 PERM 00-02-049
 PERM 00-02-050
 PREP 00-02-083
 PREP 00-02-084
PROP 00-06-042
PROP 00-06-043
PROP 00-06-084

EMER 00-01-125
 EMER 00-01-126
 EMER 00-01-168
 EMER 00-03-007

PERM 00-01-095
 EMER 00-01-092
 EMER 00-02-052
EMER 00-06-010

EMER 00-02-032
EMER 00-06-017

EMER 00-05-085

EMER 00-03-041
 EMER 00-03-055
EMER 00-06-008

PREP 00-01-142
 PREP 00-01-142
 EMER 00-03-025
 PERM 00-04-017
PROP 00-06-099
 PREP 00-01-142
PROP 00-06-092
 PREP 00-01-142
PROP 00-06-090
 PREP 00-01-142
PROP 00-06-099
 PREP 00-01-142
PROP 00-06-094
 PREP 00-01-142
PROP 00-06-087
 PREP 00-01-142
PROP 00-06-085

PREP 00-01-142
PROP 00-06-089
PROP 00-06-091
 PREP 00-01-142
PROP 00-06-095
 PREP 00-01-142
PROP 00-06-088
 PREP 00-01-142
PROP 00-06-097
 EMER 00-02-012
 PREP 00-01-142
PROP 00-06-096
 PERM 00-01-101
 PERM 00-01-102
 PERM 00-02-049
 PREP 00-02-083
 PREP 00-02-084
 PERM 00-01-144
 PROP 00-02-066
 PERM 00-04-017
PROP 00-06-086
PROP 00-06-093

Subject/Agency Index

(Citation in bold type refer to material in this issue)

moose	PREP	00-01-142	Emergency medical system/trauma care administration	PROP	00-03-075
mountain goat	PROP	00-06-092	Farmers' market nutrition program	PROP	00-03-074
private lands wildlife management areas	PREP	00-01-142	Food safety		
small game	PROP	00-06-092	bare hand contact policy	MISC	00-01-121
Marine preserve and conservation area boundaries	PERM	00-04-017	unpasteurized juices, labeling	PERM	00-02-014
	PREP	00-01-142	Good samaritans		
Meetings	PERM	00-01-103	infectious disease testing	PERM	00-01-066
Volunteer cooperative projects	PROP	00-06-083	HIV		
Wildlife	MISC	00-01-147	occupational exposure notification	PREP	00-06-019
endangered, threatened, or sensitive species	PERM	00-02-048	Medical test sites		
	PREP	00-01-143	licensing standards	PROP	00-03-073
	PROP	00-06-100		PERM	00-06-079
FOREST PRACTICES BOARD			Nursing assistants		
Endangered Species Act compliance			standards of practice	PREP	00-03-072
Meetings	EMER	00-06-026	training programs	PREP	00-03-072
	MISC	00-03-087	Nursing care quality assurance commission reporting requirements	PERM	00-01-186
Rules agenda	MISC	00-05-106	Nursing home administrators, board of administrator vacancies	PERM	00-01-071
	MISC	00-03-087A	continuing education	PERM	00-01-074
GAMBLING COMMISSION			duties of board	PERM	00-01-073
Age requirements to participate in gambling activities	PERM	00-01-002	examinations	PERM	00-01-072
Card rooms	PROP	00-04-099	standards of conduct	PERM	00-01-067
	PROP	00-05-101	training programs	PERM	00-01-070
Equipment			Pharmacy, board of		
sale and purchase	PREP	00-05-031	dronabinol	MISC	00-01-075
Gambling service suppliers	PROP	00-01-146A	ketamine	MISC	00-06-080
	PERM	00-05-102	legend drug identification	PERM	00-06-078
Licenses			medication assistance in community-based settings	PERM	00-01-123
qualifications	PROP	00-02-067	needle and syringe distribution	PREP	00-03-071
reporting requirements	PREP	00-02-038	Radiation protection		
No fee bingo	PROP	00-05-103	conformance with U.S. nuclear regulatory commission rules	PROP	00-04-088
Promotional contests of chance	PERM	00-01-003	fees	PERM	00-02-016
	PERM	00-01-003	Residential facilities	PREP	00-05-097
GENERAL ADMINISTRATION, DEPARTMENT OF			Rules agenda	MISC	00-05-052
Capitol campus			Shellfish programs		
commemorative and art works	EXAD	00-01-065	fees	PERM	00-02-016
Meetings	PERM	00-06-052	Somatic educators	PROP	00-01-185
	MISC	00-05-001	Temporary worker housing		
	MISC	00-05-006	cherry harvest	PERM	00-06-082
	MISC	00-05-019	drinking water	PERM	00-06-082
Risk management, office of address	PERM	00-01-104	Toxics substance, office of		
			fees	PERM	00-02-016
GOVERNOR, OFFICE OF THE			Vital records	PROP	00-05-098
Clemency and pardons board meetings	MISC	00-04-001	Water		
	MISC	00-06-035	drinking water		
Floods, winds, and slides			fees	PERM	00-02-015
state of emergency declared	MISC	00-04-012	HEALTH CARE AUTHORITY		
Fraser River salmon season canceled			Public employees benefits board		
state of emergency declared	MISC	00-01-004	meetings	MISC	00-01-013
Natural resources, department of				MISC	00-03-045
appeal of denial	MISC	00-03-064	Rules agenda	MISC	00-05-071
	MISC	00-03-065		MISC	00-04-009
notice of appeal	MISC	00-01-041	HIGHER EDUCATION COORDINATING BOARD		
	MISC	00-02-076	Masters in education reimbursement program	PREP	00-01-179
Public works projects				PROP	00-05-084
apprentices	MISC	00-05-013	Meetings	MISC	00-01-047
World Trade Organization			Washington promise scholarship program	PROP	00-01-181
state of emergency terminated	MISC	00-01-100	Washington scholars program	PROP	00-01-180
GRAYS HARBOR COLLEGE			HISPANIC AFFAIRS, COMMISSION ON		
Meetings	MISC	00-01-162	Meetings	MISC	00-03-014
GREEN RIVER COMMUNITY COLLEGE			HORSE RACING COMMISSION		
Meetings	MISC	00-02-008	Appeals to commission	PROP	00-03-093
GROWTH MANAGEMENT HEARINGS BOARDS			Clocker	PREP	00-01-131
Practice and procedure	PROP	00-05-021	Drug and alcohol testing of employees	PROP	00-03-088
HEALTH, DEPARTMENT OF			Medication	PROP	00-03-092
Chemical dependency professionals			Performance records	PROP	00-03-089
examination requirements	PERM	00-01-122	Post position	PREP	00-01-131
Chiropractic quality assurance commission	EXRE	00-04-087	Promulgation	PREP	00-01-132
Counselors			Race	PROP	00-01-133
continuing education	PERM	00-03-075A		PROP	00-03-091
			Safety equipment required	PERM	00-06-069
			Satellite locations	PREP	00-01-131
				PROP	00-03-090

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Superfecta type wagering	PROP 00-01-134 PERM 00-06-070	purchasing practices	PREP 00-05-002
Trainers duties	PROP 00-01-136 PERM 00-06-072	Workers' compensation benefit payments classification definitions	PROP 00-02-030 PREP 00-02-090 PERM 00-01-039 PERM 00-01-040
Weights and equipment	PROP 00-01-135 PERM 00-06-071	drugs and medication hospital services payment	PERM 00-06-027 PROP 00-05-111
HOUSING FINANCE COMMISSION		payment to out-of-state hospitals	PROP 00-05-111
Bond allocation distribution	PERM 00-06-030	medical coverage, determination provider application process	PERM 00-01-037 PROP 00-05-111
HUMAN RIGHTS COMMISSION		provider reporting requirements reimbursement rates	PERM 00-01-190 PREP 00-01-189 PREP 00-01-191 EXAD 00-01-192 PROP 00-05-112 PROP 00-02-045 PROP 00-05-111
Credit transactions	PERM 00-01-177		
Meetings	MISC 00-01-114	retrospective rating	
Rules agenda	MISC 00-02-073	self insurers	
HUNTING (See FISH AND WILDLIFE, DEPARTMENT OF)			
INDUSTRIAL INSURANCE (See LABOR AND INDUSTRIES, subtitle Workers' compensation)		LAKE WASHINGTON TECHNICAL COLLEGE	
INFORMATION SERVICES, CENTER FOR (See COMMUNITY AND TECHNICAL COLLEGES)		Meetings	MISC 00-01-091
INFORMATION SERVICES, DEPARTMENT OF		Students	
Public records, accessibility	PERM 00-01-028	conduct code	PERM 00-03-031
INSURANCE COMMISSIONER'S OFFICE		refunds	PERM 00-03-030
Health insurance		LAND SURVEYORS (See LICENSING, DEPARTMENT OF)	
provider contracts	PROP 00-01-079 MISC 00-04-003 PERM 00-04-034	LICENSING, DEPARTMENT OF	
rules clarification		Bail bond agents	
Life insurance		rules review	PERM 00-01-061
valuation of policies	PROP 00-04-090	Boxing, wrestling, and martial arts adjudicative procedures	PERM 00-02-054
PacificCare of Washington acquisition	MISC 00-01-141 MISC 00-06-021 MISC 00-04-089	licenses	PERM 00-02-054
Rules agenda		rules update	PREP 00-01-042
INTEREST RATES (See inside front cover)		Engineers and land surveyors, board of registration for professional meetings	MISC 00-01-083
JAIL INDUSTRIES BOARD		wastewater, on-site treatment systems designer licensing	PREP 00-01-202 PREP 00-04-060 PREP 00-06-031
Meetings	MISC 00-04-051	Hulk haulers/scrap processors	
JUDICIAL CONDUCT, COMMISSION ON		Manufactured homes	
Confidentiality	PREP 00-01-031	certificate of ownership	PROP 00-01-005 PREP 00-01-035 PERM 00-06-004
Meetings	MISC 00-01-022		
Procedural rules	PERM 00-01-030	Motor vehicle excise tax	
LABOR AND INDUSTRIES, DEPARTMENT OF		armed forces nonresident exemption initiative 695 implementation	PROP 00-01-152 PREP 00-06-001
Crime victims compensation		Motor vehicles	
rules review	PROP 00-02-091 PERM 00-03-056 PREP 00-06-077	abandoned and unauthorized vehicles, impound	PERM 00-01-058 PERM 00-01-061 PERM 00-04-046 PERM 00-01-150 PERM 00-02-017 PROP 00-01-060 PERM 00-06-025 PREP 00-06-001 PREP 00-01-036 PROP 00-03-094
Factory-assembled structures		branding and special built vehicles	
First-aid		certificate of title	
requirements	PERM 00-01-038	commercial driver's license	
Policy and interpretive statements	MISC 00-03-024	destroyed vehicles	PERM 00-06-025 PREP 00-06-001
Rules agenda	MISC 00-03-059		
Safety and health standards		initiative 695 implementation	
asbestos removal and encapsulation construction work	EXAD 00-01-139 PREP 00-04-002 PREP 00-05-057	licenses	PREP 00-01-036 PROP 00-03-094
crane attached personnel platforms	PREP 00-01-174 PROP 00-06-056	licensing offices	
emergency Washington facilities	PROP 00-04-075	dishonored check handling	PREP 00-01-098 PROP 00-05-014
forklift operation	PERM 00-01-176	motorcycle endorsement	PERM 00-02-017
HVAC/refrigeration	EMER 00-06-076	odometer disclosure statements	PROP 00-01-045 PERM 00-06-020
methylene chloride PEL	EXAD 00-01-139 PERM 00-06-075	parking ticket collection	PERM 00-03-057
penalty calculation assessment		rental car business	PROP 00-01-059 PERM 00-06-024 PERM 00-01-151 PREP 00-06-034
explanations clarified	PROP 00-05-058	veterans	
scaffolds	PROP 00-01-175	Off-road and nonhighway vehicles	
table of contents/index created	MISC 00-04-076	Real estate appraisers	
temporary heating devices	PREP 00-05-057	uniform standards of practice	PROP 00-01-021 PERM 00-04-057
vendor units	PERM 00-01-187 PERM 00-01-188	Real estate commission	
Temporary worker housing		meetings	MISC 00-01-116
cherry harvest	PERM 00-06-081	Reciprocity and proration	PREP 00-03-038
temporary labor camps	PERM 00-06-081	rules review	PROP 00-03-063
Vocational rehabilitation		Rules agenda	MISC 00-04-035
		Snowmobiles	PREP 00-01-153 PROP 00-05-050

Subject/Agency Index

(Citation in bold type refer to material in this issue)

Special fuel tax	PREP	00-06-034	OLYMPIC COLLEGE	
Tow truck operators	PREP	00-03-037	Meetings	MISC 00-02-029
Transporters	PERM	00-01-058		MISC 00-05-042
Travel sellers	PREP	00-06-032	OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR	
Uniform commercial code fees	PERM	00-02-013	Land and water conservation fund, administration	PERM 00-05-008
forms	PERM	00-02-013	Meetings	MISC 00-04-050
Vessels			Salmon recovery funding board meetings	MISC 00-03-009
dealer registration	PREP	00-06-033	PARKS AND RECREATION COMMISSION	
registration and certificate of title	PERM	00-01-027	Meetings	MISC 00-01-146
	PREP	00-01-034	Public use of park areas	PERM 00-01-201
	PREP	00-01-154	volunteer fees	PREP 00-04-081
	PROP	00-05-049		
	PROP	00-05-056	PERSONNEL, DEPARTMENT OF	
Wastewater, on-site treatment systems	PREP	00-01-202	Affirmative action plans	PROP 00-04-052
designer licensing	PREP	00-04-060	Appointments	
	PROP	00-04-059	veterans	PROP 00-04-052
practice permit	PREP	00-06-007	Call-back for work	PROP 00-06-050
Wreckers			Eligible lists and referrals	PROP 00-01-097
				PROP 00-04-054
LIQUOR CONTROL BOARD			Evaluations	PROP 00-06-049
Administrative director	PROP	00-02-089		PROP 00-04-053
	PERM	00-06-016	Layoff	PROP 00-06-051
Alcohol server training program	PREP	00-01-198	Performance evaluations	PROP 00-04-054
Disposition of liquor stock	PREP	00-01-199	Police corps program	PROP 00-05-060
Liquor law pamphlets and reports	PREP	00-02-088	Registers	PROP 00-06-048
Orders	PREP	00-02-087	Salaries	PROP 00-04-052
Public records	PREP	00-02-088	comparable worth	PROP 00-04-052
Samples	PREP	00-02-087	Standby pay	PROP 00-04-052
Seal of board	EXRE	00-02-086	Transition pool program	PROP 00-06-047
Studies and research	EXRE	00-02-086		
Tobacco products			PERSONNEL RESOURCES BOARD	
sale and distribution	PREP	00-01-197	(See PERSONNEL, DEPARTMENT OF)	
Transportation through state	PREP	00-02-087	PIERCE COLLEGE	
Vendors	PREP	00-02-087	Meetings	MISC 00-06-003
			PRISONS AND PRISONERS	
LOTTERY COMMISSION			(See CORRECTIONS, DEPARTMENT OF)	
Annuity prizes			PROPERTY TAX	
cash out of prior winners	PREP	00-01-029	(See REVENUE, DEPARTMENT OF)	
General provisions			PUBLIC ASSISTANCE	
payment of prizes	PREP	00-05-059	(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)	
Instant game rules	EXRE	00-02-055	PUBLIC DISCLOSURE COMMISSION	
Meetings	MISC	00-01-008	Contributions to candidates, elected officials,	
Policy statements	MISC	00-04-042	political committees or public office funds	
Retailer compensation	PREP	00-01-052	limitations	PROP 00-01-140A
				PERM 00-04-058
LOWER COLUMBIA COLLEGE			PUBLIC EMPLOYEES BENEFITS BOARD	
Rules coordinator	MISC	00-01-090	(See HEALTH CARE AUTHORITY)	
MANUFACTURED HOMES			PUBLIC EMPLOYMENT RELATIONS COMMISSION	
(See LICENSING, DEPARTMENT OF)			Meetings	MISC 00-01-109
MEDICAL ASSISTANCE				MISC 00-06-002
(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)			Unfair labor practices	
MILITARY DEPARTMENT			complaints	PREP 00-04-070
Local emergency services	EXRE	00-01-118	designation of authority	EMER 00-03-053
	PERM	00-05-011		MISC 00-03-054
Uniform procedural rules	EXRE	00-01-117		PREP 00-04-070
	PERM	00-05-012		
MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF			PUBLIC INSTRUCTION, SUPERINTENDENT OF	
Rules coordinator, phone number	MISC	00-01-016	Certificated instructional staff	
			ratio compliance	PERM 00-02-064
MOTOR VEHICLES			K-4 staff enhancement fund	PERM 00-02-063
(See LICENSING, DEPARTMENT OF)			Local effort assistance allocations	PROP 00-05-061
NATURAL RESOURCES, DEPARTMENT OF			Private school fingerprint process	EMER 00-05-099
Board of natural resources			Special education services	PERM 00-03-015
meetings	MISC	00-02-071		PROP 00-06-045
NORTHWEST AIR POLLUTION AUTHORITY			PUBLIC WORKS BOARD	
Odor control measures	PROP	00-04-049	(See COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)	
NOXIOUS WEED CONTROL BOARD			PUGET SOUND AIR POLLUTION CONTROL AGENCY	
(See AGRICULTURE, DEPARTMENT OF)			(See PUGET SOUND CLEAN AIR AGENCY)	
NURSING CARE				
(See HEALTH, DEPARTMENT OF)				

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

PUGET SOUND CLEAN AIR AGENCY

Air pollution		
discharge requirement variances	PERM	00-01-057
Asbestos-containing materials	PROP	00-04-093
Gasoline storage and distribution	PERM	00-01-057
Meetings	MISC	00-01-048
Petroleum solvent dry cleaning systems	PROP	00-03-082
Spray coating operations	PERM	00-01-057

QUARTERLY REPORTS

(See **CODE REVISER'S OFFICE**)

REAL ESTATE APPRAISERS

(See **LICENSING, DEPARTMENT OF**)

RETIREMENT SYSTEMS, DEPARTMENT OF

General rules update	PROP	00-04-025
Law enforcement officers and fire fighters retirement system (LEOFF) rules update	PROP	00-04-023
Petitions and appeals processes	PREP	00-04-061
Public employees' retirement system (PERS) beneficiary designation	PROP	00-04-024
Repurchase of service credit	PREP	00-04-062

REVENUE, DEPARTMENT OF

Business and occupation tax		
extractors	PROP	00-04-029
ride sharing credit	EXAD	00-03-001
Excise tax		
bankruptcy, effect	PROP	00-04-055
laundries, dry cleaners, and self-service laundries	PREP	00-01-110
lien for taxes	PREP	00-05-073
Extracting natural products		
tax-reporting responsibilities	EMER	00-04-026
Manufacturers and processors for hire		
tax-reporting responsibilities	EMER	00-04-026
Open Space Taxation Act	PREP	00-05-074
Property tax		
forest land valuation	PERM	00-02-018
improvements to single family dwellings	PROP	00-05-032
nonprofit homes for aging	PREP	00-01-044
revaluation	PROP	00-06-073
timber and forest products	PERM	00-01-043
timber and forest products	PROP	00-05-033
Public utility tax		
ride-sharing credit	EXAD	00-03-001
Registration reporting	PERM	00-01-069
Rules agenda	MISC	00-02-075
Sales tax		
farm machinery and implements		
sales to nonresidents	EXAD	00-05-015
ride-sharing credit	EXAD	00-03-001
trade-in, consignment property	PREP	00-01-111
Tax liabilities		
interest and penalties	PERM	00-04-028
Timber excise tax		
harvest operations	PREP	00-04-027
stumpage values	PERM	00-02-019
	PREP	00-06-053

RULES COORDINATORS

(See Issue 00-01 for a complete list of rules coordinators designated as of 12/29/99)

Citizens commission on salaries for elected officials	MISC	00-03-026
Lower Columbia College	MISC	00-01-090
Washington state patrol	MISC	00-02-039

SAFETY STANDARDS

(See **LABOR AND INDUSTRIES, DEPARTMENT OF**)

SALARIES FOR ELECTED OFFICIALS

(See **CITIZENS COMMISSION ON SALARIES FOR ELECTED OFFICIALS**)

SALES TAX

(See **REVENUE, DEPARTMENT OF**)

SALMON RECOVERY FUNDING BOARD

(See **OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR**)

SCHOOLS

(See **EDUCATION, STATE BOARD OF**)

SEATTLE COMMUNITY COLLEGES

Meetings	MISC	00-02-028
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SECRETARY OF STATE

Elections		
certification	PREP	00-01-019
	PROP	00-05-095
computer file of registered voters	EMER	00-01-007
presidential primary	PERM	00-03-003
	EMER	00-03-036
	EMER	00-05-093
suspected multiple county registrations	EMER	00-01-203
tabulation equipment tests	EMER	00-01-017
	PREP	00-01-018
	PROP	00-05-094
Public records		
electronic imaging systems for maintenance	PROP	00-04-083
Recodification of WAC sections	EMER	00-04-010

SECURITIES

(See **FINANCIAL INSTITUTIONS, DEPARTMENT OF**)

SHORELINE COMMUNITY COLLEGE

Public records	PROP	00-02-074
	PROP	00-06-074

SKAGIT VALLEY COLLEGE

Meetings	MISC	00-02-022
	MISC	00-04-033

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF

Aging and adult services administration		
day services	PERM	00-04-056
dementia care units	PERM	00-01-086
in-home care providers		
contract qualifications	PERM	00-03-043
nursing facilities		
direct care payment rates	EMER	00-02-024
resident rights, care, and services	PERM	00-06-028
therapy care		
payment rates	EMER	00-02-024
vulnerable adults, protective services	PERM	00-03-029
Child care		
working connections program, eligibility	EMER	00-02-023
Child support, division of		
field office requests	MISC	00-01-011
referrals for unborn children	MISC	00-04-018
release of information	MISC	00-01-010
rules clarification	PREP	00-06-039
temporary orders	PROP	00-06-068
Children's administration		
child care facilities		
family home day care	PERM	00-06-040
foster care	PERM	00-03-012
Developmental disabilities family support program		
rate increases	PROP	00-05-107
Economic services administration		
census income	PREP	00-03-060
eligibility	PERM	00-01-012
	EMER	00-02-042
	PROP	00-04-092
emergency assistance	PROP	00-06-067
errors and omissions corrected	PROP	00-01-081
	EMER	00-06-023
family assistance program		
reporting requirements	PERM	00-02-043
residency requirements	PREP	00-01-105
	PROP	00-05-110
reemploy Washington workers (RWW)	EMER	00-03-013
supplemental accommodation services	PREP	00-04-036
Food assistance program		
denial of benefits	PREP	00-06-060
eligibility	PROP	00-03-062
	PERM	00-04-006
expedited service	PERM	00-06-015

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Health and rehabilitative services	PERM	00-02-041	SPOKANE, COMMUNITY COLLEGES OF		
Juvenile rehabilitation administration			Rules update	PREP	00-02-009
programs and services	PREP	00-03-028			
Management services administration			SPOKANE INTERCOLLEGIATE RESEARCH AND		
language interpretation services and translations	PERM	00-06-014	TECHNOLOGY INSTITUTE		
Medical assistance administration			Meetings	MISC	00-04-084A
acquired immunodeficiency syndrome insurance					
program	PREP	00-05-038			
ambulatory surgery centers	PREP	00-03-010	SPORTS, PROFESSIONAL		
case management services	PREP	00-05-108	(See LICENSING, DEPARTMENT OF; HORSE RACING		
catheters	MISC	00-06-013	COMMISSION)		
	MISC	00-06-059			
children's health			SUPREME COURT, STATE		
scope of care	EXRE	00-01-084	Boating infractions	MISC	00-01-023
children's health insurance program	MISC	00-02-040	Computation of time	MISC	00-05-053
	PROP	00-03-061	Enforcement of judgments	MISC	00-01-026
	PROP	00-04-045	Foreign law consultants	MISC	00-01-026
claims capture and imaging system	MISC	00-04-077	Guilty plea, statement of defendant	MISC	00-01-024
clear writing principles	PERM	00-01-088	Indigency, determination and rights	MISC	00-01-025
community spouse, family, and shelter needs			Judicial administration, board for	MISC	00-03-019
allocation standards	PREP	00-01-106	Professional guardians	MISC	00-03-018
	EMER	00-01-107	Video conference proceedings	MISC	00-01-026
	EMER	00-01-108			
discrimination	PREP	00-06-022	TACOMA COMMUNITY COLLEGE		
duplicated rules repealed	PERM	00-05-039	Meetings	MISC	00-01-015
expedited prior authorization process	MISC	00-04-005		MISC	00-06-018
hospice services					
payment	EXRE	00-01-084	TAX APPEALS, BOARD OF		
hospital selective contracts	MISC	00-06-058	Meetings	MISC	00-01-119
long-term care					
eligibility	PERM	00-01-051	TAXATION		
income exemptions	PERM	00-01-087	(See REVENUE, DEPARTMENT OF)		
managed care	PERM	00-04-080			
medical care services	PREP	00-03-011	TRAFFIC SAFETY COMMISSION		
medically indigent			Meetings	MISC	00-02-021
scope of care	EXRE	00-01-084			
medically needy and indigent			TRANSPORTATION, DEPARTMENT OF		
one-person standard	PREP	00-01-050	Escort vehicles	PROP	00-02-037
	EMER	00-01-085	Farm implements	EMER	00-05-087
	EXRE	00-01-084		PREP	00-05-088
scope of care			Ferries		
mental services	EXRE	00-01-084	proposal to raise fares	PREP	00-04-086
scope of care, payment	PERM	00-03-034	Motorist information signs	PERM	00-01-184
noncovered services	PERM	00-03-035	Rules agenda	MISC	00-02-044
	MISC	00-04-078	Vehicle size and weight		
pap smears	MISC	00-04-079	maximums for special permits	PREP	00-04-068
payments			TREASURER, OFFICE OF		
clear writing standards review	PREP	00-01-155	Local government investment pool	PROP	00-03-040
	PREP	00-01-156	School bond guarantee program	PREP	00-05-075
physical therapy	PERM	00-04-019			
rates	PROP	00-06-046	UNEMPLOYMENT COMPENSATION		
SSI eligible clients			(See EMPLOYMENT SECURITY DEPARTMENT)		
standards	PREP	00-01-050			
	EMER	00-01-085	UNIFORM COMMERCIAL CODE		
Rules agenda	MISC	00-04-004	(See LICENSING, DEPARTMENT OF)		
Temporary assistance for needy families (TANF)			UNIVERSITY OF WASHINGTON		
eligibility	PERM	00-05-007	Academic calendar	PERM	00-04-038
Vocational rehabilitation services	PROP	00-02-065	Meetings	MISC	00-03-086
WorkFirst			Rules agenda	MISC	00-02-078
pregnant women and parents of infants	PROP	00-03-051	State Environmental Policy Act (SEPA)		
	PERM	00-06-062	implementation	PERM	00-04-039
reemploy Washington workers program	PROP	00-04-091			
support services process, uses, and suggested			USURY RATES		
limits	PREP	00-05-109	(See inside front cover)		
transitional work expense	EMER	00-06-061			
work study program	EMER	00-02-062	UTILITIES AND TRANSPORTATION COMMISSION		
			Electric companies		
SOUTH PUGET SOUND COMMUNITY COLLEGE			special contracts	PREP	00-02-011
Campus security	PERM	00-05-023	Gas companies		
Emergency procedures	PERM	00-05-022	special contracts	PREP	00-02-011
Hearings	MISC	00-02-057	Railroad company operations	PERM	00-04-011
Meetings	MISC	00-01-082	Telecommunications		
	MISC	00-02-058	classification	PREP	00-02-010
	MISC	00-02-059	price lists	PREP	00-02-010
	MISC	00-02-060	registration	PREP	00-02-010
	MISC	00-04-073	Telephones		
			classification	PREP	00-02-010
SOUTHWEST AIR POLLUTION CONTROL AUTHORITY			price lists	PREP	00-02-010
Gasoline vapors	PREP	00-02-072	registration	PREP	00-02-010
	PROP	00-06-005	toll carrier obligations	PROP	00-02-035
			toll service providers, unauthorized charges	PERM	00-03-047

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Water companies special contracts	PREP	00-02-011
WASHINGTON STATE HISTORICAL SOCIETY		
Meetings	MISC	00-01-006
WASHINGTON STATE LIBRARY		
Library commission meetings	MISC	00-01-196
Library council	EXAD	00-01-182
Public records	EXAD	00-01-182
WASHINGTON STATE PATROL		
Fire protection policy board meetings	MISC	00-04-044
Model experimental rocketry	PERM	00-01-077
Motor vehicles accident reporting threshold	EMER	00-02-025
	PREP	00-02-026
	PROP	00-06-037
flashing lamps	PERM	00-03-023
license fraud	EMER	00-02-036
seized vehicles, disposition	PERM	00-02-069
tire chain use	PERM	00-03-081
Rules coordinator	MISC	00-02-039
WASTEWATER (See ECOLOGY, DEPARTMENT OF; LICENSING, DEPARTMENT OF)		
WATER (See ECOLOGY, DEPARTMENT OF)		
WENATCHEE VALLEY COLLEGE		
Meetings	MISC	00-01-033
WESTERN WASHINGTON UNIVERSITY		
Administration	PERM	00-01-055
Dog control	PREP	00-05-030
Meetings	MISC	00-01-064
	MISC	00-01-113
WHATCOM COMMUNITY COLLEGE		
Meetings	MISC	00-01-161
	MISC	00-03-058
WILDLIFE (See FISH AND WILDLIFE, DEPARTMENT OF)		
WORKERS' COMPENSATION (See LABOR AND INDUSTRIES, DEPARTMENT OF)		
WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD		
Meetings	MISC	00-01-140
	MISC	00-02-001
	MISC	00-02-020
YAKIMA REGIONAL CLEAN AIR AUTHORITY		
Regulation clarified and corrected	PROP	00-02-034
YAKIMA VALLEY COMMUNITY COLLEGE		
Public records	PERM	00-01-076





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