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ISSUE 93-17



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filed not later than August 18, 1993

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of September 1993 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 six sections:

- (a) **PROPOSED**-includes the full text of preproposal comments, original proposals, continuances, supplemental notices, and withdrawals.
- (b) **PERMANENT**-includes the full text of permanently adopted rules.
- (c) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (d) **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.
- (e) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (f) **INDEX**-includes a combined subject matter and agency index.

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. 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 IF 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].

1992 - 1993
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
92-16	Jul 8	Jul 22	Aug 5	Aug 19	Sep 8
92-17	Jul 22	Aug 5	Aug 19	Sep 2	Sep 22
92-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6
92-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27
92-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
92-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
92-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
92-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
92-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1993
93-01	Nov 25	Dec 9	Dec 23, 1992	Jan 6, 1993	Jan 26
93-02	Dec 9	Dec 23, 1992	Jan 6, 1993	Jan 20	Feb 9
93-03	Dec 23, 1992	Jan 6, 1993	Jan 20	Feb 3	Feb 23
93-04	Jan 6	Jan 20	Feb 3	Feb 17	Mar 9
93-05	Jan 20	Feb 3	Feb 17	Mar 3	Mar 23
93-06	Feb 3	Feb 17	Mar 3	Mar 17	Apr 6
93-07	Feb 24	Mar 10	Mar 24	Apr 7	Apr 27
93-08	Mar 10	Mar 24	Apr 7	Apr 21	May 11
93-09	Mar 24	Apr 7	Apr 21	May 5	May 25
93-10	Apr 7	Apr 21	May 5	May 19	Jun 8
93-11	Apr 21	May 5	May 19	Jun 2	Jun 22
93-12	May 5	May 19	Jun 2	Jun 16	Jul 6
93-13	May 26	Jun 9	Jun 23	Jul 7	Jul 27
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93-21	Sep 22	Oct 6	Oct 20	Nov 3	Nov 23
93-22	Oct 6	Oct 20	Nov 3	Nov 17	Dec 7
93-23	Oct 20	Nov 3	Nov 17	Dec 1	Dec 21
93-24	Nov 3	Nov 17	Dec 1	Dec 15	Jan 4, 1994

¹All 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.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

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

Regulatory Fairness Act

The Regulatory Fairness Act, chapter 19.85 RCW, was adopted in 1982 to minimize the impacts of state regulations on small business. RCW 43.31.025 defines small business as “any business entity (including a sole proprietorship, corporation, partnership, or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees.” The act requires review and mitigation of proposed rules that have an economic impact on more than 20 percent of the businesses of all industries or more than 10 percent of the businesses in any one industry (as defined by any three-digit SIC code).

When the above criteria is met, agencies must prepare a small business economic impact statement (SBEIS) that identifies and analyzes compliance costs and determines whether proposed rules impact small businesses disproportionately when compared to large businesses. When a proportionately higher burden is imposed on small businesses, agencies must mitigate those impacts. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, are subject to review to determine if the requirements of the Regulatory Fairness Act apply. Impact statements are filed with the Office of the Code Reviser as part of the required notice of hearing.

AN SBEIS IS REQUIRED

When:

The proposed rule has any economic impact on more than 20 percent of all industries or more than 10 percent of any one industry; or

The proposed rule IMPOSES costs to business that are not minor and negligible.

AN SBEIS IS NOT REQUIRED

When:

The rule is proposed only to comply or conform with a Federal law or regulation;

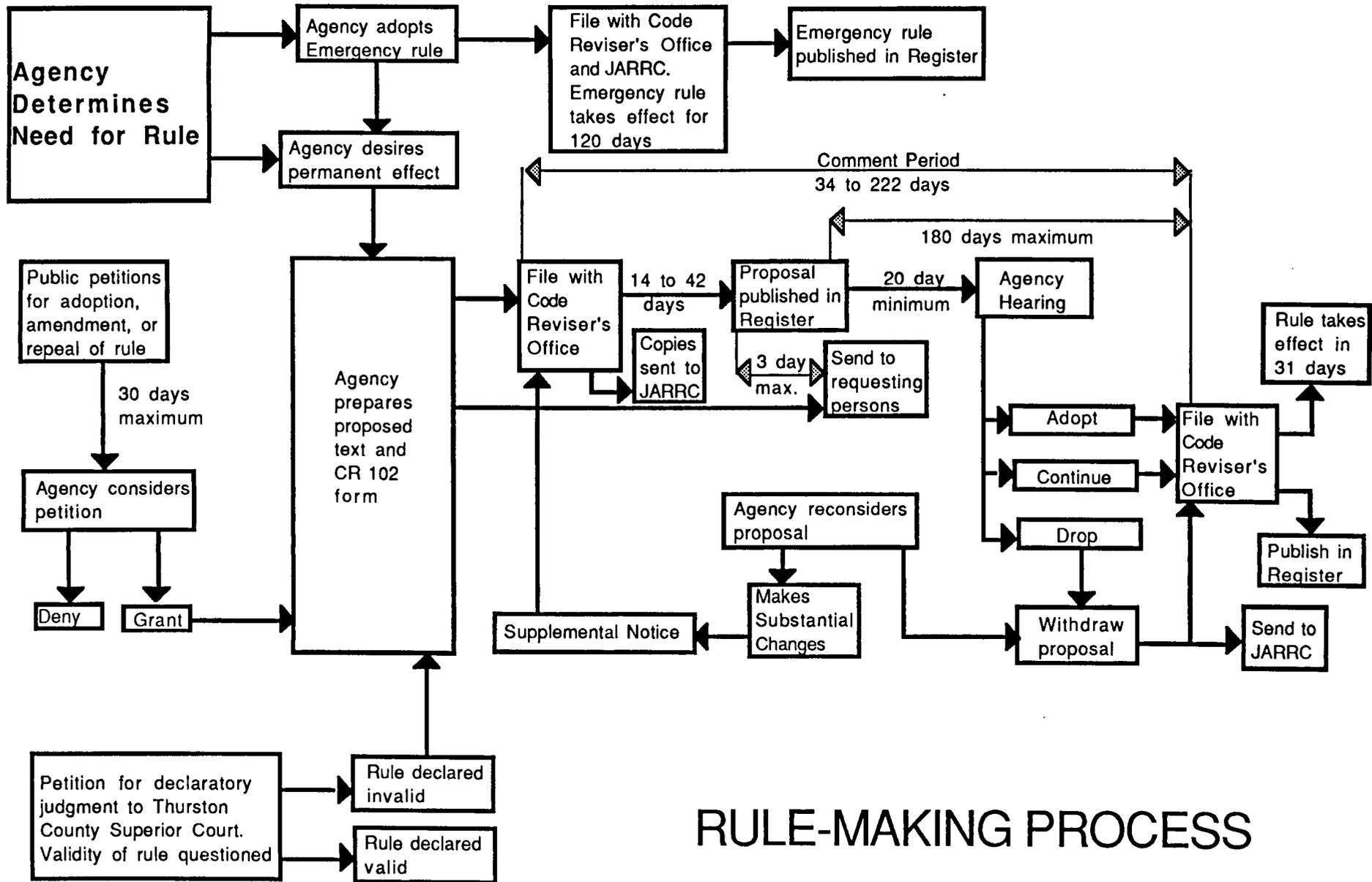
There is no economic impact on business;

The rule REDUCES costs to business;

There is only minor or negligible economic impact;

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

The rule is pure restatement of statute.



RULE-MAKING PROCESS

WSR 93-15-076
PROPOSED RULES
YAKIMA COUNTY
CLEAN AIR AUTHORITY
 [Filed July 19, 1993, 11:33 a.m.]

Original Notice.

Title of Rule: Restated Regulation I of the Yakima County Clean Air Authority.

Purpose: Establish general and specific regulations governing the control of air contaminant emissions in Yakima County. Bring local regulations up-to-date and make consistent with current state law, chapter 70.94 RCW.

Statutory Authority for Adoption: Chapter 70.94 RCW.
 Statute Being Implemented: Chapter 70.94 RCW.

Summary: The proposed regulation establishes agency policy, powers and duties, administrative procedures, and penalty provisions. The regulation outlines new regulations on open burning and air operating permits. Additionally, it requires fees for source registration, notices of construction, asbestos removal and air operating permits. The restated Regulation I of the Yakima County Clean Air Authority will replace the existing regulation of the Yakima County Clean Air Authority. The restated Regulation I will also be submitted in its entirety into the state implementation plan.

Reasons Supporting Proposal: To bring the local regulation up-to-date and make it consistent with state law, chapter 70.94 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tom T. Silva, 6 South 2nd Street, Room 1016, Yakima, WA 98901, (509) 575-4116 ext. 11.

Name of Proponent: Yakima County Clean Air Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The restated Regulation I establishes general and specific regulations governing the control of air contaminant emissions in Yakima County. The proposed regulation establishes agency policy, powers and duties, administrative procedures, and penalty provisions. The regulation outlines new regulations on open burning and air operating permits. Additionally, it requires fees for source registration, notices of construction, asbestos removal, and air operating permits. The restated Regulation I of the Yakima County Clean Air Authority will replace the existing regulation of the Yakima County Clean Air Authority. The restated Regulation I will also be submitted in its entirety into the state implementation plan.

Proposal does not change existing rules.

It is intended that the restated Regulation I replace the existing regulation of the Yakima County Clean Air Authority.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Yakima County Courthouse, 128 North 2nd Street, Room 420, Yakima, WA, on October 13, 1993, at 2:30 p.m.

Submit Written Comments to: Tom Silva, Director APCO, Yakima County Clean Air Authority, 6 South 2nd Street, Room 1016, Yakima, WA 98901, by September 21, 1993.

Date of Intended Adoption: October 13, 1993.

July 16, 1993

Tom T. Silva

Director

Air Pollution Control Officer.

RESTATED
YAKIMA COUNTY CLEAN AIR AUTHORITY
REGULATION I

WHEREAS, the Yakima County Clean Air Authority was created pursuant to the provisions of the Washington Clean Air Act, RCW 70.94; and

WHEREAS, the 1991 legislature has substantially revised the provisions of the Washington Clean Air Act; and

WHEREAS, pursuant to the provisions of said Washington Clean Air Act, the Board of Directors of the Yakima County Clean Air Authority is empowered to adopt, amend and repeal its own ordinances, resolutions, or rules and regulations, as the case may be, implementing the provisions of RCW 70.94; and

WHEREAS, these Regulations are necessary for the health, safety and welfare of the people of Yakima County;

NOW, THEREFORE, the Board of Directors of the Yakima County Clean Air Authority hereby adopt the following Rules and Regulations.

ARTICLE I
POLICY, SHORT TITLE AND DEFINITIONS

SECTION 1.01 - POLICY

It is declared to be the public policy of the Yakima County Clean Air Authority to secure and maintain such levels of air quality as will protect human health and safety; and to the greatest degree practical, prevent injury to plant and animal life and property, foster the comfort and convenience of the inhabitants of Yakima County, promote the economic and social development of Yakima County and facilitate the enjoyment of the natural attractions therein, and further, to cooperate with the Yakima Indian Nation in achieving the policy objectives as set forth herein throughout the whole of Yakima County.

SECTION 1.02 - SHORT TITLE

These rules and Regulations shall be known and cited as the "Restated Regulation I of the Yakima County Clean Air Authority".

SECTION 1.03 - DEFINITIONS

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in these Regulations shall have the following meanings:

(1) "Adequate Source of Heat" - The ability to maintain 70 degrees Fahrenheit at a point three (3) feet above the floor in all normally inhabited areas of the dwelling.

(2) "Agricultural Operation" - The growing of crops, the raising of fowl, animals or bees as a gainful occupation.

(3) "Air Contaminant" - Dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(4) "Air Pollution" - The presence in the outdoor atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to

be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property. For the purpose of this Regulation, air pollution shall not include air contaminants emitted in compliance with Chapter 17.21 RCW.

(5) "Air Pollution Episode" - A period of impaired air quality as determined by the Director of the Yakima County Clean Air Authority, or the Washington State Department of Ecology.

(6) "Air Quality Standard" - An established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(7) "Ambient Air" - The surrounding outside air.

(8) "Authority" - The Yakima County Clean Air Authority.

(9) "Best Available Control Technology" (BACT) - That term as defined in WAC 173-400.

(10) "Board" - The Board of Directors of the Yakima County Clean Air Authority.

(11) "Combustible Refuse" - Any burnable waste material containing carbon in a free or combined state other than liquid or gases.

(12) "Control Apparatus" - Any device which prevents or controls the emission of any air contaminant.

(13) "Control Officer" - The Air Pollution Control Officer of the Yakima County Clean Air Authority, or his duly authorized agents.

(14) "Director" - Executive Director or Control Officer.

(15) "Emission" - A release of air contaminants into the ambient air.

(16) "Emission Standards" - A limitation on the release of a contaminant or multiple contaminants into the ambient air.

(17) "Equipment" - Any stationary or portable device or any part thereof capable of causing the emission of any air contaminant into the ambient air.

(18) "Fire Department" - Fire control agency such as city fire departments, local fire districts or the Washington State Department of Natural Resources.

(19) "First Stage of Impaired Air Quality" - When particulates ten microns and smaller in aerodynamic diameter are at an ambient level of seventy-five micrograms per cubic meter of air measured on a twenty-four hour average, or when carbon monoxide is at an ambient level of eight parts of contaminant per million parts of air by volume measured on an eight-hour average.

(20) "Friable Asbestos" - Any material containing more than 1% asbestos and capable of being crushed by hand pressure.

(21) "Garbage" - Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking or serving of food.

(22) "Hearings Board" - Hearings Boards as established by RCW 43.21B.

(23) "Incinerator" - A furnace for the destruction of waste, or oxidizing a waste to facilitate disposal.

(24) "Lowest Achievable Emission Rate (LAER)" - That term as defined in WAC 173-400.

(25) "Land Clearing Burning" - Outdoor fires consisting of residue of a natural character such as trees, stumps, shrubbery of other natural vegetation arising from land

clearing projects and burned on the lands on which such materials originated.

(26) "Modification" - Any physical change in or change in the method of operation of a stationary source 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 modification shall be construed consistent with the definition of modification in Section 4411, Title 42, United State Code and with rules implementing that section.

(27) "Multiple Chamber Incinerator" - Any incinerator consisting of three or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

(28) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" - The federal regulations set forth in 40 CFR Part 61.

(29) "New Source" - Means:

(a) The construction or modification of a stationary source 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, and;

(b) Any other project that constitutes a new source under the Federal Clean Air Act.

(30) "New Source Performance Standards (NSPS)" - The federal regulations set forth in 40 CFR Part 60.

(31) "Notice of Construction" - A written application to permit construction of a new source, modification of an existing source or replacement or substantial alteration of control technology at an existing stationary source. Replacement or substantial alteration of control technology does not include routine maintenance, repair, or parts replacement.

(32) "Open Fire" - A fire where any material is burned in the open or in a receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney.

(33) "Outdoor Burning" - The combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

(34) "Owner" - Includes the person who leases, supervises or operates the equipment or control apparatus.

(35) "Particle" - A small discrete mass of solid or liquid matter. (General size range from submicron to 2000 micron).

(36) "Person" - Includes any individual, firm, public or private corporation, association, partnership, political subdivision, municipality or governmental agency.

(37) "Regulation" - Any regulation and subsequently adopted additions or amendments thereto of the Restated Regulation I of Yakima County Clean Air Authority.

(38) "Residential Burning" - Burning consisting of leaves, clippings and prunings and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by property owner or their designee.

(39) "Salvage Operation" - An operation conducted in whole, or in part, for the salvaging or reclaiming of any product or material.

(40) "Seasoned Wood" - Wood of any species that has been sufficiently dried so as to contain twenty percent (20%) moisture by weight.

(41) "Second Stage of Impaired Air Quality" - When particulates ten microns and smaller in aerodynamic diameter are at an ambient level of one hundred and five micrograms per cubic meter of air measured on a twenty-four hour average.

(42) "Silvicultural Burning" - Burning on any land the Department of Natural Resources protects per RCW 70.94 and pursuant to 76.04 RCW.

(43) "SIP" - State Implementation Plan.

(44) "Small Business" - Any business enterprise employing twenty (20) or less persons; the operation of which does not present any potential hazard to public health.

(45) "Solid Fuel Burning Device" - A device that burns wood, coal, or other nongaseous or nonliquid fuels, which includes any device burning any solid fuel except those prohibited by WAC 173-433-120. This also includes devices used for aesthetic or space heating purposes in a private residence or commercial establishment which has a heat input less than one million Btu per hour.

(46) "Source" - All of the emissions units, including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties and are under the control of the same person or persons under common control whose activities are ancillary to the production of a single product or functionally related group of products.

(47) "Stationary Source" - Any building, structure, facility or installation that emits or may emit any air contaminant.

(48) "Woodsmoke Control Zone" - An area located in Yakima County, Washington, which is legally described as follows:

Beginning at a point on a line which is herein called the Western boundary, and which line is a straight line drawn through the following points:

Point A - Where the South right-of-way line of Highway 410 intersects with the North right-of-way line of Highway 12.

Point B - Where the South right-of-way line of the North Fork of Ahtanum Road intersects with the North right-of-way line of the South Fork of Ahtanum Road.

Which line further extends in a Southwesterly direction to a point where it intersects with the South boundary line of Sections 19, 20, 21, 22, 23, 24 or Township 12 North, Range 16, E.W.M. as such boundary line is extended both Easterly and Westerly, and thence Easterly along said South boundary line of said Sections as extended to the Southeast corner of Section 19, Township 12 North, Range 18, E.W.M.; thence North along the East boundary line of said section to the Northeast corner thereof; thence East along the North boundary line of Sections 20, 21, 22, 23, 24, of Township 12 North, Range 18, E.W.M. as extended Easterly to the Northeast corner of Section 21, Township 12 North, Range 20, E.W.M.; thence North along the East boundary line of Sections 16, 9 and 4 of Township 12 North, Range 20, E.W.M.: thence East to the Southeast corner of Section 34, Township 13 North, Range 20,

E.W.M.; thence North along the Easterly boundary line of said Section to the intersection with the U.S. Military Reservation, Yakima Firing Center; thence Northerly and Westerly along the boundary line of the U.S. Military Reservation to the Southern boundary of Kittitas County; thence West to the Southeast corner of Section 36, Township 15 North, Range 18, E.W.M.; thence North to the Northeast corner of Section 24, Township 15 North, Range 18, E.W.M.; thence West to the Southeast corner of Section 18, Township 15 North, Range 18, E.W.M. thence West to the intersection of the West boundary line as herein described; thence Southwesterly along said West boundary line to the point of beginning.

(49) "Yakima Urban Area" - That area defined by the Board of Commissioners of Yakima County pursuant to RCW 36.70A.030.

ARTICLE II GENERAL PROVISIONS

SECTION 2.01 - CAUSING OR PERMITTING AIR POLLUTION UNLAWFUL - EXCEPT

Except where specified in a variance permit, as provided herein, it shall be unlawful for any person knowingly to cause air pollution or knowingly permit it to be caused in violation of these rules and Regulations.

SECTION 2.02 - CONTROL OFFICER - POWERS AND DUTIES

A. The Control Officer shall observe and enforce the provisions of state law and all orders, ordinances, resolutions or rules and regulations of the Authority pertaining to control and prevention of air pollution.

B. The Control Officer or his duly authorized agent may make any reasonable investigation or study which is necessary for the purpose of enforcing this Regulation or any amendment hereto or controlling or reducing the amount of or kind of air contaminant. The Control Officer shall be required to maintain appropriate records and prepare periodic reports to the Board.

C. For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, the Control Officer, or his duly authorized representative, shall have the power to enter at reasonable times upon any private or public property, excepting non-multiple unit private dwellings housing two (2) families, or less. No person shall refuse entry or access to the Control Officer or his duly authorized representatives who request entry for the purpose of inspection, and who present appropriate credentials; nor shall any person obstruct, hamper or interfere with such inspection.

D. If an authorized employee of the Authority, during the course of an inspection, desires to obtain a sample of air contaminant, fuel, process material or other material which affects or may affect the emission of air contaminants, he shall notify the owner or lessee of the time and place of obtaining a sample so the owner or lessee has the opportunity to take a similar sample at the same time and place and the authorized employee of the Authority shall give a receipt to the owner or lessee for the sample obtained.

E. The Control Officer and assistants, in the performance of their duties, shall in all respects be subject to the direction of the Board, and shall take no action that has been prohibited by the Board.

SECTION 2.03 - MISCELLANEOUS PROVISIONS

A. No person shall willfully make a false or misleading statement to the Board as to any matter within the jurisdiction of the Board.

B. No person shall reproduce or alter or cause to be reproduced or altered any order, registration certificate, or other paper issued by the Authority if the purpose of such reproduction or alteration is to evade or violate any provision of this Regulation or any other law.

C. Any order, or registration certificate required to be obtained by this Regulation, shall be available on the premises designated on the order or certificate.

D. In the event that the Authority requires a notice to be displayed, it shall be posted. No person shall mutilate, obstruct or remove any notice unless authorized to do so by the Board.

E. Persons selling new wood stoves shall distribute and verbally explain educational materials to customers purchasing new wood stoves describing when a stove can and cannot be legally used.

SECTION 2.04 - CONFIDENTIALITY

Whenever any records or other information, other than ambient air quality data or emission data, are furnished to or obtained by the Yakima County Clean Air Authority under this regulation relates to processes or production unique to the owner or operator, or is likely to adversely affect the competitive position of such owner or operator of said processes or production, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the Board. Nothing herein shall be construed to prevent the use of records or information by the Board in compiling or publishing analysis or summaries relating to the general condition of the outdoor atmosphere, provided, that such analyses or summaries do not reveal any information otherwise confidential under the provisions of this section and, provided further, that emission data furnished to or obtained by the Board shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at the office of the Board.

SECTION 2.05 - ADVISORY COUNCIL

The Board of the Authority may in its discretion appoint an Advisory Council to advise and consult with the Board and with the Control Officer in effectuating the purposes of the Regulation. The Board may submit to the Advisory Council recommendations for the adoption or modification or regulations or emission standards or other matters that it considers appropriate, but shall not be required to do so.

ARTICLE III

VIOLATIONS - ORDERS AND HEARINGS

SECTION 3.01 - NOTICE OF VIOLATION - CORRECTIVE ACTION - HEARINGS

Whenever the Board or the Control Officer has reason to believe that any provision of this Regulation has been violated, the Board or Control Officer may, at least thirty days prior to the commencement of any formal enforcement action under Sections 8.01 and 8.02 of this Regulation, cause written notice to be served upon alleged violator or violators. The notice shall specify the provision of this Regulation alleged to be violated, and facts alleged to constitute a violation thereof, and may include an order directing that necessary corrective action be taken within a reasonable time. In lieu of an order, the Board or the Control Officer may require that the alleged violator or violators appear before the Board for a Hearing.

SECTION 3.02 - FINALITY OR ORDER - APPEAL

Any order issued by the Board or Control Officer shall become final, unless such order is appealed to the Pollution Control Hearings board, as provided in RCW 43.21B.

SECTION 3.03 - STAY OF ORDER PENDING APPEAL

Any order of the Control Officer or Board shall be stayed pending final determination of any hearing or appeal taken in accordance with the provisions herein, unless after notice and hearing, the Superior Court shall determine that an emergency exists which is of such nature as to require that such order be in effect during the pendency of such hearing or appeal.

SECTION 3.04 - VOLUNTARY COMPLIANCE

Nothing in this article shall prevent the Control Officer or Board from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

**ARTICLE IV
REGISTRATION AND NOTICE OF
CONSTRUCTION**

SECTION 4.01 - REGISTRATION

A. The owner or operator of each source within the following source categories, that does not hold an operating permit, shall register the source with the Authority:

1. Agricultural drying and dehydrating operations;
2. Asphalt plants;
3. Beverage can surface coating operations;
4. Bulk gasoline terminals;
5. Cattle feed lots; for the purposes of registration a cattle feed lot is a place with facilities for 1,000 or more head of cattle which are kept closely confined for commercial purposes and substantially all feed used is delivered to them;
6. Chemical plants;
7. Ferrous foundries;
8. Fertilizer plants;
9. Flexible vinyl and urethane coating and printing operations;
10. Grain handling, seed processing, pea and lentil processing;
11. Metallic mineral processing plants;
12. Mineralogical processing plants;
13. Nonferrous foundries;
14. Other metallurgical processing plants;
15. Petroleum refineries;

16. Power boilers using coal, hogged fuel, oil, or other solid or liquid fuel;
 17. Rendering plants;
 18. Scrap metal operations;
 19. Synthetic organic chemical manufacturing industries;
 20. Sulfuric acid plants;
 21. Synthetic fiber production facilities;
 22. Veneer dryers;
 23. Wood waste incinerators including wigwam burners;
 24. Other incinerators designed for a capacity of 100 lbs per hour or more;
 25. Stationary internal combustion engines rated at 500 h.p. or more;
 26. Sawmills, including processing for lumber, plywood, shake, shingle, pulp wood, insulating board, or any combination thereof.
 27. Any category of stationary sources to which a New Source Performance Standard (NSPS) applies;
 28. Any source which emits a contaminant subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS);
 29. Any major stationary source as defined in WAC 173-401;
 30. Any source listed in WAC 173-460-030(1).
- B. A special report of closure shall be filed with the Authority whenever operations producing emissions are permanently ceased for any source listed in Section 4.01(A) above.
- C. It shall be the duty of all persons, firms or corporations engaged in the business of selling combustion type orchard heating devices to report to the Authority the sale of such devices to be installed or used anywhere within the jurisdiction of the Yakima County Clean Air Authority.
- The report herein provided for shall be in writing and shall be delivered to or mailed to the Authority within ten (10) days after such sale and shall contain the name and address of the purchaser and the location of the property at which such devices are to be installed or used.
- D. The owner or operator of any proposed new source shall register the source with the Authority.
- E. Initial registration and reporting shall be on forms supplied by the Authority within the time specified thereon. The forms will provide for the submission of information concerning locations, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information relevant to air pollution as the Authority may require.
- After initial registration and reporting, subsequent general reports shall be filed annually during January on forms supplied by the Authority in accordance with the terms of the Pollution Disclosure Act of 1971, Chapter 160, Laws of 1971, Extraordinary Session.
- F. A separate registration shall be required for each source of contaminant provided that an owner or lessee has the option to register a process with a detailed inventory of contaminant sources and emissions related to said process and provided further than an owner need not make a separate registration for identical units or equipment or control apparatus installed, altered or operated in an identical manner on the same premises.
- G. Each registration shall be signed by the owner or lessee or agent for such owner or lessee. The owner or the

lessee of the source shall be responsible for the registration and the correctness of the information submitted.

H. All registrants shall pay a fee for registration as is required by the Authority in accordance with the fee schedule as approved by the Board.

SECTION 4.02 - NOTICE OF CONSTRUCTION

A. Policy.

No person shall construct, install or establish a new air contaminant source, except those sources excluded in Section 4.03 of this Regulation, without first filing with the Authority a "Notice of Construction, Installation or Establishment of New Air Contaminant Source", on forms prepared and furnished by the Authority.

For the purpose of this section, addition to or enlargement or replacement of an air contaminant source, or any major alteration therein, shall be construed as construction, installation or establishment of a new air contaminant source.

B. Completeness Determination.

Within thirty (30) days after the receipt of Notice of Construction application the Authority shall either notify the applicant in writing that the application is complete or that additional information is necessary. The Authority may require the submission of plans, specifications and such other information as it deems necessary concerning the proposed construction, installation and establishment of such source.

C. Final Approval.

Within sixty (60) days of receipt by the Authority of a complete Notice of Construction application the Authority shall either:

1. Issue a final decision on the application, or

2. For those Notice of Construction application reviews subject to public notice initiate notice and comment on a proposed decision and issue thereafter, as promptly as possible, a final decision.

D. Conditions.

Every order of approval issued pursuant to this section shall:

1. Be reviewed prior to issuance by a professional engineer in the employ of the Authority or the Washington State Department of Ecology.

2. Include a determination of whether the operation of the new air contaminant source at the location proposed will cause any ambient air quality standard to be exceeded or cause a potential hazard to public health.

3. Include a determination that the proposed new source will comply with all applicable New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.

Any Notice of Construction review of a modification shall be limited to the emission unit or units proposed to be modified and the air contaminants whose emissions would increase as the result of the modification.

Nothing in this Regulation shall be construed to authorize the Board to require the use of emission control equipment or other equipment, machinery or devices of any particular type from any particular supplier or produced by any particular manufacturer.

Any features, machines and devices constituting parts of or called for by plans, specifications or other information submitted pursuant to this section shall be maintained and operated in good working order.

The absence of any ordinance, resolution, rule or regulation or the failure to issue an order pursuant to this section shall not relieve a person from his or her obligation to comply with applicable emission control requirements or with any other provision of the law.

E. Control Technology Requirements.

For new sources in nonattainment areas, Best Available Control technology (BACT) will be employed, except that if the new source is a major stationary source or the proposed modification is a major modification it will achieve the Lowest Achievable Emission Rate (LAER) for the contaminants for which the area has been designated nonattainment.

For new sources in attainment or nonclassifiable areas, Best Available Control Technology (BACT) will be employed for all pollutants not previously emitted or whose emissions would increase as a result of the new source or modification.

For an existing stationary source for which the emission control technology is replaced or substantially altered, Reasonably Available Control Technology (RACT) and reasonable operation and maintenance conditions for the control equipment may be required by the Authority.

F. Notice of Completion - Notice of Violation.

The owner or applicant shall notify the Board or Control Officer of the completion of construction, installation or establishment and the date upon which operation will commence. The Board or Control Officer may, within thirty (30) days of receipt of notice of completion, inspect the construction, installation, or establishment, and the Board or Control Officer may issue a Notice of Violation, if he finds that the construction, installation, or establishment is not in accord with the plans, specifications or other information submitted to the Authority.

G. Temporary Sources.

For sources such as asphalt batch plants with multiple locations which locate temporarily at particular sites, the owner or operator shall be permitted to operate at a temporary location without filing a notice of construction, providing that the owner or operator notifies the Authority of intent to operate at the new location at least thirty (30) days prior to starting the operation, and supplies sufficient information to enable the Authority to determine that the operation will comply with the emission standards for a new source and the applicable ambient air standards. The permission to operate shall be for a limited period of time and the Authority may set specific conditions for operation during said period which shall include a requirement to comply with all applicable emission standards.

H. Public Notice.

1. Notice of Construction applications shall be subject to public notice under the following conditions:

- a. If otherwise required by state or federal laws or regulations; or
- b. If the proposed source would cause an annual increase of ten tons of any air contaminant for which the ambient air quality standards have been established; or
- c. If the Yakima County Clean Air Authority determines that such public comment would be appropriate.

2. Within fifteen days of receipt of a complete application for a Notice of Construction the Authority shall determine whether public notice is required, and if so it shall publish notice to the public of an opportunity to submit

written comments during a thirty (30) day period. Such public notice shall contain the following information:

- a. The name and address of the owner;
- b. A brief description of the proposed construction;
- c. The location at which a copy of the preliminary determination and a summary of the information considered in making such preliminary determination are available to the public.

I. Fee Assessment.

Any person submitting a Notice of Construction pursuant to the terms of this Regulation shall be assessed a fee by the Authority in accordance with the fee schedule as approved by the Board.

SECTION 4.03 - EXCEPTIONS TO ARTICLE IV

Neither registration nor notice of construction shall be required for the following air contaminant sources:

- A. Air conditioning or ventilating systems not designed to remove contaminant generated by or released from equipment.
- B. Blast cleaning equipment which uses a suspension of abrasive in liquid water.
- C. Fuel burning equipment if used solely for a private dwelling serving three (3) families or less.
- D. Insecticide and herbicide spray equipment.
- E. Non-stationary internal combustion engines, including gas turbine and jet engines.
- F. Laboratory equipment used exclusively for chemical or physical analysis.
- G. Laundry driers, extractors or tumblers used exclusively for the removal of water from fabric.
- H. Application of surface coatings by use of an aqueous solution or suspension if used on external or internal walls of residential, commercial or industrial facilities.
- I. Steam cleaning equipment used exclusively for that purpose.
- J. Vacuum producing devices used in laboratory operations, and vacuum producing devices which do not remove or convey air contaminant from or to another source.
- K. Vents used exclusively for:
 - 1. Sanitary or storm drainage systems; or
 - 2. Safety valves; or
 - 3. Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.
- L. Construction of single family or duplex dwellings.

**ARTICLE V
EMISSION STANDARDS AND PREVENTATIVE
MEASURES**

SECTION 5.01 - OUTDOOR BURNING

Outdoor burning in Yakima County shall, unless specifically exempted in Section 5.03(E), be conducted only by permit issued by the local responsible jurisdiction and shall be subject to the limitations set forth herein.

A. The issuance of outdoor burning permits for the following activities shall be governed by the Authority, local city, town or fire protection district in which such fire or fires are being conducted.

- 1. Residential Burning;

2. Outdoor burning of residue of natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects.

B. The issuance of permits for the following outdoor burning shall be governed by the Washington State Department of Natural Resources or by federal authorities for lands under federal control:

1. Abating of forest fire hazard;
2. Prevention of fire hazard;
3. Instruction of public officials in the method of forest fire fighting;
4. Any silviculture operation to improve the forest lands of the state;
5. All silvicultural burning used to promote regeneration of rare and endangered plants found within natural area preserves, as identified under Chapter 79.70 RCW or used to maintain fire dependent ecosystems for rare plants or animals within the state, federal and private natural park area preserves, natural resource conservation areas, parks and other wildlife areas.

C. All other outdoor burning will be governed by permits issued by the Yakima County Clean Air Authority.

D. It is a violation of these Regulations for any person to conduct outdoor burning without obtaining a permit from the responsible jurisdiction as set forth above.

E. Any person requesting a permit from a local responsible jurisdiction, such as local city, town, fire protection district, conservation district or the Authority, for an outdoor burning permit shall pay a fee as governed by the fee schedule of that agency then in effect.

SECTION 5.02 - REGULATIONS APPLICABLE TO ALL OUTDOOR BURNING

A. The Regulations in this Section are applicable to all outdoor burning whether conducted under the jurisdiction of the Yakima County Clean Air Authority, local cities, towns, fire protection districts or conservation districts, or the Department of Natural Resources.

1. It shall be unlawful for any person to ignite, cause or permit to be ignited or to suffer, allow or maintain any outdoor burning within the jurisdiction of any of the above authorities as provided in Section 5.01 and in addition thereto, it shall be unlawful and not within any of the exemptions of Sections 5.03 (D), (E) and 5.04 for any person to ignite, cause or permit or suffer to be ignited or allow or maintaining any outdoor burning within any of the jurisdictions described above as follows:

a. Containing 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 that normally emits dense smoke or obnoxious odors.

b. During any forecast, alert, warning or emergency condition as defined in RCW 70.94.715.

c. During any impaired air quality condition as defined in RCW 70.94.473.

B. It shall be prima facie evidence that the person who owns or controls property on which open burning occurs has allowed or caused such open fire.

SECTION 5.03 -

REGULATIONS APPLICABLE TO ALL OUTDOOR BURNING WITHIN THE JURISDICTION OF THE YAKIMA COUNTY CLEAN AIR AUTHORITY, LOCAL CITIES, TOWNS, FIRE PROTECTION DISTRICTS AND CONSERVATION DISTRICTS

A. The Yakima County Clean Air Authority finds that it is consistent with its policy of reducing outdoor burning to the greatest extent possible to prohibit outdoor burning in certain areas subject to the exceptions as set forth in subsection 5.03(D) hereof.

B. Except as set forth in subsection 5.03(D) hereof, no outdoor burning shall be allowed in any area of Yakima County, Washington which exceeds federal or state ambient air quality standards for pollutants emitted by outdoor burning which includes the Yakima Urban Area and the city limits of the city of Selah, Washington.

C. Except as provided in Section 5.03(D) hereof, outdoor burning shall not be allowed in any urban growth area as defined in RCW 36.70(a).030 and RCW 36.70(a).110 or in any city in the Authority's jurisdiction having a population greater than 10,000 persons if:

1. Such areas threaten to exceed state or federal air quality standards, and;
2. Alternative disposal practices consisting of a good solid waste management plan are reasonably available or practices eliminating production of organic refuse are reasonably available.

D. Outdoor burning shall be allowed upon permit obtained from the Authority for the following purposes:

1. Weed abatement along ditch banks and fence lines;
2. Agricultural burning as defined in WAC 173-425-030;
3. Instruction in methods of fire fighting conducted by fire districts or city fire departments or any government controlled fire fighting agency;
4. All such permits issued pursuant to this provision shall be subject to the conditions and limitations as are set forth in Section 5.04 hereof.

E. Outdoor burning shall be allowed without permit for:

1. Small outdoor fires on an occasional basis for ceremonial, religious, or cooking purposes or like social purposes;
2. Fires from barbecues, flares, torches, gas burners, incense burners and insect pots.

SECTION 5.04 -

REGULATIONS APPLICABLE TO PERMITS ISSUED BY THE YAKIMA COUNTY CLEAN AIR AUTHORITY FOR ALL OTHER OUTDOOR BURNING

A. Outdoor burning permits will be issued by the Yakima County Clean Air Authority pursuant to restrictions and limitations on outdoor burning as set forth in these Regulations as follows:

1. Weed abatement, agricultural burning to control diseases and insects or developments of physiological conditions conducive to increase crop yield.

a. All applications for permits to set fire for such agricultural burning shall be acted upon by the Authority within seven (7) days from the date such application is filed.

b. When burning is necessary to control disease or insect infestation and alternative methods are not available and the Yakima County Agricultural Extension Agency so certifies.

2. Instruction in methods of fire fighting conducted by fire districts or city fire departments or any government controlled fire fighting agency.

B. Permits issued for burning under this Section shall be drafted to minimize emissions, including denial of permission to burn during periods of adverse meteorological conditions.

C. All permits issued by the Authority will contain conditions to insure that public interest in air, water and land pollution and safety to life and property is fully considered and will be designed to minimize air pollution as practicable.

D. All applications for permits must demonstrate that the setting of fires as requested is the most reasonable procedure to follow in safeguarding life and property and no other reasonable alternative (as defined in the WAC) is available to successfully carry out the enterprise in which the applicant is engaged.

SECTION 5.05 - ADDITIONAL RESTRICTIONS ON OUTDOOR BURNING

All outdoor burning conducted pursuant to this Regulation shall be conducted between the hours of sunrise and sunset, except that burning for pest or disease control or for land clearing purposes, and of which the combustible material consists primarily of wood more than twelve (12) inches in diameter, may be conducted after sunset, but such fires shall not be ignited or fed after 12:00 noon on any day they are ignited. For the purpose of this provision a fire shall be deemed to be out and extinguished when there is not a visible flame coming from the fire.

A. No open burning shall be conducted when the Control Officer, acting on guidelines for air quality control which are hereafter established by the Board, has prohibited such burning.

B. No open burning shall be conducted during any stage of an Air Pollution Episode and any person or entity responsible for an open fire shall immediately proceed to extinguish such fire when notified of the existence of an air pollution episode by any of the means set forth hereafter. Notice will be deemed sufficient to the public for all purposes of these Regulations after twelve (12) hours have elapsed from the time such notice has been delivered to and published by a newspaper of general circulation in the area where such limitation applies, or has been delivered to and broadcasted by a radio or television station serving the area.

C. Any person responsible for fires set in accordance with this Section must abide by all rules and procedures set by other agencies having any jurisdiction over the practice of open burning.

SECTION 5.06 - GENERAL STANDARDS FOR MAXIMUM PERMISSIBLE EMISSIONS

A. Visible Emissions.

No person shall cause or permit visible plume from any source that exceeds twenty percent (20%) opacity for three consecutive minutes in any one hour period except:

1. When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent (20%) opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. This practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and the Authority be advised of the schedule.

2. When the owner or operator of the source supplies valid data to show that the opacity exceeds twenty percent (20%) as the result of the presence of condensed water droplets. The concentration of particulate matter as shown by a source test approved by the Authority must be less than one-tenth (0.1) grains per dry standard cubic foot. For combustion emissions the exhaust gas volume shall be corrected to seven percent (7%) oxygen.

3. As provided for in WAC 173-433-110 "Opacity Standards For Solid Fuel Burning Devices".

B. Preventing particulate matter from becoming airborne.

No person shall cause or permit the emission of particulate matter from any source which is transported or becomes deposited beyond the property under direct control of the owner or operator of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material was transported or deposited.

C. Material handling.

No person shall cause or permit materials handling without taking reasonable precautions to prevent the release of contaminants to the ambient air.

D. Odor.

Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with an adjoining property owner's use and enjoyment of his property must use recognized good practice and procedure to reduce these odors to a reasonable minimum.

E. Air contaminants or water vapor detrimental to persons or property.

No person shall cause or permit the emission of any air contaminant or water vapor from any source, including any air contaminant whose emission is not otherwise prohibited by this Regulation, if the air contaminant or water vapor causes detriment to the health, safety, or welfare of any person, or causes damage to property or business.

F. Sulfur dioxide.

1. No person shall cause or permit the emission of a gas containing sulfur dioxide in excess of 1,000 parts per million (ppm) except when the owner or operator supplies emission data and can demonstrate to the Authority that there is no feasible method of reducing the concentration to less than 1,000 ppm and that the ambient air quality standard for sulfur dioxide has not been and will not be exceeded. In such cases, the Authority may require the owner or operator to equip, operate and maintain as many as three (3) continuous ambient air monitoring stations at locations and using equipment approved by the Authority. All sampling results

will be made available upon request and a monthly summary will be submitted to the Authority.

2. All concentrations of sulfur dioxide referred to above are by volume, dry standard conditions, and for combustion emissions the exhaust gas volume shall be corrected to seven percent (7%) oxygen.

G. Concealment and masking.

No person shall cause or permit the installation or use of any device, or the use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of an air contaminant which would otherwise violate any provisions of this chapter.

H. No person shall hereafter sell or install within the jurisdiction of the Yakima County Clean Air Authority any air contaminant source in which the air contaminant emitted therefrom cannot be restricted to the standards as set forth in Sections 5.06(A) and 5.08.

I. The density or opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed it may be measured at an observable point on a plume nearest the point of emission.

SECTION 5.07 - MINIMUM EMISSION STANDARDS FOR COMBUSTION AND INCINERATION SOURCES

A. No person shall cause or permit visible plume from any combustion or incineration source that exceeds twenty percent (20%) opacity for three consecutive minutes in any one hour period or cause or permit an emission of particulate matter in excess of the standard set forth in Section 5.08.

B. For all incinerator sources no person shall cause or permit emissions in excess of 100 ppm of total unburned hydrocarbons. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the Authority.

C. Stated concentrations for combustion and incineration sources will be determined after the volumes are corrected to seven percent (7%) oxygen.

D. All incinerators designed to burn twelve tons per day of materials shall be subject to the standards set forth in WAC 173-434.

SECTION 5.08 - MINIMUM EMISSION STANDARDS FOR GENERAL PROCESS SOURCES

No person shall cause or permit the emission of particulate matter from any general process operation in excess of one tenth (0.10) grains per standard cubic foot of dry exhaust gas as tested in accordance with 40 CFR Part 60 Appendix A, Method 5, "Determination of Particulate Emissions from Stationary Sources".

SECTION 5.09 - MINIMUM STANDARDS OR PROCEDURES FOR CERTAIN SOURCE CATEGORIES

The Authority finds that reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the minimum standards for sources within the categories listed and except as specifically provided in

this Section, such sources shall be required to meet the provisions of Section 5.06, Section 5.07, and Section 5.08.

A. Asphalt Batch Plants.

1. All batch plants shall meet all requirements of Title 40 CFR 60.90 Subpart I, "Standards of Performance for Hot Mix Asphalt Facilities".

2. Asphalt batch plants shall utilize Best Available Control Technology and shall be maintained and operated to minimize emissions.

B. Hogged Fuel Boilers.

1. No person shall operate a hogged fuel boiler that will cause or permit an emission for more than three (3) minutes in any one (1) hour of an air contaminant from any source which, at the emission point or within a reasonable distance of the emission point, exceeds twenty percent (20%) opacity or which causes an emission of particulate matter in excess of one-fifth (0.20) grains per standard dry cubic foot. Provided that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of these units. This practice is to be scheduled for the same specific times each day and the Authority shall be notified of the schedule or any changes.

2. All hogged fuel boilers shall utilize Reasonably Available Control Technology and shall be maintained and operated to minimize emissions.

3. The Authority may establish additional requirements for hogged fuel boilers located in or proposed for location in sensitive areas. These additional requirements may include, but shall not be limited to:

a. A requirement to meet provisions of Section 5.07.

b. A requirement to utilize Best Available Control Technology.

c. A requirement to reduce or eliminate emissions if the Authority establishes that such emissions unreasonably interfere with the use or enjoyment of the property of others or if such reductions or eliminations are necessary to meet ambient air quality standards.

C. Orchard Heating.

1. Burning of rubber material, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.

2. It shall be unlawful to burn any material or operate any orchard heating device that causes visible emissions exceeding twenty percent (20%) opacity, except during the first thirty (30) minutes after such device or material is ignited.

D. Grain Elevators.

1. Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of Section 5.06, B, C, D, and E.

2. The Authority may establish additional requirements for grain elevators located, or proposed for location, in sensitive areas. These requirements may include, but shall not be limited to:

a. A requirement to meet the provisions of Section 5.06 and Section 5.08.

E. Asbestos.

No person shall remove or otherwise disturb asbestos, to the extent that asbestos fibers may become airborne, without notifying the Authority ten (10) days prior to

removal. If removal is necessary due to an emergency, the ten day waiting period may be waived by the Authority.

1. Private Residents.

Private homeowners, when removing friable asbestos materials from their normally occupied or will be normally occupied homes, may be required to remove the asbestos materials according to the National Emission Standard for Hazardous Air Pollutants (NESHAPS) as set forth in Title 40 Code of Federal Regulations part 61, as the same now exists or may be amended. Removal and disposal of non-friable asbestos materials shall be conducted in accordance with practices and procedures approved by the Authority.

2. Small Quantity Asbestos Material.

Asbestos Materials in quantities less than 160 square feet or 260 linear feet must be removed and disposed of according to practices and procedures approved by the Authority.

3. Commercial, Industrial or other sources.

No person shall demolish any commercial, institutional, or industrial building, or any residential facility constructed to house four (4) or more families without first performing a thorough inspection, to be conducted by a qualified expert to determine the quantities and types of asbestos materials present. If it is determined that such building contains asbestos, no person shall commence the demolition of such facility without complying with the requirements of NESHAPS, the Federal Rule stated in E (1) above.

4. Fees or Administrative Charges.

Any person applying for a Notification of Demolition or Renovation from the Authority or private homeowners, prior to removing asbestos materials from their homes, may be assessed a fee by the Authority in accordance with the fee schedule as approved by the Board.

SECTION 5.10 - SENSITIVE AREA DESIGNATION

In order to control the emission of air contaminants in a manner which takes into account the severity of the air pollution problem in the different areas in which the sources are, or may be located, the Authority, after public hearing upon due notices to all interested parties, may designate sensitive areas. Designation of such areas shall be based on a consideration of present and predicted ambient air quality; population density and trends; distance of sources from public roads; recreational areas and areas of human habitation; topographic and meteorological conditions and other pertinent variables. Sources within a designated sensitive area shall be subject to more stringent standards or compliance schedule than sources located outside such areas. This section applies only to those geographical areas and source categories under the direct jurisdiction of the department.

SECTION 5.11 - MONITORING AND SPECIAL REPORTING

A. Monitoring.

The Authority shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations of air contaminants as approved by the Board.

As part of this program, the Authority or its authorized representative may require any source under the jurisdiction of the Authority to conduct stack and/or ambient air monitoring, and to report the results to the Authority.

B. Investigation of conditions.

The Control Officer or an authorized representative shall have authority to investigate conditions as set forth in Section 2.02(C).

C. Source testing.

In order to demonstrate compliance with this Regulation, the Authority or its authorized representative may require that a test be made of the source in a manner approved by the Authority. The operator of a source may be required to provide the necessary platform and sampling ports to perform a test of the source. The Authority shall be allowed to obtain a sample from any source. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at any time.

D. Report of breakdown or upset condition.

If an equipment breakdown or upset condition occurs resulting in emissions in excess of applicable limits set by this Regulation or resulting in emissions which violate an applicable compliance schedule, the owner or operator of the affected source shall take immediate corrective action and shall report such breakdown to the department by the next working day after the breakdown occurs.

An initial breakdown or upset condition shall not be subject to penalties for emissions in excess of the limits set by this chapter, providing the owner or operator complies with the provisions of this subsection and providing the breakdown or upset was not the result of gross negligence. If an extended time period is required to complete the corrective action, the Authority or its authorized representative may require that the operation be curtailed or shutdown. Repeated breakdowns may be subject to all penalties authorized by law. The Authority or its authorized representative may issue regulatory orders specifying maintenance and operating procedures.

E. Continuous Monitoring and Recording.

Owners and operators of the following categories of stationary sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified. The exceptions listed for the following categories do not apply if the continuous emission monitoring is required by the SIP.

1. Fossil fuel-fired steam generators.

a. Opacity, except where:

(1) Steam generator capacity is less than 250 million BTU per hour heat input, or

(2) Only gaseous fuel is burned, or

(3) Only oil or a mixture of oil and gas is burned and opacity and particulate regulations can be met without using particulate collection equipment; and, the source has never, through any administration or judicial procedure, been found in violation of any visible emission standard.

b. Sulfur dioxide, except where:

(1) Steam generator capacity is less than 250 million BTU per hour heat input, or

(2) Sulfur dioxide control equipment is not required.

c. Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

d. General exception.

These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent (30%), as reported to the Federal

Power Commission for the calendar year 1974, or as otherwise demonstrated to the Authority by the owner or operator.

2. Sulfuric acid plants.

Sulfur dioxide where production capacity is more than three hundred (300) tons per day, expressed as one hundred percent (100%) acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

3. Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.

a. Opacity where fresh feed capacity is more than 20,000 barrels per day.

4. Wood residue fuel-fired steam generators.

a. Opacity, except where:

(1) Steam generator capacity is less than 100 million BTU per hour heat input.

b. Continuous monitoring equipment.

The requirements of Section 5.11 (E)(5) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment shall be subject to approval by the Authority.

5. Owners and operators of those sources required to install continuous monitoring equipment under this Regulation or the SIP shall demonstrate to the Authority compliance with the equipment and performance specifications, and observe the reporting requirements, contained in Title 40, Code of Federal Regulations, Part 51, Appendix P, Section 3, 4, and 5, promulgated on October 6, 1975, which is by this reference adopted and incorporated herein.

F. All sources subject to this Regulation shall procure and install equipment and commence monitoring and recording activities no later than eighteen (18) months after adoption of this Regulation by the Authority. Any extension to this time requirement shall be negotiated through the variance procedure of WAC 173-400-150.

G. Special considerations.

If or reason of physical plant limitations or extreme economic situations, the Authority determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These will generally be of the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

H. Exemptions.

Subsection 5.11(E) does not apply to any source which is:

1. Subject to a new source performance standard.
2. Not subject to an applicable emission standard.

3. Scheduled for retirement within five (5) years after inclusion of monitoring equipment requirements in this Regulation, provided that adequate evidence and guarantees are provided that clearly show that the source will cease operations prior to that date.

I. Monitoring system malfunctions.

A source may be temporarily exempted from the monitoring and reporting requirements of this Regulation during periods of monitoring system malfunctions provided that the source owner or operator shows to the satisfaction

of the Authority that the real malfunction was unavoidable and is being repaired as expeditiously as practicable.

SECTION 5.12 - PREVENTIVE MEASURES

A. No person shall cause, let, allow or permit or suffer particulate matter to be stored, handled, or transported without taking reasonable precautions to prevent air pollution.

B. No person shall cause, let, allow, permit, or suffer a building or its appurtenances or road to be constructed, altered, repaired or demolished without taking reasonable precautions to prevent air pollution.

C. Nothing in this Regulation shall be construed to impair any cause of action or legal remedy therefore of any person, or the public, or the injury or damage arising from the emission from any air contaminant in such place, manner or concentration as to constitute air pollution or a common law nuisance.

D. Any person engaged in the construction, repair, remodeling or demolishing of any building, or engaging in any road construction or repair within any incorporated town or city in Yakima County, Washington, or within an area of one (1) mile of the city limits of the city of Yakima, Washington, or within one-quarter (1/4) of a mile of the city limits of any other town or city in Yakima County, Washington, shall take such measures as are reasonably necessary to reduce air pollution, including the use of water and the sprinkling of water to control dust so that the same is not emitted and deposited upon the property of others in quantities which unreasonably interfere with the enjoyment of their property. No work as above defined shall be commenced without having water available at the job site in sufficient quantities to control air pollution at the time of commencement of such work.

**ARTICLE VI
OPERATING PERMITS**

SECTION 6.01 - POLICY

The Yakima County Clean Air Authority shall administer an air operating permit program upon approval of its delegation request, pursuant to RCW 70.94. Under this program any air contaminant source subject to section 6.02 shall be required to have an air operating permits.

SECTION 6.02 - APPLICABILITY

Operating permits shall be required for all sources where:

A. Required by the Federal Clean Air Act, and

B. For any source that may cause or contribute to air pollution in such quantity as to create a threat to public health and welfare. This subsection shall not apply to small businesses except when both of the following limitations are satisfied:

1. That source is in an area exceeding or threatening to exceed federal or state air quality standards, and

2. The Authority provides reasonable justification that requiring a source to have a permit is necessary in order to meet federal or state air quality standards.

SECTION 6.03 - PROGRAM DELEGATION

The delegation order authorizing the Yakima County Clean Air Authority to administer its Air Operating Permit Program shall become effective ninety (90) days after approval by the United States Environmental Protection Agency (EPA).

SECTION 6.04 - PERMIT APPLICATION

Within one hundred eighty (180) days after EPA approval of the Authority's permitting program any source required to have a permit shall submit to the Authority a compliance plan and a permit application, signed by a responsible official, certifying the accuracy of the information submitted. Until permits are issued, existing sources shall be allowed to operate under presently applicable standards and conditions provided such sources submit complete and timely permit applications.

New Sources which commence operation after EPA approval of the Authority's permitting program and which are required to have a permit shall file a complete permit application within twelve (12) months after commencing operation.

Unless the Authority determines that an application is not complete within sixty (60) days of receipt of the application, such application shall be deemed to be complete.

SECTION 6.05 - PERMIT CONTENT

Each air operating permit shall state the origin of and the specific legal authority for each requirement included therein. Every requirement in an operating permit shall be based upon the most stringent of the following requirements:

- A. The Federal Clean Air Act and rules implementing that act, including provisions of the approved SIP; and
- B. RCW 70.94 and the rules adopted thereunder; and
- C. The requirements of any order or regulation adopted by the Authority; and
- D. Chapter 70.98 RCW and rules adopted thereunder; and
- E. Chapter 80.50 RCW and rules adopted thereunder.

The Authority shall issue permits for a fixed term of five years.

SECTION 6.06 - PERMIT ISSUANCE, RENEWAL, REOPENINGS, AND REVISIONS

A proposed permit must be reviewed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Yakima County Clean Air Authority or the Department of Ecology.

The Authority shall take final action on each permit application within eighteen months of receiving a complete application except during a transition period (not to exceed three years) that will begin the effective date of the permit program. During the transition period the Authority shall take final action on at least one-third of all operating permit applications annually.

A source shall submit an application for permit renewal no later than six (6) months prior to the expiration date of the permit.

A permit may be modified or amended during its term at the request of the permittee, or for any reason allowed by the Federal Clean Air Act.

SECTION 6.07 - PUBLIC INVOLVEMENT

All proposed permits shall be subject to public notice and comment. The Authority shall respond to comments received from interested parties prior to the time that the proposed permit is submitted to the EPA for review pursuant to section 505(a) of the Federal Clean Air Act. In the event that the EPA objects to a proposed permit pursuant to section 505(b) of the Federal Clean Air Act, the Authority shall not issue the permit, unless the permittee consents to the changes required by the EPA.

SECTION 6.08 - VIOLATION

After the effective date of the permit program, it shall be unlawful for any person to operate a permitted source in violation of any requirement of a permit issued under this article or fail to submit a permit application as outlined in Section 6.04.

SECTION 6.09 - FEE ASSESSMENT

Pursuant to RCW 70.94.161(14), the Authority shall allocate its fiscal 1994 air operating permit program development costs among the sources under its jurisdiction emitting one hundred tons or more per year of a regulated pollutant during calendar year 1992 and shall collect interim fees from these sources. These interim fees shall be in accordance with the fee schedule as approved by the Board. The Authority shall collect these interim fees and the interim fees assessed by the Department of Ecology at the same time.

Pursuant to RCW 70.94, (Bill 1089), the Authority shall determine, assess, and collect annual fees sufficient to cover the Authority's direct and indirect costs of implementing its air operating permit program. These annual fees shall be in accordance with the fee schedule as approved by the Board. The Authority shall collect these annual fees and the annual fees assessed by the Department of Ecology at the same time.

Air operating permit fees collected by the Authority on behalf of the Department of Ecology shall be remitted to the Department. Air operating permit fees collected by the Authority on its own behalf shall be deposited into an air operating permit account dedicated exclusively to the support of its Air Operating Permit Program.

**ARTICLE VII
VARIANCES**

SECTION 7.01 - VARIANCES

A. Any person who owns or is in control of any plant, building, structure, establishment, process or equipment, may apply to the Board for a variance from the provisions of these Regulations governing the quality, nature, duration or extent of discharge of air contaminants in accordance with the provisions of RCW 70.94.181. The application shall be accompanied by such information and data as the Board may require. The Board may grant such variance, but only after public hearing or due notice if the Board finds that:

- 1. The emissions occurring or proposed to occur do not endanger public health or safety or the environment; and
- 2. Compliance with the rules and regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

3. Provided, however, that the Board will not grant variances to state rules unless the same have been approved by the Washington State Department of Ecology prior to being issued by the Yakima County Clean Air Authority.

4. Total time period for a variance and a renewal of such variance shall not exceed one year.

B. No variance shall be granted pursuant to this section until the Board has considered the relative interest of the applicant, other owners of property likely to be affected by the emissions, and the general public.

C. Any variance or renewal thereof shall be granted within the requirements of subsection A and for time periods and under conditions consistent with the reasons therefore, and within the following limitations:

1. If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternative measures that the Department of Ecology or Board may prescribe.

2. If the variance is granted on the ground that compliance with the particular requirements or requirement from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time, as in the view of the Department of Ecology or Board is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

3. If the variance is granted on the ground that it is justified to relieve or prevent hardships of a kind, other than that provided for in Subsections 7.01(A) (1), (2), and (3), it shall be for not more than one (1) year.

D. If renewal is made to the Board on account of the variance, no renewal thereof shall be granted unless, following a public hearing on the complaint on due notice, the Board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty (60) days prior to the expiration of the variance. Immediately upon the receipt of the application for renewal the Board shall give public notice of such application in accordance with the rules and regulations of the Board.

E. A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the discretion of the Board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for variance or renewal of a variance by the Board, may obtain judicial review thereof under the provisions of Chapter 34.05 of RCW as now or hereafter amended.

F. Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the applications of the emergency provisions and procedures of RCW 70.94.710 through 70.94.730 to any person or their property.

G. An application for variance or for the renewal thereof submitted to the Department of Ecology or Board pursuant to this section, shall be approved or disapproved by the

Board within sixty (60) days of receipt, unless the applicant and the Board agree to a continuance.

ARTICLE VIII PENALTY AND SEVERABILITY

SECTION 8.01 - PENALTY FOR VIOLATION

A. Any person who knowingly violates any of the provisions of these Regulations or any ordinance, resolution, statute or regulation in force pursuant thereto shall be guilty of a crime and upon conviction thereof shall be punished by a fine of not more than Ten Thousand Dollars (\$10,000) or by imprisonment in the county jail for not more than one (1) year, or both.

B. Any person who negligently releases into the ambient air any substance listed by the Department of Ecology as a hazardous air pollutant other than in compliance with the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm shall be guilty of a crime and shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$10,000) or by imprisonment for not more than one (1) year, or both.

C. Any person who knowingly releases into the ambient air any substance listed by the Department of Ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who knows at the time that he or she thereby places another person in imminent danger of death or substantial bodily harm shall be guilty of a crime and shall, upon conviction, be punished by a fine of not more than Fifty Thousand Dollars (\$50,000) or by imprisonment for not more than five (5) years, or both.

D. Any person who knowingly fails to disclose a potential conflict of interest under RCW 70.94.100 shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Thousand Dollars (\$5,000).

SECTION 8.02 - ADDITIONAL OR ALTERNATIVE PENALTIES

A. In addition to or as an alternate to any other penalty provided by law, any person who violates the provisions of Chapter 70.94 RCW, Chapter 70.120 RCW, or any of the rules and regulations the Yakima County Clean Air Authority may enforce under such Chapters of the Revised Code of Washington may incur a civil penalty in an amount not to exceed Ten Thousand Dollars (\$10,000) per day for each violation. Each such violation shall be a separate and distinct event, and, in the case of a continuing violation, each days continuance shall be a separate and distinct violation.

Any person who fails to take action as specified by an order issued pursuant to this Chapter shall be liable for a civil penalty of not more than Ten Thousand Dollars (\$10,000) per day for each day of continued noncompliance.

B. Penalties incurred but not paid shall accrue interest beginning on the ninety-first (91st) day following the date that the penalty becomes due and payable at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed interest shall not begin to accrue until the

thirty-first (31st) day following the final resolution of the appeal.

C. Each act of commission or omission which procures, aids or abets the violation described herein shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.12(B).300.

D. In addition to the other penalties provided above, any person knowingly under-reporting emissions or other information used to set fees or persons required to pay emissions or permit fees who are more than ninety (90) days late with such payments may be subject to a penalty equal to three (3) times the amount of the original fee owed.

E. All penalties recovered under this section by the Authority shall be paid into the treasury of the Authority and rendered into its funds.

SECTION 8.03 - ASSURANCE OF DISCONTINUANCE

As an additional means of enforcing these Regulations, the Board may accept an assurance of discontinuance of any act or practice deemed in violation of this Regulation, from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of these Regulations, or order issued pursuant hereto, which make the alleged act or practice unlawful for the purpose of securing any injunction or other relief from the Superior Court as provided in RCW 70.94.425.

SECTION 8.04 - RESTRAINING ORDER - INJUNCTIONS

Notwithstanding the existence or use of any other remedy, whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of these Regulations or order issued thereunder, the Board, after providing notice to such person and an opportunity to comply, may petition the Superior Court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or other appropriate order.

SECTION 8.05 - SEVERABILITY

If any phrase, clause, subsection, or section of this Regulation shall be declared unconstitutional or invalid by any court of competent jurisdiction it shall be conclusively presumed that the Board of Directors would have enacted this Regulation without the phrase, clause, subsection, or section so held unconstitutional or invalid and the remainder of the Regulation shall not be affected as a result of said part being held unconstitutional or invalid.

**ARTICLE IX
WOODSTOVES AND FIREPLACES**

SECTION 9.01 - POLICY

Without limiting the power of the Yakima County Clean Air Authority or its Director or Agents, the Authority states that it shall be its policy, to the extent that it is compatible with the enforcement of the regulations, to instruct and

educate the public and violators of the hazards to health caused by woodsmoke, and to authorize educational materials concerning those dangers.

SECTION 9.02 - OPACITY

No person owning, operating or in control of a residential solid fuel burning device shall cause, allow or discharge to the ambient air any emissions from such device which are of an opacity greater than twenty percent (20%) except for the purposes of public education, then the opacity level shall not be greater than ten percent (10%).

SECTION 9.03 - PROHIBITIVE FUEL TYPES

A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device:

- A. Garbage;
- B. Treated Wood;
- C. Plastic Products;
- D. Rubber Products;
- E. Animals;
- F. Asphaltic Products;
- G. Waste Petroleum Products;
- H. Paints, or;
- I. Any substance other than Seasoned Wood Fuel which normally emits dense smoke or obnoxious odors.

SECTION 9.04 - LIMITATIONS OF SALES OF SOLID FUEL BURNING DEVICES

A. After January 1, 1992, no used solid fuel burning devices shall be installed in new or existing buildings unless such device is either Oregon Department of Environment Quality Phase II or EPA certified, or a pellet stove either certified or exempt from certification by the EPA.

B. Solid Fuel Burning Devices.

After January 1, 1995, a person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a solid fuel burning device unless it has been certified and labeled in accordance with procedures and criteria specified in "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" as amended through July 1, 1990, and meets the following particulate air contaminant emission standards and the test methodology of the EPA in effect on January 1, 1991, or an equivalent standard under any test methodology adopted by the EPA subsequent to such date:

- 1. Two and one-half (2 1/2) grams per hour for catalytic woodstoves; and
- 2. Four and one-half (4 1/2) grams per hour for all other solid fuel burning devices.
- 3. For purposes of this subsection, "equivalent" shall mean the emissions limits specified in this subsection multiplied by a statistically reliable conversion factor determined by ecology that relates the emission test results from the methodology established by the EPA prior to May 15, 1991, to the tests results from the methodology subsequently adopted by that agency.

C. Fireplaces.

After January 1, 1997, a person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a factory built fireplace unless it meets the 1990 EPA standards for woodstoves or equivalent standard that may be

established by the state building code council by rule. Subsection 9.04(A) shall not apply to fireplaces, including factory built fireplaces, and masonry fireplaces.

SECTION 9.05 - PROHIBITION OF VISIBLE EMISSIONS DURING AIR POLLUTION EPISODES

A. Any person in a residence or commercial establishment which has an adequate source of heat without burning wood shall:

1. Not burn wood in any solid fuel burning device whenever the Department of Ecology or the Authority has determined under RCW 70.94.715 that any Air Pollution Episode exists in that area.

2. Not burn wood in any solid fuel burning device except those which are either Oregon Department of Environmental Quality Phase II or United States Environmental Protection Agency certified or certified by the Department of Ecology under RCW 70.94.457 (1) or a pellet stove either certified or issued an exemption by the United States Environmental Protection Agency in accordance with Title 40, Part 60 of the Code of Federal Regulations in the geographic area and for the period of time that a first stage of impaired air quality has been determined by the Department of Ecology or by the Yakima County Clean Air Authority. The geographic area affected by a first stage of impaired air quality is the Woodsmoke Control Zone as defined in Section 1.03(48).

3. Not burn wood in any solid fuel burning device, including those that meet the standards set forth in RCW 70.94.457, in any geographic area for the period of time that a second stage of impaired air quality has been determined by the Department of Ecology or the Yakima County Clean Air Authority. The geographic area affected by a second stage of impaired air quality is the Woodsmoke Control Zone as defined in Section 1.03(48).

**ARTICLE X
CHLOROFLUOROCARBONS**

SECTION 10.01 - POLICY

The Board recognizes that the release of chlorofluorocarbons into the atmosphere contributes to the destruction of stratospheric ozone and such destruction threatens plant and animal life. The Board further recognizes that unnecessary release of chlorofluorocarbons should be eliminated when such times as chlorofluorocarbon extraction equipment are readily available to local businesses and the Department of Ecology has adopted rules to control chlorofluorocarbon emission sources including performance specifications for chlorofluorocarbon extraction and/or recycling equipment.

**ARTICLE XI
EFFECTIVE DATE**

The effective date of these Regulations shall be _____

**ARTICLE XII
ADOPTION OF STATE AND FEDERAL
REGULATIONS**

SECTION 12.01 - STATE REGULATIONS

Except as the same may be inconsistent with the provisions of this Regulation of the Yakima County Clean Air Authority as now adopted or hereafter amended, the Yakima County Clean Air Authority does hereby adopt by reference and incorporates herein, as if specifically set forth herein, all of the terms and provisions of the Washington State Administrative Code as identified below:

- WAC 173-400 General Regulations for Air Pollution Sources;
- WAC 173-425 Open Burning;
- WAC 173-430 Burning of Field and Turf Grasses Grown for Seed;
- WAC 173-433 Solid Fuel Burning Device Standards;
- WAC 173-434 Solid Waste Incineration Facilities;
- WAC 173-435 Emergency Episode Plans;
- WAC 173-470 Suspended Particulate (Ambient Standards);
- WAC 173-474 Sulphur Oxide Standards;
- WAC 173-475 Photochemical Oxidant, Hydrocarbons, Nitrogen Dioxide (Ambient Standards);
- WAC 173-460 Controls for New Sources of Toxic Air Pollutants;
- WAC 173-491 Emission Standards and Controls for Sources Emitting Gasoline Vapors.

SECTION 12.02 - FEDERAL REGULATIONS

Except as the same may be inconsistent with the provisions of this Regulation of the Yakima County Clean Air Authority as now adopted or hereafter amended, the Yakima County Clean Air Authority does hereby adopt by reference and incorporates herein, as if specifically set forth herein, all of the terms and provisions of the Code of Federal Regulations as identified below:

- Title 40 CFR, New Source Performance Standards (NSPS);
- Part 60
- Title 40 CFR, National Emissions Standards for Hazardous Air
- Part 61 Pollutants (NESHAPS).

DULY ADOPTED THIS _____ day of _____, 1993.

SIGNED YAKIMA COUNTY CLEAN AIR AUTHORITY BY:

(Chairperson)

Reviser's note: The spelling errors in the above material 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 material occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 93-17-012
PROPOSED RULES
EMPLOYMENT SECURITY DEPARTMENT
 [Filed August 6, 1993, 2:04 p.m.]

Original Notice.

Title of Rule: Hearing and review under the work incentive program, chapter 192-10 WAC; Marginal labor force attachment, chapter 192-30 WAC; and Belltown job service center services, WAC 192-12-158.

Purpose: Repeal of rules, which are no longer valid. Regulated subject matter no longer exists.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Statute Being Implemented: RCW 50.12.040.

Summary: Chapter 192-10 WAC, superfluous rule, program no longer exists; chapter 192-30 WAC, superfluous rule, program no longer exists; and WAC 192-12-158, superfluous sections, circumstances changed, subject matter regulated by section no longer applicable.

Reasons Supporting Proposal: Subject matter of regulations no longer exists.

Name of Agency Personnel Responsible for Drafting: Bob Wagner, UI Tax Administration, 212 Maple Park, 586-8271; Implementation and Enforcement: Marie Brillante, Assistant Commissioner UI Division, 212 Maple Park, 753-5120.

Name of Proponent: Employment Security Department, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

This repeal does not affect 10 percent of businesses in any one three-digit industrial classification, nor 20 percent of all businesses.

Hearing Location: Employment Security Department, 4th Floor Conference Room-A, 212 Maple Park, Olympia, WA 98507, on September 22, 1993, at 10:00 a.m.

Submit Written Comments to: John Nemes, Rules Coordinator, Employment Security Department, Mailstop 6000, Olympia, WA 98507-9046, by September 22, 1993.

Date of Intended Adoption: September 27, 1993.

August 5, 1993
 Vernon E. Stoner
 Commissioner

REPEALER

The following chapters and sections of the Washington Administrative Code are repealed:

- WAC 192-10-010 Hearings and review under the work incentive program.
- WAC 192-10-015 Computation of time.
- WAC 192-10-020 Purpose and scope.
- WAC 192-10-030 Hearings-Requests-Time limitations.
- WAC 192-10-040 Hearings-Requests-How made.

- WAC 192-10-050 Hearings-Preparation and service.
- WAC 192-10-060 Hearings-Notice requirements.
- WAC 192-10-070 Hearings-Scheduling-Location.
- WAC 192-10-080 Parties and presentation of the case.
- WAC 192-10-090 Duties of the examiner.
- WAC 192-10-100 Testimony and examination of witnesses.
- WAC 192-10-110 Recording of testimony.
- WAC 192-10-120 Access to records.
- WAC 192-10-130 Admissibility of evidence.
- WAC 192-10-140 Documentary evidence.
- WAC 192-10-150 Stipulations.
- WAC 192-10-160 Deposition and interrogatories.
- WAC 192-10-170 Subpoenas-Procedure for issuance.
- WAC 192-10-180 Subpoenas-Service.
- WAC 192-10-190 Subpoenas-Proof of service.
- WAC 192-10-200 Subpoenas-Attendance fees.
- WAC 192-10-210 Procedure to quash subpoenas.
- WAC 192-10-220 Judicial enforcement.
- WAC 192-10-230 Geographical scope.
- WAC 192-10-240 Medical evaluation.
- WAC 192-10-250 Continuances.
- WAC 192-10-265 Decision of appeals examiner.
- WAC 192-10-280 Decisions-Preparation and service.
- WAC 192-10-290 Certification of novel questions of law or policy.
- WAC 192-10-300 Petition for review by the Commissioner.
- WAC 192-10-310 Commissioner's review procedure.
- WAC 192-10-330 Representation.
- WAC 192-30-010 Marginal labor force attachment definitions.
- WAC 192-30-020 Responsibilities of the department in determining MLFA status.
- WAC 192-30-030 Suspension of marginal labor force attachment requirements for claimants unemployed due to government action.
- WAC 192-30-040 Suspension of marginal labor force attachment requirements for claimants unemployed due to economic distress.
- WAC 192-30-100 Modification of marginal labor force attachment work search requirements for economic conditions within a labor market area.
- WAC 192-30-200 Work search responsibilities for MLFA claimants.
- WAC 192-30-210 Job service center work search activity plans for MFLA claimants.
- WAC 192-30-220 Work search models-Purpose and description.
- WAC 192-30-230 Work search model-Definition of terms.

WAC 192-12-158 Belltown job service center services.

Reviser's note: The typographical error in the above repealer occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 93-17-017
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed August 9, 1993, 3:58 p.m.]

Original Notice.

Title of Rule: Repealing WAC 356-05-214 Manager.

Purpose: This WAC defines manager.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal will repeal the existing definition of manager.

Reasons Supporting Proposal: Upon the adoption of ESHB 2054, effective July 1, 1993, new definitions for manager have been adopted.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 753-0468; 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: This proposal will eliminate the current definition of manager. Due to the adoption of ESHB 2054 a new definition of manager has been established. The new definition was effective July 1, 1993, which makes the existing WAC 356-05-214 unnecessary.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA 98504, on October 14, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, P.O. Box 47500, Olympia, WA 98504-7500, by October 12, 1993.

Date of Intended Adoption: October 14, 1993.

August 6, 1993

Dennis Karras

Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-05-214 Manager.

WSR 93-17-023
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed August 11, 1993, 10:12 a.m.]

Supplemental Notice to WSR 93-08-051.

Title of Rule: Determining standards for application of full time equivalency standard for part time teachers under RCW 41.32.345.

Purpose: To adopt formal standards for implementation of RCW 41.32.345 as required by the language of RCW 41.32.345.

Statutory Authority for Adoption: RCW 41.50.050(5) and 41.32.345.

Statute Being Implemented: RCW 41.32.345.

Summary: Defines procedure for determining how to adjust average final compensation for purposes of determining pension benefits under the Teachers' Retirement System Plan I for bona fide part time teachers.

Reasons Supporting Proposal: RCW 41.32.345 directs the Department of Retirement Systems to adopt rules implementing statute.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union Avenue, Olympia, WA 98504, 586-3368; Implementation: Vickie Worgum, 1025 East Union Avenue, Olympia, WA 98504, 753-3180; and Enforcement: Margaret Wimmer, 1025 East Union Avenue, Olympia, WA 98504, 586-9045.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule clarifies who is eligible for the earnable compensation adjustment authorized by RCW 41.32.345. It also clarifies how that adjustment is to be applied. The purpose is to comply with the mandate of RCW 41.32.345 requiring the department to adopt rules implementing the statute. The anticipated effect will be to provide a reliable system for completing the earnable compensation adjustment authorized by RCW 41.32.345.

Proposal Changes the Following Existing Rules: Amends WAC 415-112-810 and 415-112-820 by specifying the criteria for determining whether a teacher is in a bona fide part-time position.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Retirement Systems, 2nd Floor Boardroom, 1025 East Union Avenue, Olympia, WA 98504-8380, on September 22, 1993, at 4:00 - 5:00 p.m.

Submit Written Comments to: Paul Neal by August [September] 9, 1993.

Date of Intended Adoption: September 22, 1993.

August 10, 1993

Paul Neal

Rules Coordinator

NEW SECTION

WAC 415-112-015 Definitions. (1) All definitions in RCW 41.32.010 apply to terms used in this chapter, unless a different meaning is plainly required by the context.

(2) As used in this chapter, unless a different meaning is plainly required by the context:

"Contract period" for Plan I members as used in RCW 41.32.345 means the period from July 1 to June 30 of the following year.

"Day" for purposes of administering RCW 41.32.570 means seven compensated hours. "Seventy-five days" means five hundred twenty-five cumulative compensated hours;

"Duly executed" means that all required forms or documents have been completed, signed and notarized, and filed with the department;

"Insurable interest" means a reasonable expectation of monetary benefit from the continued life of the member; or a relation of the parties to each other by blood or marriage;

"Pension benefit" means that portion of a retiree's monthly retirement allowance that is funded by the state of Washington and the retiree's former employer or employers;

"Public educational institution" means a school district, the state school for the deaf, the state school for the blind, educational service districts, institutions of higher education, or community colleges;

"School year" for Plan I members means the fiscal year running from July 1 to June 30;

"Single life annuity" means an annuity based solely on the expected remaining life of the member, without regard to any benefits for the member's designated beneficiary or spouse;

"Spousal consent" means written evidence that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on the retirement application, when such application is duly executed and filed with the department, shall constitute "spousal consent";

"Survivor" means a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement.

AMENDATORY SECTION (Amending Order 87-09, filed 10/7/87)

WAC 415-112-810 Bona fide employee. The purpose of WAC 415-112-800 through ~~((415-112-820))~~ 415-112-830 is to implement the intent of the legislature that section 2, chapter 265, Laws of 1987 not be used to unfairly inflate a member's retirement allowance. The department shall apply section 2, chapter 265, Laws of 1987 only to members who are bona fide part-time employees. A member will be deemed a bona fide part-time employee only if the member ~~((is employed less than full time))~~ has received less than one year of service credit and only as necessary to ensure that a member who receives fractional years of service credit receives benefits proportional to those received by members who have received full time service credit.

AMENDATORY SECTION (Amending Order 87-09, filed 10/7/87)

WAC 415-112-820 Bona fide part-time position—How determined. (1) In order for a Plan I member to be considered a bona fide part-time employee for two consecutive fiscal years and to elect to have his or her earnable compensation adjusted under RCW 41.32.345, the Plan I member must be employed for each of the two consecutive fiscal years:

(a) Under contract for an entire school year if the member is employed by a school district, or an educational service district;

(b) Under contract during three academic quarters of a fiscal year if the member is employed by an institution of higher education, the state school for the deaf or the state school for the blind;

(c) By one or more employers for at least twenty days but less than one hundred forty-four days during the fiscal year;

(d) In an instructional position, which is a position in which more than seventy-five percent of the member's time, including office hours, is spent as a classroom instructor, a librarian, or a counselor.

(2) In addition to the factors listed in subsection (1) of this section, in the case of a member who elects to have earnable compensation defined as provided in section 2, chapter 265, Laws of 1987, the department will determine whether the member held a bona fide part-time position during the years used to compute benefits, and what earnable compensation the member would have received if employed on a regular full-time basis in the same position under section 2, chapter 265, Laws of 1987. The department ~~((will))~~ may consider, but not be limited to considering, the following factors:

(a) The salary schedule and related workload provisions, if any, adopted pursuant to RCW ~~((28A-67-066))~~ 28A.405.200 by the school district by which the member was employed;

(b) The salary schedule, workload provisions, or related documents, used by the community college district by which the member was employed, including salary schedules or workload provisions contained in a collective bargaining agreement negotiated pursuant to chapter 28B.52 RCW;

(c) Whether the member's position is included on the employing district's salary schedule, in workload provisions, or in a collective bargaining agreement, and whether the member's position has duties, responsibilities, workload requirements, or methods of pay similar to those of positions found in the district's schedule, provisions, or collective bargaining agreement;

(d) When the member's position was created, and how long the position was held by the member;

(e) Whether the member has previously retired under the provisions of chapter 41.32 RCW.

~~((2))~~ (3) Upon the department's request, employers shall provide to the department information addressing the factors listed in subsection (1) of this section and such further information as the department may request.

(4) If a member is employed by more than one employer, all of the member's employment will be combined for

purposes of determining whether the member has met the criteria of subsection (1) of this section.

NEW SECTION

WAC 415-112-830 Adjusting earnable compensation earned in a bona fide part-time position. The department will use the following method to determine earnable compensation for members of Plan I employed in a bona fide part-time positions as determined under WAC 415-112-820, who elect to have their earnable compensation determined under RCW 41.32.345. The purpose of the calculation is to determine what a member would have earned in his or her position if employed on a regular full-time basis for the same contract period under their same classification.

(1) The member's employer or employers will provide written verification of the following:

(a) The number of hours in a full school day for the member's employer. In the absence of an indication in employment contracts or elsewhere concerning what constitutes one day of employment, the department will designate seven hours as the length of a school day;

(b) The number of work days in a school year under a regular full-time contract. As provided in RCW 41.32.345 (3)(a), only work days identified in contracts adopted pursuant to RCW 28A.405.200 shall be counted under this subsection. Days worked pursuant to supplemental contracts authorized by RCW 28A.405.240 and 28A.400.200(4) are not considered days required under a regular full-time contract;

(c) The number of hours in a school year ((a) of this subsection multiplied by (b) of this subsection).

(d) If a bona fide part-time employee was employed by more than one employer during the school year in question, the department will average the number of hours in a full school day and the number of school days in a year in order to determine the average number of hours in a school year for purposes of applying this section.

(2) The member's employer will provide the following written information regarding the bona fide part-time employment of the Plan I member during each of the two consecutive years for which the member elects to have his or her compensation adjusted under RCW 41.32.345:

(a) Total hours worked by the employee under all employment contracts;

(b) Total earnable compensation earned under all employment contracts entered into by the employee;

(c) If applicable, the percent or portion of a full-time contract worked by the employee; and

(d) Net average hourly wage earned by the employee ((b) of this subsection divided by (a) of this subsection).

(3) To determine the member's adjusted earnable compensation under RCW 41.32.345 the department will multiply the member's average hourly wage as determined in subsection (2) of this section by the number of hours in a school year as determined by subsection (1) of this section. The product equals the compensation the member would have received in the same position if employed on a regular full-time basis for the same contract period.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 415-112-535 Definitions for administering RCW 41.32.570.

WAC 415-112-722 Definitions for purposes of WAC 415-112-720 through 415-112-727.

**WSR 93-17-025
PROPOSED RULES
NORTHWEST AIR
POLLUTION AUTHORITY**

[Filed August 11, 1993, 2:42 p.m.]

Continuance of WSR [93-16-049].

Title of Rule: Northwest Air Pollution Authority regulation.

Purpose: To change the location of the public hearing on regulation changes.

Hearing Location: Bellingham Public Library, Fairhaven Branch, 12th and Columbia, on September 8, 1993, at 1:30 p.m.

Submit Written Comments to: Terry Nyman, 302 Pine Street, #207, Mount Vernon, WA 98273, by July [August] 23, 1993.

Date of Intended Adoption: September 8, 1993.

August 9, 1993

James B. Randles
Assistant Control Officer

**WSR 93-17-028
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed August 11, 1993, 1:09 p.m.]

Continuance of WSR 93-14-045.

Title of Rule: WAC 388-86-071 Private duty nursing services.

Date of Intended Adoption: August 18, 1993.

August 11, 1993

Dewey Brock, Chief
Office of Vendor Services

**WSR 93-17-042
PROPOSED RULES
DEPARTMENT OF HEALTH**

[Filed August 12, 1993, 1:42 p.m.]

Original Notice.

Title of Rule: WAC 246-918-005 Definitions; 246-918-250 Basic surgical assistant duties; and 246-918-009 Adjudicative proceedings.

Purpose: To amend existing rules to change title of surgical assistant to physician assistant-surgical assistant and also establish rules for adjudicative proceedings.

Statutory Authority for Adoption: RCW 18.71A.020.
 Statute Being Implemented: RCW 18.71.060.

Summary: To amend existing rules to change title of surgical assistant to physician assistant-surgical assistant and also establish rules for adjudicative proceedings.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Beverly A. Teeter, Board of Medical Examiners, Olympia, (206) 586-8934.

Name of Proponent: Board of Medical Examiners, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To change the title name of surgical assistant to physician assistant-surgical assistant and also establish rules for adjudicative proceedings.

Proposal Changes the Following Existing Rules: To change the title name of surgical assistant to physician assistant-surgical assistant.

Hearing Location: Quality Inn - Westwater, 2300 Evergreen Park Drive, Olympia, WA 98502, on September 24, 1993, at 9:30 a.m.

Submit Written Comments to: Beverly A. Teeter, Program Manager, Department of Health, P.O. Box 47866, Olympia, WA 98504-7866, by September 20, 1993.

Date of Intended Adoption: September 24, 1993.

August 6, 1993
 Beverly A. Teeter
 Program Manager

AMENDATORY SECTION (Amending Order 278B, filed 6/3/92, effective 7/4/92)

WAC 246-918-005 Definitions. The following terms used in this chapter shall have the meanings set forth in this section unless the context clearly indicates otherwise:

(1) "Certified physician assistant" means an individual who has successfully completed an American Medical Association accredited and board approved physician assistant program and has passed the initial national boards examination administered by the National Commission on Certification of Physician Assistants (NCCPA).

(2) "Physician assistant" means an individual who has:

(a) Successfully completed an American Medical Association accredited and board approved physician assistant program and is eligible for the NCCPA examination;

(b) Qualified based on work experience and education and was licensed prior to July 1, 1989; or

(c) Graduated from a foreign medical school and was licensed prior to July 1, 1989.

(3) "Physician assistant-surgical assistant" means an individual who was licensed as a physician assistant between September 30, 1989, and December 31, 1989, to function in a limited extent as authorized in WAC 246-918-230.

(4) "Licensee" means an individual licensed as a certified physician assistant (~~(or a)~~), physician assistant, or physician assistant-surgical assistant.

(5) "Board approved program" means a physician assistant program that maintains *Committee on Allied Health Education and Accreditation* standards as defined in the

"essentials" of the council of medical education of the American Medical Association.

(6) "Sponsoring physician" means the physician who is responsible for consulting with a certified physician assistant. An appropriate degree of supervision is involved.

(7) "Supervising physician" means the physician who is responsible for closely supervising, consulting, and reviewing the work of a physician assistant.

AMENDATORY SECTION (Amending Order 278B, filed 6/3/92, effective 7/4/92)

WAC 246-918-250 Basic physician assistant-surgical assistant duties. The physician assistant-surgical assistant who is not eligible to take the NCCPA certifying exam shall:

(1) Function only in the operating room as approved by the board;

(2) Only be allowed to close skin and subcutaneous tissue, placing suture ligatures, clamping, tying and clipping of blood vessels, use of cautery for hemostasis under direct supervision;

(3) Not be allowed to perform any independent surgical procedures, even under direct supervision, and will be allowed to only assist the operating surgeon;

(4) Have no prescriptive authority; and

(5) Not write any progress notes or order(s) on hospitalized patients, except operative notes.

NEW SECTION

WAC 246-918-009 Adjudicative proceedings. The Board adopts the Model Procedural Rules for Adjudicative Proceedings as adopted by the Department of Health and contained in chapter 246-11 WAC, including subsequent amendments.

WSR 93-17-043
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed August 12, 1993, 1:46 p.m.]

Original Notice.

Title of Rule: WAC 246-917-100 Examination scores; 246-917-110 FLEX examination standards; 246-917-120 Examinations accepted for reciprocity or waiver; and 246-917-220 Adjudicative proceedings.

Purpose: To amend existing rules to prepare for a new licensure examination and to establish rules for adjudicative proceedings.

Statutory Authority for Adoption: RCW 18.71.060 and 18.71.070.

Statute Being Implemented: RCW 18.71.060 and 18.71.070.

Summary: To amend existing rules to prepare for new licensure examination and to establish rules for adjudicative proceedings.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Beverly A. Teeter, Board of Medical Examiners, Olympia, (206) 586-8934.

Name of Proponent: Board of Medical Examiners, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To amend existing rules to prepare for new licensure examination and also to establish rules for adjudicative proceedings.

Proposal Changes the Following Existing Rules: To amend existing rules to prepare for new licensure examination and also to establish rules for adjudicative proceedings.

Hearing Location: Quality Inn - Westwater, 2300 Evergreen Park Drive, Olympia, WA 98502, on September 24, 1993, at 9:30 a.m.

Submit Written Comments to: Beverly A. Teeter, Program Manager, Department of Health, P.O. Box 47866, Olympia, WA 98504-7866, by September 20, 1993.

Date of Intended Adoption: September 24, 1993.

August 6, 1993
Beverly A. Teeter
Program Manager

AMENDATORY SECTION (Amending Order 148B, filed 2/28/91, effective 3/31/91)

WAC 246-917-100 Examination scores. Examinations given by the Washington state board of medical examiners:

~~((a))~~ (1) The board adopts the ~~((examination of the federation of state licensing boards))~~ United States Medical Licensing Examination (USMLE) as the examination ~~((given))~~ accepted by the board.

~~((b))~~ (2) The minimal passing scores for each component of ~~((the FLEX I and II examinations))~~ any approved examination combination shall be seventy-five percent.

~~((c))~~ (3) Applications for examination shall remain valid for two years (four examination cycles). Applicants who do not pass the examination within the two-year period must submit a new application and meet the licensure eligibility requirements in effect at the time of the new application.

Applicants who do not pass ~~((the))~~ Step 3 of the USMLE examination after three sittings within seven years after passing the first examination, either Step 1 or Step 2, shall demonstrate evidence satisfactory to the board of having completed a remedial or refresher medical course approved by the board prior to being permitted to take the examination again. Applicants who do not pass after the fourth sitting may not take the examination without completing ~~((another residency program))~~ an additional year of post-graduate training or satisfying any other conditions specified by the board.

~~((d))~~ ~~Applicants will be eligible to take FLEX I after completion of medical school and satisfactory verification of good standing in a board approved postgraduate training program. FLEX II may only be taken after having completed or substantially completed the first year of postgraduate training. Provided, That after completing or substantially completing one year of a board approved postgraduate training program, an applicant has the option of taking FLEX II or taking both FLEX I and FLEX II in a single sitting.)~~

(4) Only those FLEX candidates who have been approved prior to the December 1993 FLEX examination and who have passed FLEX Component 2, but not FLEX Component

1, are eligible to take the 1994 special administration of FLEX Component 1.

(5) To be eligible for NBME Part III or USMLE Step 3, the applicant must:

(a) Have obtained the MD degree;

(b) Have completed successfully both Parts I and II or Steps 1 and 2 or Part I and Step 2 or Step 1 and Part II;

(c) Be certified by the education council of foreign medical graduates (ECFMG) if a graduate of a foreign medical school, or have successfully completed a fifth pathway program; and

(d) Have completed, or be near completion, of at least one post-graduate training year in a program of graduate medical education accredited by the Accreditation Council for Graduate Medical Education.

(6) Examination combinations acceptable. Any applicant who has successfully completed Part I (NBME) or Step 1 (USMLE) plus Part II or Step 2 plus Part III or Step 3; or FLEX Component 1 plus Step 3; or Part I or Step 1, plus Part II or Step 2, plus FLEX Component 2 shall be deemed to have successfully completed a medical licensure examination as required by RCW 18.71.070. (For clarification see Table I.)

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-917-110 FLEX examination standards.

Reciprocity applicants who were licensed by passing the FLEX examination will be eligible for examination waiver if the applicant received a FLEX ~~((weighed))~~ weighted average score of at least 75. The score may be obtained in a single setting of the three-day examination or by averaging the individual day scores from different examinations. The individual day scores will be averaged according to the following formula:

Day 1 equals 1/6.

Day 2 equals 2/6.

Day 3 equals 3/6.

The overall average score shall be truncated to the nearest whole number (i.e., an average of 74.9 equals 74). Single subject averaging is not permitted. The board will accept the FLEX weighted average of 75 reported from the federation of state medical boards. All FLEX scores must be submitted directly from the federation of state medical boards. FLEX scores reported by other states will not be accepted.

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-917-120 Examinations accepted for reciprocity or waiver.

(1) The board of medical examiners may accept certain examinations as a basis for reciprocity or waiver of examination. These include the examinations given by the federation of state licensing boards (FLEX), and those given by other states. The minimum passing score will depend upon the quality of the examination using the FLEX I and II examination as a guide.

(2) An applicant who has satisfactorily passed examinations given by the National Board of Medical Examiners; or the Medical Council of Canada and holds a valid LMCC certificate obtained after 1969, may be granted a license

without examination(~~(= Provided, That the applicant has not previously failed to pass an examination held in this state)).~~)

(3) Examination combination acceptable. Any applicant who has successfully completed Part I (NBME) or Step 1 (USMLE) plus Part II or Step 2 plus Part III or Step 3; or FLEX Component 1 plus Step 3; or Part I or Step 1, plus Part II or Step 2, plus FLEX Component 2 shall be deemed to have successfully completed a medical licensure examination as required by RCW 18.71.070.

Examination Combinations Acceptable for Licensure

Table 1

<u>Examination sequence</u>	<u>Acceptable combinations</u>
<u>Part I</u> <u>plus</u> <u>Part II</u> <u>plus</u> <u>Part III</u>	<u>Part I or Step 1</u> <u>plus</u> <u>Part II or Step II</u> <u>plus</u> <u>Part III or Step 3</u>
<u>FLEX Component 1</u> <u>plus</u> <u>FLEX Component 2</u>	<u>FLEX Component 1</u> <u>plus</u> <u>Step 3</u> <u>or</u> <u>Part I or Step 1</u> <u>plus</u> <u>Part II or Step 2</u> <u>plus</u> <u>FLEX Component 2</u>
<u>Step 1</u> <u>plus</u> <u>Step 2</u> <u>plus</u> <u>Step 3</u>	

NEW SECTION

WAC 246-917-220 Adjudicative proceedings. The Board adopts the Model Procedural Rules for Adjudicative Proceedings as adopted by the Department of Health and contained in chapter 246-11 WAC, including subsequent amendments.

**WSR 93-17-045
PROPOSED RULES
DEPARTMENT OF HEALTH**
[Filed August 12, 1993, 1:53 p.m.]

Original Notice.

Title of Rule: Home health agency, WAC 246-327-990 Fees; Hospice agency, WAC 246-331-990 Fees; and Home care agency, WAC 246-336-990 Fees.

Purpose: To implement SSB 5386, reduces fees and extends the licensure period from one year to two years. The fee schedule is being restructured based on calculation of FTEs rather than employees.

Statutory Authority for Adoption: RCW 70.127.120.

Statute Being Implemented: RCW 70.127.090.

Summary: The licensure period is being changed from one year to two years. The fee schedule is being restructured based on calculations of FTEs rather than employees. Fees are reduced as a result.

Reasons Supporting Proposal: Legislature passed SSB 5386 effective July 1, 1993, which requires reducing fee and changing license period from one year to two years.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Byron Plan, P.O. Box 47852, Olympia, WA 98504-7852, 705-6652.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To implement SSB 5386, reduces fees for all currently licensed agencies, reduces frequency of the department's inspection of agencies, and changes period of licensure from once a year to once every two years.

Proposal Changes the Following Existing Rules: Reduces fees and changes licensure period from one year to two years.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Reduces fees.

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington 98504, on September 21, 1993, at 1:30.

Submit Written Comments to: Ann Foster, P.O. Box 47902, Olympia, WA 98504-7902, by September 20, 1993.

Date of Intended Adoption: September 21, 1993.

August 9, 1993

Bruce Miyahara

Secretary

AMENDATORY SECTION (Amending Order 288, filed 7/16/92, effective 8/16/92)

WAC 246-327-990 Fees. (1) Home health (~~agencies licensed under chapter 70.127 RCW~~) ~~agency operators shall submit to the department: ((an annual license fee as follows:~~

~~(a) Agencies with fifty or more employees, one thousand three hundred dollars;~~

~~(b) Agencies with less than fifty but more than fifteen employees, one thousand one hundred dollars; and~~

~~(c) Agencies with fifteen or less employees, eight hundred eighty dollars.)) (a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency employees or contractors, as follows:~~

~~(i) A base fee of 360 dollars; and~~

~~(ii) For agencies with:~~

~~(A) Fifteen or less FTEs, 750 dollars;~~

~~(B) Sixteen through fifty FTEs, 900 dollars;~~

~~(C) Fifty-one or more FTEs, 1230 dollars;~~

~~(b) A fee of one-half the renewal fee specified in subsection (1)(a) for an initial twelve-month license for:~~

~~(i) New firms;~~

~~(ii) Businesses not currently licensed to provide home health care in Washington state; or~~

~~(iii) Currently licensed businesses which have had statement of charges filed against them;~~

~~(c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.~~

(2) ((An agency)) A home health agency operator shall pay one half the base fee in addition to the full fee for FTEs for each ((applying for)) additional ((home health,)) hospice((;)) and/or home care license((s shall receive a fee reduction of two hundred fifty dollars for each additional license in accordance with the provisions of RCW 70.127.110)).

(3) The department may charge and collect from a licensee a fee of one-half the base fee specified in subsection (1)(a) of this section for:

- (a) A second on-site visit resulting from a licensee's failure to adequately respond to a statement of deficiencies;
- (b) A complete on-site inspection resulting from a complaint investigation; or
- (c) A follow-up compliance survey.

AMENDATORY SECTION (Amending Order 288, filed 7/16/92, effective 8/16/92)

WAC 246-331-990 Fees. (1) Hospice ((agencies licensed under chapter 70.127 RCW)) agency operators shall submit to the department: ((an annual license fee as follows:

- (a) Agencies with fifty or more employees, one thousand two hundred dollars;
- (b) Agencies with less than fifty but more than fifteen employees, one thousand dollars; and
- (c) Agencies with fifteen or less employees, eight hundred dollars.)) (a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency employees or contractors, as follows:

- (i) A base fee of 360 dollars; and
- (ii) For agencies with:
 - (A) Fifteen or less FTEs, 190 dollars;
 - (B) Sixteen through fifty FTEs, 460 dollars;
 - (C) Fifty-one or more FTEs, 950 dollars;
- (b) A fee of one-half the renewal fee specified in subsection (1)(a) for an initial twelve-month license for:

- (i) New firms;
- (ii) Businesses not currently licensed to provide hospice care in Washington state; or
- (iii) Currently licensed businesses which have had statement of charges files against them;

(c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.

(2) ((An agency)) A hospice agency operator shall pay one half the base fee in addition to the full fee for FTEs for each ((applying for)) additional home health((, hospice,)) and/or home care license((s shall receive a fee reduction of two hundred fifty dollars for each additional license in accordance with the provisions of RCW 70.127.110)).

(3) The department may charge and collect from a licensee a fee of one-half the base fee specified in subsection (1)(a) of this section for:

- (a) A second on-site visit resulting from a licensee's failure to adequately respond to a statement of deficiencies;
- (b) A complete on-site inspection resulting from a complaint investigation; or
- (c) A follow-up compliance survey.

AMENDATORY SECTION (Amending Order 288, filed 7/16/92, effective 8/16/92)

WAC 246-336-990 Fees. (1) Home care ((agencies licensed under chapter 70.127 RCW)) agency operators shall submit to the department: ((an annual license fee as follows:

- (a) Agencies with fifty or more employees, one thousand twenty-five dollars;
- (b) Agencies with less than fifty but more than fifteen employees, eight hundred twenty-five dollars; and
- (c) Agencies with fifteen or less employees, six hundred sixty dollars.)) (a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency employees or contractors, as follows:

- (i) A base fee of 360 dollars; and
- (ii) For agencies with:
 - (A) Fifteen or less FTEs, 190 dollars;
 - (B) Sixteen through fifty FTEs, 230 dollars;
 - (C) Fifty-one or more FTEs, 330 dollars;
- (b) A fee of one-half the renewal fee specified in subsection (1)(a) for an initial twelve-month license for:

- (i) New firms;
- (ii) Businesses not currently licensed to provide home care in Washington state; or
- (iii) Currently licensed businesses which have had statement of charges filed against them;

(c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.

(2) ((An agency)) A home care agency operator shall pay one half the base fee in addition to the full fee for FTEs for each ((applying for)) additional home health((;)) and/or hospice((, or home care)) license((s shall receive a fee reduction of two hundred fifty dollars for each additional license in accordance with the provisions of RCW 70.127.110)).

(3) The department may charge and collect from a licensee a fee of one-half the base fee specified in subsection (1)(a) of this section for:

- (a) A second on-site visit resulting from a licensee's failure to adequately respond to a statement of deficiencies;
- (b) A complete on-site inspection resulting from a complaint investigation; or
- (c) A follow-up compliance survey.

WSR 93-17-049
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed August 13, 1993, 10:12 a.m.]

Original Notice.

Title of Rule: WAC 388-99-055 Base period.

Purpose: Clarification of technical language concerning certification for clients meeting spenddown who have incurred hospital expenses and clients who have not incurred hospital expenses.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Clarify the appropriate certification date for clients who have incurred hospital expenses and those who have not incurred hospital expenses.

Reasons Supporting Proposal: Clarification of technical language.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 753-7462.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on September 21, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by September 7, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by September 14, 1993.

Date of Intended Adoption: September 22, 1993.

August 13, 1993
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3528, filed 3/24/93, effective 4/24/93)

WAC 388-99-055 Base period. (1) Clients in their own homes shall have a choice of a three-month or a six-month base period which shall begin with the month of application. The department shall use a complete base period unless:

- (a) A previous certification period overlaps; or
- (b) The client is not resource eligible for the full base period; or
- (c) The client is not categorically related for the full base period; or
- (d) The client becomes eligible for categorically needy Medicaid.

(2) A client shall not be certified for more than six months.

(3) When countable income is greater than the appropriate medically needy income level (MNIL), the department shall require the client to spenddown the excess countable income for the base period.

(4) The department shall certify a client who is required to spenddown from the day the client meets the spenddown requirement through the last day of the chosen base period when the client has not incurred hospital expenses equal to the spenddown liability.

(5) The department shall certify a client who is required to spenddown from the first day of the (~~month spenddown is met~~) base period when the client has incurred hospital expenses equal to the spenddown liability.

(6) When the client requests retroactive medical coverage at the time of application, (~~the department shall certify a client with spenddown from the day the spenddown requirement was met through the last day of~~) the retroactive period ((which may)) shall begin ((up to)) three months before the application month unless exceptions in subsections (1)(a), (b), (c), or (d) of this section exist. The department shall certify a client with spenddown in a retroactive period effective:

(a) The day the spenddown requirement was met through the last day of the retroactive period when the client has not incurred hospital expenses equal to the spenddown liability; or

(b) The first day of the retroactive period when the client has incurred hospital expenses equal to the spenddown liability.

(7) The department shall require an application for any subsequent period of eligibility for the medically needy program.

WSR 93-17-051

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 91-54—Filed August 13, 1993, 1:38 p.m.]

Continuance of WSR 93-14-004.

Title of Rule: Chapter 173-205 WAC, Whole effluent toxicity testing and limits.

Purpose: To continue adoption date from September 1, 1993, to September 20, 1993.

Date of Intended Adoption: September 20, 1993.

August 10, 1993
Mary Riveland
Director

WSR 93-17-059

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed August 16, 1993, 4:17 p.m.]

Original Notice.

Title of Rule: Relating to brand inspection, chapter 16-620 WAC.

Purpose: Sets livestock brand registration, inspection criteria and fee schedules as per chapter 16.57 RCW, Identification of livestock.

Statutory Authority for Adoption: Chapter 354, Laws of 1993.

Statute Being Implemented: Chapter 354, Laws of 1993.

Summary: A brand renewal/registration fee increase from \$25.00 to \$35.00 for a two-year period is proposed. The actual mileage cost of inspections will be changed to reflect current OFM rates.

Reasons Supporting Proposal: The cost of operating the brand registration program is supported totally by revenues generated through a user fee structure. The brand registration/renewal fees have not been raised in 17 years. Mileage

rates charged should reflect rates paid to inspectors on travel vouchers.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Julie Sandberg, 1111 S.E. Washington, Olympia, WA, (206) 902-1851.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Two days from date of hearing.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rule changes will enable the program to more effectively administer and enforce the chapter through effective cost recovery. Current charges don't cover expenditures necessary for legally required livestock identification.

Proposal Changes the Following Existing Rules: The rule changes clarify a fee increase authorized by the Legislature and update milage rates.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

An evaluation of the Regulatory Fairness Act guidelines for minor and negligible impacts, Appendix A, reflects a \$50.00 exemption for this SIC code. The \$5.00 per year increase is minor.

Hearing Location: Hal Holmes Community Center, 201 North Ruby Street, Ellensburg, WA 98926, on September 22, 1993, at 1:00 p.m.

Submit Written Comments to: Julie Sandberg, P.O. Box 42560, Olympia, WA 98504-2560, by September 22, 1993.

Date of Intended Adoption: October 25, 1993.

August 16, 1993

John Daly

Acting Deputy Director

AMENDATORY SECTION (Amending Order 2059, filed 11/20/90 [11/21/90])

WAC 16-620-270 Actual costs established. For the purpose of these regulations actual costs to the department shall be ten dollars an hour, and ~~((twenty cents per mile))~~ mileage costs at the current OFM rates, Schedule A.

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

NEW SECTION

WAC 16-620-150 Brand registration and renewal fee. The fee for initial registration and subsequent renewal of livestock brands shall be thirty-five dollars for each two-year period of brand ownership.

WSR 93-17-061

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 93-15—Filed August 17, 1993, 8:05 a.m.]

Continuance of WSR 93-12-080.

Title of Rule: Chapter 173-422 WAC, Motor vehicle emission inspection.

Purpose: Continue adoption date from September 1, 1993, to September 21, 1993.

Date of Intended Adoption: September 21, 1993.

August 13, 1993

Mary Riveland

Director

WSR 93-17-064

WITHDRAWAL OF PROPOSED RULES

GAMBLING COMMISSION

(By the Code Reviser's Office)

[Filed August 17, 1993, 8:30 a.m.]

WAC 230-40-120, proposed by the Gambling Commission in WSR 93-04-044, appearing in issue 93-04 of the State Register, which was distributed on February 17, 1993, 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 93-17-065

WITHDRAWAL OF PROPOSED RULES

DEPARTMENT OF FISHERIES

(By the Code Reviser's Office)

[Filed August 17, 1993, 8:31 a.m.]

WAC 220-16-460, 220-56-116, 220-56-220, 220-57-270 and 220-57-400, proposed by the Department of Fisheries in WSR 93-04-096, appearing in issue 93-04 of the State Register, which was distributed on February 17, 1993, 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 93-17-066

WITHDRAWAL OF PROPOSED RULES

STATE BOARD OF EDUCATION

(By the Code Reviser's Office)

[Filed August 17, 1993, 8:32 a.m.]

WAC 180-20-050, proposed by the State Board of Education in WSR 93-04-117, appearing in issue 93-04 of the State Register, which was distributed on February 17, 1993, 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 93-17-067
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION

[Filed August 17, 1993, 8:55 a.m.]

Original Notice.

Title of Rule: WAC 468-38-075 Overlength exemptions and 468-38-100 Escort vehicle requirements.

Purpose: To place administrative policy regarding exemptions for specific overlength vehicles into rule.

Statutory Authority for Adoption: RCW 46.44.090.

Statute Being Implemented: RCW 46.44.090.

Summary: Exempts specific overlength vehicles from signage, curfew, commuter hour, holiday and night movement restrictions due to their near legal size operational characteristics.

Reasons Supporting Proposal: Promotes greater economies for motor carrier industry while providing clear enforcement criteria.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Motor Carrier Services, 664-9497; and Enforcement: Captain Richard F. Randolph, Washington State Patrol, 753-6554.

Name of Proponent: Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Transportation Building, Commission Board Room 1D2, Olympia, Washington 98504, on October 7, 1993, at 10:00 a.m.

Submit Written Comments to: Barry Diseth, Administrator, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, FAX 664-9440, by October 1, 1993.

Date of Intended Adoption: October 7, 1993.

August 16
 S. A. Moon
 Deputy Secretary

NEW SECTION

WAC 468-38-075 Overlength exemptions. Single trailers and/or loads not exceeding fifty-six feet in length, double trailers and/or loads not exceeding sixty-eight feet in length, nonreducible loads (including trailer) not exceeding sixty-one feet in length, and vehicles with front overhangs not exceeding four feet beyond the three foot legal limit set in RCW 46.44.034 (see also bumper criteria in RCW 46.37.517), may move by special motor vehicle permit without regard to oversize load signs (WAC 468-38-190), weekend curfew or holiday restrictions (WAC 468-38-230), commuter traffic restrictions (WAC 468-38-235), or night-time movement restrictions (WAC 468-38-260).

A power unit having tandem drive axles pulling a single trailer and/or load not exceeding fifty-six feet or a nonreducible load not exceeding sixty-one feet is exempt from that portion of the winter road restrictions (WAC 468-38-390) prohibiting movement in areas where any of the following signs are displayed: "Traction tires advised,"

"approved traction tires recommended," "approved traction tires required," or "tire chains required." The signs, however, must be obeyed.

AMENDATORY SECTION (Amending Order 68, filed 11/22/89, effective 12/23/89)

WAC 468-38-100 Escort (~~(ear)~~) vehicle requirements. Escorts (~~(ears)~~) are required when:

(1) (~~When vehicle, vehicles~~) The transporting vehicle(s) or load is over eleven feet (~~in width~~) wide, escort (~~(ears)~~) vehicles (both front and rear) are required on a two-lane highway.

(2) (~~When vehicle, vehicles~~) The transporting vehicle(s) or load is over fourteen feet wide, one escort (~~(ear in)~~) vehicle in rear of the movement is required on multiple-lane highways.

(3) (~~When vehicle, vehicles~~) The transporting vehicle(s) or load is over twenty feet wide, escort (~~(ears)~~) vehicles in both front and rear of the movement, are required when the highway is (~~(*)~~) multiple-lane(~~(-)~~) and undivided (~~(highway)~~).

(4) (~~When~~) The overall length of load, including transporting vehicles, exceeds one hundred feet or when the rear overhang of the load, measured from the last axle, exceeds one-third of the total length, one escort (~~(ear)~~) vehicle at the rear of the movement is required on two-lane highways. The permit may authorize a riding flagperson in lieu of an escort (~~(ear)~~) vehicle.

(5) (~~When~~) The overall length of load, including transporting vehicles, exceeds one hundred forty feet, one rear escort (~~(ear)~~) vehicle is required at the rear of the movement on multiple-lane highways.

(6) (~~When~~) The front overhang of the load, measured from the center of the front driver operated steering axle, exceeds fifteen feet, one escort vehicle is required at the front of the movement on all state highways. In the opinion of the department of transportation, escort (~~(ears)~~) vehicles are necessary to protect the traveling public, for any overdimension and/or overweight move either across, upon, or along a highway.

WSR 93-17-068
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed August 17, 1993, 9:37 a.m.]

Original Notice.

Title of Rule: WAC 314-16-050 Hours of operation.

Purpose: To strengthen the current language by amending to make "physical possession" of alcohol after hours a violation.

Statutory Authority for Adoption: RCW 66.08.030.

Summary: The changes proposed amend the current language to make "physical possession" of liquor after hours a violation, and clarifies that persons working on the premises may, while in the performance of their official duties, possess liquor.

Name of Agency Personnel Responsible for Drafting: Janice Lee Britt, 1025 East Union, Olympia, 586-6701;

Implementation and Enforcement: Gary Gilbert, 1025 East Union, Olympia, 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The current rule addresses hours of operation concerning liquor service. The purpose of the changes proposed are to amend current language to make "physical possession" of alcohol after hours a violation, and to clarify that persons working on the premises in the performance of their official duties may possess liquor without violation. It is anticipated this change will enable local law enforcement and/or liquor control agents to make after-hours consumption cases easier to prove.

Proposal Changes the Following Existing Rules: The changes would amend the current rule to include the addition of "physical possession" of liquor after hours as a violation; and include the clarification that persons working on the premises may, while in the performance of their official duties, possess liquor.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Liquor Control Board, 1025 East Union, 5th Floor Board Room, Olympia, WA 98504, on September 22, 1993, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Public Information Officer, P.O. Box 43080, Olympia, WA 98504-3080, by September 21, 1993.

Date of Intended Adoption: September 22, 1993.

August 17, 1993

Paula O'Connor

Chairman

AMENDATORY SECTION (Amending Order 53, filed 2/15/77 and 2/16/77, effective 3/18/77)

WAC 314-16-050 Hours of operation. (1) No retail licensee, or employee thereof, shall sell, deliver, offer for sale, serve or allow to be consumed upon the licensed premises any liquor, nor permit the physical possession of any liquor, nor permit the removal of any liquor from the licensed premises in any manner (~~whatsoever~~) whatever between the hours of ((2)) 2:00 a.m. and ((6)) 6:00 a.m., except on New Year's Day when the hour of closing shall not be later than ((3)) 3:00 a.m., however, persons working on the premises may, while in the performance of their official duties possess liquor.

(2) Any municipality may fix later opening hours or earlier closing hours than those specified in this rule(~~≠ Provided, however, That~~), however, such later opening hours or earlier closing hours shall apply to all licensed premises.

WSR 93-17-069

PROPOSED RULES

LIQUOR CONTROL BOARD

[Filed August 17, 1993, 9:39 a.m.]

Original Notice.

Title of Rule: WAC 314-16-150 No sale of liquor to minors, intoxicated persons, interdicted persons, etc.

Purpose: To strengthen the current language to include the "physical possession" of liquor by apparently intoxicated persons as a violation.

Statutory Authority for Adoption: RCW 66.08.030.

Summary: The change proposed would make physical possession of liquor by an apparently intoxicated person in a liquor licensed establishment a violation.

Name of Agency Personnel Responsible for Drafting: Janice Lee Britt, 1025 East Union, Olympia, 586-6701; Implementation and Enforcement: Gary Gilbert, 1025 East Union, Olympia, 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The current rule prohibits, in part, sale of liquor to and consumption of liquor by apparently intoxicated persons. The purpose of the change proposed is to amend current language to include the physical possession of liquor by such persons as a violation. The current language includes "allowing to consume" as a violation; this proposal would add "physically possess." This change will enable local law enforcement and/or liquor control agents to better control the problem of overservice of liquor.

Proposal Changes the Following Existing Rules: The change would amend the current rule to include "allowing to possess liquor" by apparently intoxicated persons as a violation.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Liquor Control Board, 1025 East Union, 5th Floor Board Room, Olympia, WA 98504, on September 22, 1993, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Public Information Office P.O. Box 43080, Olympia, WA 98504-3080, by September 21, 1993.

Date of Intended Adoption: September 22, 1993.

August 17, 1993

Paula O'Connor

Chairman

AMENDATORY SECTION (Amending Rule 30, filed 6/13/63)

WAC 314-16-150 No sale of liquor to minors, intoxicated persons, interdicted persons, etc. No retail licensee shall give or otherwise supply liquor to any person under the age of ((21)) twenty-one years, either for his own use or for the use of his parent or of any other person; or to any person apparently under the influence of liquor; or to any interdicted person (habitual drunkard); nor shall any licensee or employee thereof permit any person under the said age or in said condition or classification to consume liquor on his premises, or permit any person under said condition to physically possess liquor on the premises, or on any premises adjacent thereto and under his control, except where liquor is administered to such person by his physician or dentist for medicinal purposes.

WSR 93-17-070
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed August 17, 1993, 9:41 a.m.]

WSR 93-17-071
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed August 17, 1993, 9:44 a.m.]

Original Notice.

Title of Rule: WAC 314-12-142 Retailers may apply for brewery or winery license under limited conditions.

Purpose: To permit a retailer to start a brewery or winery at the retail location.

Statutory Authority for Adoption: RCW 66.08.030.

Summary: The 1992 legislature amended RCW 66.28.010 to allow breweries and wineries to apply for additional retail license classes. This new language would permit a retailer to start a brewery or winery at the retail location, which to date has been prohibited.

Name of Agency Personnel Responsible for Drafting: Janice Lee Britt, 1025 East Union, 586-6701; Implementation and Enforcement: Gary Gilbert, 1025 East Union, 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The 1992 Legislature amended RCW 66.28.010 to allow breweries and wineries to apply for additional retail license classes. It has been prohibited for a retailer to start a brewery or winery at the retail location. Legal staff has advised that as a practical consideration, there seems little reason to prohibit a retail licensee from applying for such a license, and advised that an interpretative rule is in order. The proposed language would permit a retail licensee to apply for a brewery/winery license.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Liquor Control Board, 1025 East Union, 5th Floor Board Room, Olympia, WA 98504, on September 22, 1993, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Public Information Officer, P.O. Box 43080, Olympia, WA 98504-3080, by September 21, 1993.

Date of Intended Adoption: September 22, 1993.

August 17, 1993
 Paula O'Connor
 Chairman

NEW SECTION

WAC 314-12-142 Retailers may apply for brewery or winery license under limited conditions. The holder of a current retail A, B, C, or H license is authorized to apply for a B1-Brewery license and/or a W1 Domestic Winery license; PROVIDED the brewery's and/or winery's primary manufacturing facility is located on the property of the retail licensed premises or on property owned by the retail licensee and immediately contiguous to the retail licensed premises.

Original Notice.

Title of Rule: WAC 314-38-050 Class 4 permit—Purpose—Use.

Purpose: To keep the intent of the Class 4 permit consistent with legislation and to prevent the permit holders from competing with license holders.

Statutory Authority for Adoption: RCW 66.08.030.

Summary: Recently, a number of otherwise unlicensed motels have been using the Class 4 permit to host a "social hour" with their guests. The proposed language is to keep the intent of the Class 4 permit consistent with legislation, and to prevent permit holders from competing with license holders.

Name of Agency Personnel Responsible for Drafting: Janice Lee Britt, 1025 East Union, Olympia, 586-6701; Implementation and Enforcement: Gary Gilbert, 1025 East Union, Olympia, 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Class 4 permit, authorized by RCW 66.20.010(4), allows for the consumption of liquor products in private businesses and is not to compete with liquor licensed establishments. The purpose of the proposed language is to keep the intent of the Class 4 permit consistent with legislation, and to prevent permit holders from competing with license holders. Recently a number of otherwise unlicensed motels have been using the Class 4 permit to host a "social hour" with guests. It is anticipated the proposed language will guide liquor control agents and permit holders in the proper use of the Class 4 permit.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Liquor Control Board, 1025 East Union, 5th Floor Board Room, Olympia, WA 98504, on September 22, 1993, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Public Information Office, P.O. Box 43080, Olympia, WA 98504-3080, by September 21, 1993.

Date of Intended Adoption: September 22, 1993.

August 17, 1993
 Paula O'Connor
 Chairman

NEW SECTION

WAC 314-38-050 Class 4 Permit—Purpose—Use (1) The purpose of a Class 4 Permit as authorized by RCW 66.20.010(4) is to (a) allow for the consumption of liquor products in private businesses and (b) not to compete with liquor licensed establishments.

(2) All liquor served by holders of a class 4 permit must be purchased at retail from the Board or a retail liquor licensee.

(3) Liquor may not be sold by holders of a class 4 permit, but may be provided at no charge for consumption on the premises of the permit holder.

(4) The holder of a class 4 permit may serve liquor for no more than 24 hours during any weekly (168 hour) period.

(5) While the class 4 permit holder may advertise their business services, no liquor service shall be advertised.

WSR 93-17-072
PROPOSED RULES
BOARD OF ACCOUNTANCY
[Filed August 17, 1993, 10:35 a.m.]

Original Notice.

Title of Rule: WAC 4-25-722 CPA examination—Content and administration.

Purpose: To specify content for the 1994 CPA exam revisions.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.105.

Summary: Specifies content for the 1994 CPA exam revisions; allows for use of calculators during the CPA examination.

Reasons Supporting Proposal: Effective May 1994, the CPA examination format will change.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carey L. Rader, Executive Director, 210 East Union, Suite H, (206) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The content of the CPA examination will change effective May 1994. This rule identifies the content of the exam; notifies candidates that writing skills will be tested, and sets the specifics for the use of calculators during the exam.

Proposal does not change existing rules.

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on September 23, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, by September 23, 1993.

Date of Intended Adoption: September 24, 1993.

August 16, 1993

Carey L. Rader
Executive Director

NEW SECTION

WAC 4-25-722 CPA examination—Content and administration. The following provisions take effect May 1, 1994.

(1) **Content.** The CPA examination will include sections on:

(a) Financial accounting and reporting for business enterprises;

(b) Accounting and reporting (including but not limited to taxes, cost accounting, and non profit entity accounting);

(c) Business law and professional responsibilities; and
(d) Auditing.

(2) **Writing skills.** The board will award a percentage of the total grading points available based on writing skills for the business law and professional responsibilities, auditing, and financial accounting and reporting for business enterprises sections. Grading points awarded for writing skills will be included within the overall grade reported to the examination candidate for each of the three sections.

(3) **Use of calculators.** The board will issue calculators to candidates for use on the financial accounting and reporting for business enterprises and the accounting and reporting sections. Board issued calculators will remain board property. Board employees will collect calculators after exam sessions. In the interests of exam security and fairness, a candidate may only use a calculator issued by the board. The board may allow a candidate to use a calculator not issued by the board only if necessary to comply with state or federal accommodation requirements and only if the board believes the substituted calculator will not breach exam security.

WSR 93-17-073
PROPOSED RULES
BOARD OF ACCOUNTANCY
[Filed August 17, 1993, 10:38 a.m.]

Original Notice.

Title of Rule: WAC 4-25-750 Firm license.

Purpose: General housekeeping, reorganizes WAC section numbering. Also removes insurance requirement. (Previous cite WAC 4-25-220.)

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055(10).

Summary: Renumbers section. Part of a complete agency rules recodification. Eliminates a requirement for CPA firms organized as corporations to maintain liability insurance or equivalent joint and several guarantee between shareholders.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Carey L. Rader, Executive Director, 210 East Union, Suite H, (206) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule sets registration requirement for CPA firms. The change to eliminate the requirement for CPA firms organized as corporations to maintain liability insurance or equivalent joint and several guarantee between shareholders is proposed to remove a regulatory cost that does not appear equitable or justified by benefit to the public. CPA firms organized as proprietorships or partnerships do not have a similar requirement.

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

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on September 23, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, by September 23, 1993.

Date of Intended Adoption: September 24, 1993.

August 16, 1993
 Carey L. Rader
 Executive Director

NEW SECTION

WAC 4-25-750 Firm license. A licensee may practice public accountancy only in a proprietorship, a partnership or a professional corporation meeting the requirements of the act.

(1) A CPA firm shall apply to the board for a license to practice public accountancy within ninety days of formation. A CPA firm shall apply for renewal of its license no later than sixty days prior to expiration of the firm's current license. The board will not accept a firm license renewal application unless it is accompanied by all applicable renewal and late filing fees.

(2) Applications shall include the firm name; addresses and telephone numbers of the main office and any branch offices of the firm; the name of the manager of each branch office; owners' names and the states in which they hold CPA licenses; names of corporate shareholders, directors, and officers; and, in the case of corporations, a certified copy of the articles of incorporation and bylaws.

(3) Firm licenses expire on June 30 of every other year.

(4) A CPA firm shall file with the board a written notification of any of the following events within ninety days after its occurrence:

- (a) Formation or dissolution of a CPA firm;
- (b) Admission of an owner;
- (c) Retirement or death of an owner;
- (d) Any change in the name of the firm;
- (e) Change in the management of any branch office;
- (f) Opening, closing, or relocating of a branch office;

and
 (g) The occurrence of any event that would cause the firm to be in violation of the provisions of the act or these rules.

A change in the legal form of a firm constitutes a new firm. Accordingly the new firm shall within ninety days of the change file an application for a firm license and pay the applicable fee.

WSR 93-17-074
PROPOSED RULES
BOARD OF ACCOUNTANCY
 [Filed August 17, 1993, 10:40 a.m.]

Original Notice.

Title of Rule: WAC 4-25-080 Commissions, referral fees, and contingent fees.

Purpose: General housekeeping, eliminates portions of rule which are being recodified.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055(2).

Summary: Part of a complete agency rules recodification. This amendment deletes portions of the rule which are being recodified.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carey L. Rader, Executive Director, 210 East Union, Suite H, (206) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Part of a complete agency rules recodification, general housekeeping. The portions of the rule which are being eliminated are being recodified elsewhere. The portion of the rule which remains is unchanged.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on September 23, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, by September 23, 1993.

Date of Intended Adoption: September 24, 1993.

August 16, 1993
 Carey L. Rader
 Executive Director

AMENDATORY SECTION (Amending Order ACB 104, filed 10/10/83)

WAC 4-25-080 (~~Rules of conduct—Independence, integrity, and objectivity.~~) **Commissions, referral fees, and contingent fees.** (~~A licensee shall not express an opinion on financial statements of an enterprise in such a manner as to imply that he is acting as an independent public accountant with respect thereto unless he is independent with respect to such enterprise. Independence will be considered to be impaired if, for example:~~

(1) During the period of his professional engagement, or at the time of expressing his opinion, the licensee:

(a)(i) Had or was committed to acquire any direct or material indirect financial interest in the enterprise; or

(ii) Was a trustee of any trust or executor or administrator of any estate if such trust or estate had or was committed to acquire any direct or material indirect financial interest in the enterprise; or

(b) Had any joint closely held business investment with the enterprise or any officer, director, or principal stockholder thereof which was material in relation to the net worth of either the licensee or the enterprise; or

(c) Had any loan to or from the enterprise or any officer, director, or principal stockholder thereof other than loans of the following kinds made by a financial institution under normal lending procedures, terms and requirements:

(i) Loans obtained by the licensee which are not material in relation to the net worth of the borrower;

(ii) Home mortgages; and

(iii) Other secured loans, except those secured solely by a guarantee of the licensee.

~~(2) During the period covered by the financial statements, during the period of the professional engagement or at the time of expressing an opinion, the licensee:~~

~~(a) Was connected with the enterprise as a promoter, underwriter, or voting trustee, a director or officer or in any capacity equivalent to that of a member of management or of an employee; or~~

~~(b) Was a trustee for any pension or profit sharing trust of the enterprise.~~

~~The foregoing examples are not intended to be all inclusive.~~

~~A licensee shall not in the performance of professional services knowingly misrepresent facts, nor subordinate his judgment to others. In tax practice, however, a licensee may resolve doubt in favor of his client as long as there is reasonable support for his position.)~~

A licensee shall not pay a commission to obtain a client, nor accept a commission for a referral to a client of products or services of others. This rule does not prohibit payments for the purchase of all, or a material part, of an accounting practice, or retirement payments to persons formerly engaged in the practice of public accountancy, or payments to the heirs or estates of such persons.

A licensee shall not offer or perform professional services for a fee which is contingent upon the findings or results of such services: *Provided however*, That this rule does not apply to professional services involving federal, state, or other taxes in which the findings are those of the tax authorities and not those of the licensee, nor does it apply to professional services for which the fees are to be fixed by courts or other public authorities, and which are therefore indeterminate in amount at the time the professional services are undertaken.

~~((A licensee shall not concurrently engage in the practice of public accountancy and in any other business or occupation which impairs his independence or objectivity in rendering professional services.))~~

WSR 93-17-075
PROPOSED RULES
BOARD OF ACCOUNTANCY
 [Filed August 17, 1993, 10:44 a.m.]

Original Notice.

Title of Rule: WAC 4-25-060 Code of professional conduct; 4-25-100 Competence and technical standards; 4-25-120 Responsibilities to clients; 4-25-130 Other responsibilities and practices; and 4-25-220 Permit to practice—Firms.

Purpose: Repeal.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055 (2), (3), (8), (10).

Summary: Repeal sections of chapter 4-25 WAC that are being recodified.

Reasons Supporting Proposal: Sections of chapter 4-25 WAC being repealed are recodified to improve referencing.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carey L. Rader, Executive Director, 210 East Union, Suite H, (206) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 4-25 WAC sections repealed are recodified to new sections.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on September 23, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, by September 23, 1993.

Date of Intended Adoption: September 24, 1993.

August 16, 1993

Carey L. Rader
 Executive Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

4-25-060	Code of professional conduct.
4-25-100	Competence and technical standards.
4-25-120	Responsibilities to clients.
4-25-130	Other responsibilities and practices.
4-25-220	Permit to practice—Firms.

WSR 93-17-076
PROPOSED RULES
BOARD OF ACCOUNTANCY
 [Filed August 17, 1993, 10:47 a.m.]

Original Notice.

Title of Rule: WAC 4-25-600 Rules of professional conduct—Preamble; 4-25-610 Principles of conduct; 4-25-620 Integrity and objectivity; 4-25-622 Independence; 4-25-630 Competence; 4-25-631 Compliance with standards; 4-25-640 Clients' confidential information; 4-25-650 Acts discreditable; 4-25-660 Advertising and other forms of solicitation; 4-25-661 Improper CPA firm names; and 4-25-662 Use of CPA title.

Purpose: General housekeeping, reorganizes WAC sections numbering.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055 (2), (3).

Summary: Renumbers and reorganizes sections. Part of a complete agency rules recodification.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carey L. Rader, Executive Director, 210 East Union, Suite H, (206) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 4-25-600 Rules of professional conduct—Preamble: Imposes a duty to act responsibly on all CPAs,

introduces principles of, and rules for, conduct as a CPA, and introduces the "600" series. (Replaces WAC 4-25-060); WAC 4-25-610 Principles of conduct: Lists professional demeanor, public interest, integrity, objectivity, and due care in complying with laws and standards as principles to be followed by CPAs; WAC 4-25-620 Integrity and objectivity. Requires a CPA to be honest, objective, free of conflicts of interest. Prohibits a CPA from misrepresenting facts or subordinating professional judgment to others; WAC 4-25-622 Independence. Requires a CPA to be independent when providing audit or review engagement services or compilation services when the CPA's report does not disclose a lack of independence. Provides specific examples of impaired independence. (Replaces WAC 4-25-080, in part); WAC 4-25-630 Competence. Permits a CPA to accept engagements only if he/she can reasonably expect to perform competently under laws and professional standards. (Replaces WAC 4-25-100 in part); WAC 4-25-631 Compliance with standards. Sets forth a listing of professional standards (not all inclusive) to be followed by CPAs. (Replaces WAC 4-25-100 in part; WAC 4-25-640 Clients' confidential information. Continues the restriction against CPAs' unauthorized disclosures of client confidential information (parallel to RCW 18.04.405). (Replaces WAC 4-25-120, in part); WAC 4-25-650 Acts discreditable. Continues restriction against a CPA committing acts that reflect adversely on his/her fitness to represent himself/herself as a CPA. (Replaces WAC 4-25-130, in part); WAC 4-25-660 Advertising and other forms of solicitation. Continues the prohibition against CPAs using false, fraudulent, misleading, deceptive or unfair claims in communications. (Replaces WAC 4-25-130, in part); WAC 4-25-661 Improper CPA firm names. Continues the prohibition against firm names that are misleading as to legal form of practice or ownership or that imply associations of licensees that do not in fact exist. (Replaces WAC 4-25-030, in part); and WAC 4-25-662 Use of CPA title. Applies the concept of "holding out" to differentiate between CPAs engaged in the practice of public accountancy and CPAs engaged in other than public practice. Provides specific examples of activities that do, or do not, constitute "holding out."

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

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on September 23, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, by September 23, 1993.

Date of Intended Adoption: September 24, 1993.

August 16, 1993

Carey L. Rader
Executive Director

NEW SECTION

WAC 4-25-600 Rules of professional conduct—Preamble. The rules of professional conduct are intended to provide guidance to all persons using the CPA title in the performance of their professional responsibilities. Compli-

ance with the rules of professional conduct is the responsibility of all CPAs. This responsibility is met by understanding and voluntary actions, reinforcement by peers and public opinion, and ultimately through disciplinary proceedings, when necessary, against CPAs who fail to comply with the rules.

Acceptance of the right and responsibility to use the CPA title includes acceptance of a duty to comply with the rules of professional conduct.

The rules of professional conduct consist of both principles and specific rules. Principles are set forth in WAC 4-25-610 and comprise the framework for the rules of professional conduct. Specific rules are set forth in WAC 4-25-620 through 4-25-699. In the interpretation and enforcement of the rules of professional conduct consideration will be given to codes of other regulatory bodies, where applicable, and codes, interpretations and rulings of appropriate bodies within the profession, standards established by the profession and to any other information which is deemed pertinent to achieving compliance with the rules of professional conduct.

The rules of professional conduct apply to all persons using the CPA title and, specifically, to CPAs in the practice of public accounting as defined in RCW 18.04.025(5), except that a CPA who is engaged in the practice of public accountancy outside the United States will not be subject to discipline by the board for departing, with respect to such foreign practice, from the rules of professional conduct, so long as the CPA's conduct is in accordance with the standards of professional conduct applicable to the practice of public accountancy in the country in which the CPA is practicing. However, even in such a case, if a CPA's name is associated with financial statements under circumstances that would entitle the reader to assume that United States practices are followed, the CPA will be expected to comply with the rules of professional conduct.

NEW SECTION

WAC 4-25-610 Principles of conduct. The principles of conduct are as follows:

Professional demeanor - In carrying out their responsibilities, professional persons using the CPA title shall exercise sensitive professional judgments in all their activities.

The public interest - Persons using the CPA title shall accept the obligation to act in a way that will serve the public interest, honor the public trust, and demonstrate commitment to professionalism.

Integrity - To maintain and broaden public confidence persons using the CPA title shall perform all professional responsibilities with the highest sense of honesty.

Objectivity - Objectivity is to be maintained by persons using the CPA title. Specifically, persons using the CPA title shall:

(1) Avoid rendering professional services where actual or perceived conflicts of interest exist;

(2) Be independent in fact and appearance when providing auditing or other attestation services.

Due care - Persons using the CPA title shall comply with state law and the profession's technical and ethical standards, maintain competence and strive to improve the

quality of services, and discharge professional responsibility to the best of the CPA's ability.

NEW SECTION

WAC 4-25-620 Integrity and objectivity. In the performance of professional services a person using the CPA title shall be honest, objective, free of conflicts of interest unless such conflicts are specifically permitted by board rule or professional standards, and shall not misrepresent facts or subordinate his or her judgment to others.

NEW SECTION

WAC 4-25-622 Independence. (1) A CPA in public practice must be independent in the performance of the following:

- (a) An audit or review of a financial statement; or
 - (b) A compilation of a financial statement when the CPA's report does not disclose a lack of independence; or
 - (c) An examination of prospective financial information.
- (2) Independence shall be considered to be impaired if, for example, there existed any of the following transactions, interests or relationships in connection with reporting on financial statements:
- (a) During the period of a professional engagement, or at the time of expressing an opinion, a CPA or a CPA's firm:

- (i) Had or was committed to acquire any direct or material indirect financial interest in the enterprise.

- (ii) Was a trustee of any trust or executor or administrator of any estate if such trust or estate had or was committed to acquire any direct or material indirect financial interest in the enterprise.

- (iii) Had any joint closely-held business investment with the enterprise or with any officer, director, or principal stockholder thereof which was material in relation to the CPA's net worth or the net worth of the CPA's firm.

- (iv) Had any loan to or from the enterprise or any officer, director, or principal stockholder of the enterprise except under certain circumstances for home mortgages, other secured loans, loans not material to the CPA's net worth, and various personal loans.

(b) During the period covered by the financial statements, during the period of the professional engagement or at the time of expressing an opinion, the CPA or a CPA's firm:

- (i) Was connected with the enterprise as a promoter, underwriter, or voting trustee, a director or officer or in any capacity equivalent to that of a member of management or of an employee; or

- (ii) Was a trustee for any pension or profit-sharing trust of the enterprise.

The foregoing examples are not intended to be all inclusive.

NEW SECTION

WAC 4-25-630 Competence. A certified public accountant shall not undertake any endeavor for the performance of services as a certified public accountant that he or she cannot reasonably expect to complete with professional competence.

NEW SECTION

WAC 4-25-631 Compliance with standards. A certified public accountant shall exercise due care and professional judgment in order to comply with the pertinent accounting principles, professional standards, regulations, releases and rules (hereinafter referred to as "standards") promulgated by the "appropriate bodies" for each endeavor undertaken. A certified public accountant shall be knowledgeable of federal, state and local law pertinent to the endeavor.

Such "appropriate bodies" include, but are not limited to, the Securities and Exchange Commission; the Financial Accounting Standards Board; the Governmental Accounting Standards Board; the American Institute of Certified Public Accountants; the Internal Revenue Service; federal, state, and local audit, regulatory and tax agencies; and recognized educational and industry institutions.

Such "standards" include, but are not limited to:

- Regulation SX and the accounting series releases of the Securities and Exchange Commission;

- Generally accepted accounting principles and other comprehensive bases of accounting;

- Generally accepted auditing, review, compilation, attestation, consulting and peer review standards;

- Generally accepted government accounting standards;

- Consensus opinions of "appropriate bodies" Emerging Issues Task Forces;

- Circular 230 of the IRS and "appropriate bodies" guidance with respect to responsibilities in tax practice;

- Rules governing practice before regulatory agencies; and

- Guidance found in industry publications and textbooks and articles published by recognized accounting professionals or societies.

NEW SECTION

WAC 4-25-640 Clients' confidential information. (1) **Confidential client communication.** The term "client" as used throughout this section shall include a former, current, or prospective client.

A licensee or any partner, officer, shareholder or employee of a licensee shall not without the consent of the client or the heirs, successors or personal representatives of the client disclose any confidential communication or information pertaining to the client obtained in the course of performing professional services.

This rule does not:

- (a) Affect in any way a licensee's obligation to comply with a validly issued subpoena or summons enforceable by order of a court; or

- (b) Prohibit disclosures in the course of a quality review of a licensee's professional services; or

- (c) Preclude a licensee from responding to any inquiry made by the board or any investigative or disciplinary body established by law or formally recognized by the board. However, a licensee or any partner, officer, shareholder or employee of a licensee shall not disclose or use to their own advantage any confidential client information that comes to their attention in carrying out their official responsibilities.

(2) **Client records.** A licensee shall furnish to his or her client or heirs, successors or personal representatives, upon request and reasonable notice:

(a) A copy of the licensee's working papers, to the extent that such working papers include records that would ordinarily constitute part of the client's records and are not otherwise available to the client; and

(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client, that the licensee removed from the client's premises or received for the client's account; but the licensee may make and retain copies of such documents of the client when they form the basis for work done by the licensee.

NEW SECTION

WAC 4-25-650 Acts discreditable. A person using the CPA title shall not commit, or allow others to commit in the CPA's name, any act that reflects adversely on the CPA's fitness to represent himself or herself as a CPA.

A person using the CPA title shall not seek to obtain clients by the use of coercion, intimidation or harassing conduct.

A person using the CPA title shall not permit others to carry out on his or her behalf, either with or without compensation, acts which, if carried out by the CPA, would place the CPA in violation of the rules of conduct.

NEW SECTION

WAC 4-25-660 Advertising and other forms of solicitation. A person using the CPA title shall not use or participate in the use of any form of communication having reference to the CPA's professional services which contains a false, fraudulent, misleading, deceptive or unfair statement or claim. A false, fraudulent, misleading, deceptive or unfair statement or claim includes but is not limited to a statement or claim which:

- (1) Contains a misrepresentation of fact; or
- (2) Is likely to mislead or deceive because it fails to make full disclosure of relevant facts; or
- (3) Contains any testimonial, laudatory, or other statement or implication that the licensee's professional services are of exceptional quality, if not supported by verifiable facts; or
- (4) Is intended or likely to create false or unjustified expectations of favorable results; or
- (5) Implies educational or professional attainments or licensing recognition not supported in fact; or
- (6) Represents that professional services can or will be competently performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables that may reasonably be expected to effect the fees that will in fact be charged; or
- (7) Contains any other representations that are likely to mislead or deceive a reasonable person.

NEW SECTION

WAC 4-25-661 Improper CPA firm names. A firm name is misleading, and thus prohibited if, among other things:

(1) The firm name implies the existence of a corporation when the firm is not a corporation (as by the use of the abbreviations "P.C.," "P.S.," or "Inc. P.S.");

(2) The firm name implies existence of a partnership when there is not a partnership (as in "Smith & Jones, CPA's");

(3) The firm name includes the name of a person who is neither a present nor a past partner or shareholder of the firm; or

(4) The firm name includes the designation "and Associates," "and Assoc.," "and Company," or "& Co." when there are not in fact at least two partners or employees who hold a license to practice public accounting.

A fictitious firm name (that is, one not consisting of the names of one or more present or former partners or shareholders) may not be used by a licensee in the practice of public accounting unless such name has been registered with and approved by the board as not being false or misleading.

NEW SECTION

WAC 4-25-662 Use of CPA title. Chapter 18.04 RCW, the Public Accountancy Act, permits licensed CPAs and licensed CPA firms to use the CPA title in the practice of public accountancy. The act also permits individuals who hold valid CPA certificates to use the CPA title other than for the practice of public accountancy. The concept of "holding out" is used in the Public Accountancy Act and board rules to identify actions that require an individual or firm to maintain a valid license to practice public accountancy.

(1) Elements of "holding out." A person or firm representing itself as a CPA to an existing or potential client or customer and offering to provide, or providing, one or more public accounting services including but not limited to: Financial statement reports; tax planning; tax return preparation; estate planning or other financial planning; management advisory services; litigation support; expert testimony; or other services based on accounting or auditing skills.

(2) Application of "holding out."

(a) A CPA or CPA firm must have a valid Washington license to "hold out" as a CPA, unless such person or firm is temporarily providing services in this state incidental to a properly licensed out-of-state CPA practice.

(b) A CPA may only "hold out" as a CPA while employed in a CPA firm.

(c) An attorney who also holds a CPA certificate may not "hold out" as a CPA without obtaining a CPA license.

(d) An attorney who holds a valid CPA certificate (that is, who has complied with certificate renewal and CPA continuing professional education requirements) may use the title CPA, without obtaining a CPA license, while employed in a law practice as long as the attorney/CPA provides services customarily provided by law firms and does not offer services specifically requiring a CPA license (may not issue reports on financial statements).

(e) A CPA employed in the financial services industry (such as securities sales, insurance sales, or financial

planning) may not use the CPA title if the CPA employee offers services defined by the practice of public accounting including, but not limited to, tax planning, estate planning or other forms of financial planning.

(f) The holder of a valid Washington CPA certificate may use the CPA designation during the course of governmental, private industry, educational, or other employment not involving the practice of public accounting provided he or she has complied with certificate renewal and continuing professional education requirements. Such use of the CPA title is not "holding out."

WSR 93-17-077
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed August 17, 1993, 10:56 a.m.]

Original Notice.

Title of Rule: WAC 180-87-001 Sunset provision.

Purpose: To repeal the sunset provision of chapter 180-87 WAC, the code of unprofessional conduct in order to continue to administer the chapter.

Other Identifying Information: See above.

Statutory Authority for Adoption: RCW 28A.410.010.

Statute Being Implemented: RCW 28A.410.010.

Summary: See above.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Richard M. Wilson, Old Capitol Building, (206) 753-2298.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Yakima Nation Cultural Center, Highway 97, Toppenish, Washington 98948, (509) 865-2800, on September 23, 1993, at 9 a.m.

Submit Written Comments to: Dr. Monica Schmidt, Executive Director, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, by September 21, 1993.

Date of Intended Adoption: September 24, 1993.

August 12, 1993

Dr. Monica Schmidt
Executive Director/Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-87-001 Sunset provision.

WSR 93-17-078
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed August 17, 1993, 10:57 a.m.]

Original Notice.

Title of Rule: WAC 180-33-042 Replacement option.

Purpose: As drafted, this revision would bring WAC 180-33-042 into compliance with the legislative directive to adopt amendments to the regulations concerning new and new-in-lieu of modernization funding for school construction projects.

Statutory Authority for Adoption: RCW 28A.525.020.

Statute Being Implemented: Section 708(5), chapter 22, Laws of 1993 1st sp.s.

Summary: In the 1993 legislative session, as part of the state capital budget, the State Board of Education was directed to adopt amendments to its regulations concerning new and new-in-lieu of modernization funding for school modernization projects. These amendments are specified to all applicable projects approved after July 1, 1993.

Reasons Supporting Proposal: Rules are being adopted at the direction of legislature and to allow agency access to the budget appropriation.

Name of Agency Personnel Responsible for Drafting: Rick Wilson, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-2298; Implementation: David Moberly, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-6742; and Enforcement: Michael Roberts, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-6702.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 180-33-042 sets the criteria for which a school district may replace an existing facility through new construction in lieu of modernization and receive state assistance. The significant policy adjustment in this amendment is that the school districts will be prohibited from receiving state assistance for a period of ten years if a facility is returned to district instructional purposes after it had been certified that such space would not be used in the future for this purpose.

Proposal Changes the Following Existing Rules: The amendment to WAC 180-33-042 Replacement option further conditions those situations for which a district may or may not receive state assistance for school construction/modernization.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Yakima Nation Cultural Center, Highway 97, Toppenish, Washington 98948, (509) 865-2800, on September 23, 1993, at 9 a.m.

Submit Written Comments to: Monica Schmidt, State Board of Education, P.O. Box 47200, Olympia, WA 98504-7200, by September 21, 1993.

Date of Intended Adoption: September 24, 1993.

August 16, 1993
Dr. Monica Schmidt
Executive Director/Secretary

AMENDATORY SECTION (Amending Order 8-85, filed 4/17/85)

WAC 180-33-042 Replacement option. A district with space eligible for modernization pursuant to WAC 180-33-015 and 180-33-025 may elect to replace such space through new construction in lieu of modernization. In such case, the district shall apply for a new school facility in accordance with applicable rules and regulations pertaining to new school plant facilities and the local board shall certify that after the new construction is finally completed:

(1) The existing building or space to be replaced will not be used for district instructional purposes; and

(2) The existing building or space will be ineligible for any future state financial assistance.

Further, if the existing building or space is subsequently returned by the district to instructional purposes in whole or in part, the district shall become ineligible for any state construction financial assistance for a period of ten years from the date that the executive director or the chief executive officer of the state board notifies the board during the course of an open public meeting or sends written notice to members of the board of the return of the building in whole or in part to instructional purposes. Except as otherwise provided in WAC 180-33-043, districts exercising this election shall be limited in state assistance to the provision of WAC 180-33-040. In the event the district elects to replace a facility and construct a new facility with more space than the facility being replaced, the additional space, in order to be eligible for state assistance shall meet the eligibility requirements for new construction or the new construction component requirement of WAC 180-33-015 (1)(c): *Provided*, That no new construction in lieu of modernization project may qualify for additional state assistance pursuant to WAC 180-27-115 unless the facility being replaced would have qualified pursuant to such section for additional state assistance as a modernization project.

**WSR 93-17-079
PROPOSED RULES
STATE BOARD OF EDUCATION**
[Filed August 17, 1993, 10:58 a.m.]

Original Notice.

Title of Rule: WAC 180-27-115 Support level—Additional assistance.

Purpose: The amendments to this WAC would define those situations and procedures that would provide additional state financial assistance to school construction/modernization projects over and above the current statutory match rate.

Statutory Authority for Adoption: RCW 28A.525.020.

Statute Being Implemented: RCW 28A.525.166(4).

Summary: This reduces the types of situations that qualify for additional state assistance for school construction/modernization.

Reasons Supporting Proposal: Current and anticipated funding shortfalls for regular construction assistance cause a need to reduce expenditures for special situations to provide more support for the regular program.

Name of Agency Personnel Responsible for Drafting: Rick Wilson, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-2298; Implementation: David Moberly, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-6742; and Enforcement: Michael Roberts, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-6702.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendments are proposed to reduce the exposure of the state to have to make additional funding allocations to certain types of school construction/modernization projects.

Proposal Changes the Following Existing Rules: Reduces the number of situations where districts could qualify for additional state assistance for school construction or modernization and revises the formula for additional state assistance provided for improving racial balance in school districts.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Yakima Nation Cultural Center, Highway 97, Toppenish, Washington 98948, (509) 865-2800, on September 23, 1993, at 9 a.m.

Submit Written Comments to: Dr. Monica Schmidt, Executive Director, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, by September 21, 1993.

Date of Intended Adoption: September 24, 1993.

August 16, 1993
Dr. Monica Schmidt
Executive Director/Secretary

AMENDATORY SECTION (Amending WSR 91-12-059, filed 6/5/91, effective 7/6/91)

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

(1) A school facility subject to abatement and an order to vacate.

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

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

~~(2) Loss of building by fire.~~

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

~~(3) Facilities for handicapped children.~~

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

~~(4) Vocational technical facilities.~~

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

~~(5))): *Provided*, That at any time thereafter when the state board of education finds that the capital financial position of such district has improved, the amount of the additional allocation provided pursuant to this subsection shall be recovered by deducting an amount equal to all or a portion of such additional allocation from any future state school facility construction funds which might otherwise be provided to such district.~~

~~(2) Interdistrict cooperative centers.~~

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

- ~~(a) Provides educational opportunities, including vocational skills programs, not otherwise provided; or~~
- ~~(b) Avoids unnecessary duplication of specialized or unusually expensive educational programs or facilities(~~(~~~~

~~(e) Improves racial balance within and among participating districts)).~~

~~((6)) (3) School housing emergency.~~

~~A school district found by the state board of education to have a school housing emergency requiring an allocation of state moneys in excess of the amount allocable under the statutory formula may be considered for an additional allocation of moneys: *Provided*, That the school district must have authorized the issuance of bonds to its legal capacity to meet the statutory and state board of education fiscal requirements for state assistance in providing school facilities.~~

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

~~((7)) (4) Improved school district organization.~~

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

~~((8)) (5) Racial imbalance.~~

~~Any school district that contains a school facility which is racially imbalanced as defined in WAC 180-26-025 (~~or~~ which contains a school facility that would have been racially imbalanced as defined in WAC 180-26-025 but for a transportation program designed to eliminate racial imbalance)) shall receive ~~((seventy-five percent))~~ state assistance under this subsection in the amount of an additional ten percentage points above the matching percentage as calculated pursuant to RCW 28A.525.116 (b) and (c) which will not exceed a total of ninety percent of the total approved cost of construction ~~((if the building project meets one of the following standards))~~: *Provided*, school construction projects for racial balance that meet the following conditions shall be provided state assistance at seventy-five percent of the approved square foot cost allowance under the provisions of this subsection as they existed prior to the amendment of this subsection in 1993:~~

~~(a) Voter approved local matching funds were authorized before December 31, 1992;~~

~~(b) The superintendent of public instruction approved a comprehensive desegregation plan with specific construction and modernization projects under additional state assistance criterion in effect at that time, which will be identified on or before September 15, 1993; and~~

(c) The superintendent of public instruction confirms at the time of project approval pursuant to WAC 180-25-040 the continued existence of racial balance needs.

In the case of a school district which contains a racially imbalanced school facility the district must demonstrate that, as a result of new construction or modernization, the particular school facility will no longer be racially imbalanced, that the combined minority enrollment in the particular school facility will be reduced by more than ten percentage points, and that the above stated results will be obtained as a direct result of increased enrollment of nonminority students in the particular school facility: *Provided*, That the particular school facility shall remain racially balanced for a period of at least five years after the date of actual building occupancy: *Provided further*, That if the state board of education finds that the school facility does not remain racially balanced for five years then the amount of additional state assistance provided pursuant to this subsection shall be recovered by deducting an amount equal to all of the additional allocation from any future state school facility construction funds which might otherwise be provided to such district.

~~((b) In the case of a school district which contains a school facility that would have been racially imbalanced but for a transportation program designed to eliminate racial imbalance, the district must demonstrate that, as a result of new construction or modernization, the district will continue to contain no school plant facility which is racially imbalanced and that the expense of transportation within the district for a stated period of years will be significantly less than without the new construction or modernization. For the purpose of demonstrating eligibility of a particular school plant facility pursuant to this subsection, a district shall demonstrate that a particular school plant facility would have been racially imbalanced but for a transportation program by producing demographic data that demonstrate what the racial balance for its population would have been within the proximity attendance area of the particular school plant facility. For the purpose of demonstrating that the expense of transportation within the district for a stated period of time will be significantly less pursuant to this subsection, a district shall demonstrate savings in to and from transportation costs, as the term "to and from" transportation is defined in WAC 392-141-120, by comparing expenses for such transportation for the school year immediately preceding the school year in which approval by the state board of education pursuant to this subsection with the amount that would have been expended for such transportation for the previous school year if the new construction or modernization was in place. In the alternative, the district shall demonstrate savings in to and from transportation by comparing such previous year's expenditures with the amount that would have been expended for such transportation if the particular school plant facility was closed. In either case, in order to demonstrate the amount of savings necessary to qualify for additional state assistance pursuant to this subsection, the district must demonstrate savings in to and from transportation for the school year of comparison equal to or exceeding five percent of the additional state assistance resulting from application of this subsection to modernization of such school plant facility or equal to or exceeding two and one-half percent of the additional state assistance resulting from~~

~~application of this subsection to new construction, including new construction authorized pursuant to the replacement option of WAC 180-33-042.~~

~~When an improvement in racial balance within a school district pursuant to this section involves construction or modernization of one or more school facilities, all such school facilities shall be included in the application.)) (6) Any project that has received approval for additional state assistance under provisions of this section as they existed prior to the amendment of this section in 1993 shall retain authorization for additional assistance under the provisions in effect at the time of such approval.~~

**WSR 93-17-080
PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE**

[Filed August 17, 1993, 1:21 p.m.]

Subject of Possible Rule Making: New section WAC 458-20-261 Ticket sellers.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: Alan R. Lynn, Department of Revenue, P.O. Box 47459, Olympia, WA 98504-7459, FAX (206) 664-0972. Public meeting scheduled at: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on September 22, 1993, at 3:00 p.m. (Written comments should be submitted by this date to assure full consideration, but will be accepted to date of adoption.)

Other Information or Comments by Agency at this Time, if any: Chapter 25, Laws of 1993 1st sp.s. made the service charges charged by ticket sellers a retail sale for sales of tickets to professional sporting events. The Department of Revenue plans to issue a rule on this subject. A copy of the rule draft is available upon request. Contact Roseanna Hodson, (206) 586-4281.

August 17, 1993
Les Jaster
Rules Coordinator

**WSR 93-17-081
PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE**

[Filed August 17, 1993, 1:23 p.m.]

Subject of Possible Rule Making: Amending WAC 458-20-226 Landscape gardeners.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: Alan R. Lynn, Department of Revenue, P.O. Box 47459, Olympia, WA 98504-7459, FAX (206) 664-0972. Public meeting scheduled at: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on September 22, 1993, at 3:00 p.m. (Written comments should be submitted by this date to assure full consideration, but will be accepted to date of adoption.)

Other Information or Comments by Agency at this Time, if any: The Department of Revenue plans to amend

this WAC rule to incorporate the changes required by chapter 25, Laws of 1993 1st sp.s. Effective July 1, 1993, maintenance of lawns, plants or gardens became a retail sale. A copy of the rule draft is available upon request. Contact Roseanna Hodson, (206) 586-4281.

August 17, 1993
Les Jaster
Rules Coordinator

decision of the courts in Washington Water Power v. State dealing with power exported outside Washington. A copy of the rule draft is available upon request. Contact Roseanna Hodson, (206) 586-4281.

August 17, 1993
Les Jaster
Rules Coordinator

WSR 93-17-082
PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE
[Filed August 17, 1993, 1:25 p.m.]

Subject of Possible Rule Making: Amending WAC 458-20-185 Tax on tobacco products; and 458-20-186 Tax on cigarettes.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: Alan R. Lynn, Department of Revenue, P.O. Box 47459, Olympia, WA 98504-7459, FAX (206) 664-0972. Public meeting scheduled at: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on September 22, 1993, at 3:00 p.m. (Written comments should be submitted by this date to assure full consideration, but will be accepted to date of adoption.)

Other Information or Comments by Agency at this Time, if any: The Department of Revenue plans to amend these WAC rules. The tax rates were changed by the 1993 legislature. The rules will [be] revised to incorporate these changes. A copy of the rule draft is available upon request. Contact Roseanna Hodson, (206) 586-4281.

August 17, 1993
Les Jaster
Rules Coordinator

WSR 93-17-083
PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE
[Filed August 17, 1993, 1:26 p.m.]

Subject of Possible Rule Making: Amending WAC 458-20-179 Public utility tax.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: Alan R. Lynn, Department of Revenue, P.O. Box 47459, Olympia, WA 98504-7459, FAX (206) 664-0972. Public meeting scheduled at: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on September 22, 1993, at 1:30 p.m. (Written comments should be submitted by this date to assure full consideration, but will be accepted to date of adoption.)

Other Information or Comments by Agency at this Time, if any: The Department of Revenue plans to amend this WAC rule to incorporate the changes required by chapter 25, Laws of 1993 1st sp.s. The deduction for contributions in aid of construction was repealed effective July 1, 1993. The rule is being amended to reflect the

WSR 93-17-084
PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE
[Filed August 17, 1993, 1:30 p.m.]

Subject of Possible Rule Making: Amending WAC 458-20-166 Hotels, motels, boarding houses, rooming houses, resorts, summer camps, trailer camps, etc.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: Alan R. Lynn, Department of Revenue, P.O. Box 47459, Olympia, WA 98504-7459, FAX (206) 664-0972. Public meeting scheduled at: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on September 22, 1993, at 3:00 p.m. (Written comments should be submitted by this date to assure full consideration, but will be accepted to date of adoption.)

Other Information or Comments by Agency at this Time, if any: The Department of Revenue plans to amend this WAC rule to incorporate the changes required by chapter 25, Laws of 1993 1st sp.s. The law previously treated coin operated laundry facilities for use of guests in a hotel, motel, or apartment house as service taxable. This activity became a retail sale effective July 1, 1993. A copy of the rule draft is available upon request. Contact Roseanna Hodson, (206) 586-4281.

August 17, 1993
Les Jaster
Rules Coordinator

WSR 93-17-085
PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE
[Filed August 17, 1993, 1:31 p.m.]

Subject of Possible Rule Making: Amending WAC 458-20-121 Sales of heat.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: Alan R. Lynn, Department of Revenue, P.O. Box 47459, Olympia, WA 98504-7459, FAX (206) 664-0972. Public meeting scheduled at: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on September 22, 1993, at 1:30 p.m. (Written comments should be submitted by this date to assure full consideration, but will be accepted to date of adoption.)

Other Information or Comments by Agency at this Time, if any: The Department of Revenue plans to amend this WAC rule. The rule will be expanded to explain how persons are taxable with respect to operating cogeneration

facilities. A copy of the rule draft is available upon request. Contact Roseanna Hodson, (206) 586-4281.

August 17, 1993
Les Jaster
Rules Coordinator

on appropriate methodology and information that should be required prior to restricting the conveyance of vehicle ownership based on a single conviction and second charge being filed against the vehicle owner. Copies of the draft rules may be obtained by contacting Kristi Hubble, (206) 664-8753.

August 17, 1993
James R. Wadsworth
Assistant Director

WSR 93-17-086
PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE

[Filed August 17, 1993, 1:33 p.m.]

Subject of Possible Rule Making: Amending WAC 458-20-102 Resale certificates.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: Alan R. Lynn, Department of Revenue, P.O. Box 47459, Olympia, WA 98504-7459, FAX (206) 664-0972. Public meeting scheduled at: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on September 22, 1993, at 9:30 a.m. (Written comments should be submitted by this date to assure full consideration, but will be accepted to date of adoption.)

Other Information or Comments by Agency at this Time, if any: The Department of Revenue plans to amend this WAC rule to incorporate the changes required by chapter 25, Laws of 1993 1st sp.s. The rule will indicate the circumstances under which a fifty percent penalty will apply for improper use of a resale certificate. The rule will indicate the suggested language to be contained on resale certificates. A copy of the rule draft is available upon request. Contact Roseanna Hodson, (206) 586-4281.

August 17, 1993
Les Jaster
Rules Coordinator

WSR 93-17-089
PREPROPOSAL COMMENTS
DEPARTMENT OF LICENSING

(Vehicle Services Division)
[Filed August 17, 1993, 1:48 p.m.]

Subject of Possible Rule Making: Promulgate rules relating to the implementation of ESSB 5815 (1993 c 487, s 4, 5, and 6), Claims to property seized in controlled substance violations—Procedure. The principal objective is to prescribe the methodology and information to be furnished by the courts in notifying the Department of Licensing of vehicles subject to nonconveyance of title pending second conviction of the vehicle owner.

Persons may comment on this subject in writing. Comments should be addressed to: Nancy Kelly, Administrator, Title and Registration Services, P.O. Box 2957, Mailstop 48022, Olympia, WA 98507-2957, FAX (206) 586-5748. Comments will be accepted through September 21, 1993.

Other Information or Comments by Agency at this Time, if any: The Vehicle Services Division has prepared a preliminary draft of the rules. However, prior to proposing the rules, the Department of Licensing is seeking comments

WSR 93-17-094
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed August 17, 1993, 2:46 p.m.]

Continuance of WSR 93-14-094.

Title of Rule: WAC 246-807-210 Future care contracts prohibited; 246-807-280 Full disclosure of cost of services; 246-807-290 Improper billing practices; 246-807-320 Records and x-rays and withdrawal from practice—Maintenance and retention of patient records; 246-807-311 Sexual misconduct; 246-807-395 State and federal agencies; 246-807-396 Professional standards review organizations; 246-807-500 Philosophy governing voluntary substance abuse monitoring programs; 246-807-510 Terms used in WAC 246-807-500 through 246-807-530; 246-807-520 Approval of substance abuse monitoring programs; and 246-807-530 Participation in approved substance abuse monitoring program.

Purpose: At present we are without a quorum of the Disciplinary Board. We are cancelling the scheduled meeting and filing for a continuance is necessary.

Statutory Authority for Adoption: RCW 18.26.110.

Statute Being Implemented: Chapter 18.26 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Connie Glasgow, 1300 Quince Street, 586-1931.

Name of Proponent: [Department of Health], governmental.

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

Hearing Location: SeaTac Marriott, 3201 South 176th, Seattle, WA 98188, on October 21, 1993, at 9:00 a.m.

Submit Written Comments to: Connie M. Glasgow, 1300 Quince Street, Olympia, WA 98504, by October 20, 1993.

Date of Intended Adoption: October 21, 1993.

August 17, 1993
Connie M. Glasgow
Program Manager

WSR 93-17-095
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Osteopathic Medicine and Surgery)
[Filed August 17, 1993, 2:48 p.m.]

Original Notice.

Title of Rule: New WAC 246-854-110 Osteopathic physician assistant continuing education required and 246-

854-115 Categories of creditable continuing professional education activities; amending WAC 246-853-020 Osteopathic medicine and surgery examination, 246-853-190 State and federal agencies, 246-853-275 Change of mailing address and notice of official documents, 246-854-020 Osteopathic physicians' assistants program, 246-854-030 Osteopathic physician's assistant prescriptions, 246-854-040 Osteopathic physician's assistant use of drugs or autotransfusion to enhance athletic ability, 246-854-050 AIDS education and training, 246-854-060 Application for registration, 246-854-080 Osteopathic physicians' assistants registration, and 246-854-090 Osteopathic physicians' assistants utilization; and repealing WAC 246-854-100 Osteopathic physicians' assistants reregistration.

Purpose: To provide for administration of new national examination; provides for obtaining information from other agencies; requires mailing address for documents; implements SHB 1253; includes continuing education for osteopathic physician assistant licensure.

Statutory Authority for Adoption: RCW 18.57.005.

Statute Being Implemented: Chapters 18.57 and 18.57A RCW.

Summary: The rule changes provide for utilizing a new national examination; assists in obtaining potential disciplinary documents from other agencies; makes housekeeping and legislative changes and adds continuing education requirements for osteopathic physician assistant licensure.

Reasons Supporting Proposal: Implements legislative changes, brings physician assistants to the same standards on continuing education as osteopathic physicians; clarify administrative issues.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Arlene Robertson, 1300 Quince Street, P.O. Box 7868, 586-8438.

Name of Proponent: Washington Osteopathic Medical Association, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To provide for administration of new national examination; provides for obtaining information from other agencies; requires mailing address for documents; implements SHB 1253; includes continuing education for osteopathic physician assistants. The rules provide for single licensure for physician assistants and apply the same standard for continuing education as osteopathic physicians. The rules also clarify and provide for administrative improvements.

Proposal Changes the Following Existing Rules: The rule changes provide for utilizing a new national examination; assist in obtaining potential disciplinary documents from other agencies; make housekeeping and legislative changes and add continuing education for osteopathic physician assistant licensure.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: WestCoast SeaTac Hotel, 18220 Pacific Highway South, SeaTac, WA, on September 24, 1993, at 9:30 a.m.

Submit Written Comments to: Arlene Robertson, Program Manager, P.O. Box 47868, Olympia, WA 98504-7868, by September 23, 1993.

Date of Intended Adoption: September 24, 1993.
August 16, 1992 [1993]
Arlene A. Robertson
Program Manager

AMENDATORY SECTION (Amending Order 159B, filed 4/25/91, effective 5/26/91)

WAC 246-853-020 Osteopathic medicine and surgery examination. Applicants for licensure as osteopathic physicians must pass the Federation of State Licensing Board (FLEX) with a minimum score of seventy-five on each component of the FLEX I and II examination(;) or after December 1993 satisfactorily pass the United States Medical Licensing Examination (USMLE) with a minimum score as established by the coordinating agencies, Federation of State Medical Boards of the United States and the National Board of Medical Examiners; and obtain at least a seventy-five percent overall average on a board administered examination on osteopathic principles and practices.

The board shall waive the examination required under RCW 18.57.080 if the applicant has passed the FLEX examination prior to June 1985 with a FLEX weighted average of seventy-five percent, or the FLEX I and FLEX II examinations with a minimum score of seventy-five on each component and satisfactorily passes the board administered examination on the principles and practices of osteopathic medicine and surgery.

An applicant who has passed all parts of the examination given by the National Board of Osteopathic Examiners may be granted a license without further examination.

AMENDATORY SECTION (Amending Order 199B, filed 9/30/91, effective 10/31/91)

WAC 246-853-190 State and federal agencies. The board (~~requests~~) requires the assistance of executive officers of any state (~~or~~) and requests the assistance of executive officers of any federal program operating in the state of Washington, under which an osteopathic physician or physician's assistant is employed to provide patient care services, to report to the board whenever such an osteopathic physician or physician's assistant has been judged to have demonstrated his/her incompetency or negligence in the practice of osteopathic medicine, or has otherwise committed unprofessional conduct(;) or is a mentally or physically disabled practitioner.

NEW SECTION

WAC 246-853-275 Change of mailing address and notice of official documents. (1) It shall be the responsibility of the licensee to notify the department of health of any change of mailing address. Any change of mailing address shall be furnished to the department within thirty days of the change.

(2) The board and department may rely upon the last mailing address of record for the purposes of service or delivery of all official notices or documents, including the service of adjudicative proceeding documents. Notice shall be considered to be validly given when mailed to the last address given by the licensee.

AMENDATORY SECTION (Amending Order 199B, filed 9/30/91, effective 10/31/91)

WAC 246-854-020 Osteopathic physician((s²)) assistant((s)) program ((approval)). (1) Program approval required. No osteopathic physician assistant shall be entitled to ~~((register an osteopathic physicians' assistant))~~ licensure who has not successfully completed a program of training approved by the board in accordance with these rules.

(2) Program approval procedures. In order for a program for training osteopathic physician((s²)) assistants to be considered for approval by the board it must meet the minimal criteria for such programs established by the committee on allied health education and Accreditation Association of the American Medical Association as of 1985. The director of the program shall submit to the board a description of the course of training offered, including subjects taught and methods of teaching, entrance requirements, clinical experience provided, etc. The director shall also advise the board concerning the basic medical skills which are attained in such course, and the method by which the proficiency of the students in those skills was tested or ascertained. All program applications shall be submitted at least thirty days prior to the meeting of the board in which consideration is desired. The board may require such additional information from program sponsors as it desires.

(3) Approved programs. The board shall approve programs in terms of skills attained by its graduates. A registry of approved programs shall be maintained by the board at professional licensing services division in Olympia, Washington, which shall be available upon request to interested persons.

(4) Reapproval. Programs maintaining standards as defined in the "essentials" of the council of medical education of the American Medical Association will continue to be approved by the board without further review. Each approved program not maintaining the standards as defined in the "essentials" of the council of medical education of the American Medical Association will be reexamined at intervals, not to exceed three years. Approval will be continued or withdrawn following each reexamination.

(5) Additional skills. No osteopathic physician's assistant shall be ~~((registered))~~ licensed to perform skills not contained in the program approved by the board unless the osteopathic physician's assistant submits with his or her application a certificate by the program director or other acceptable evidence showing that he or she was trained in the additional skill for which authorization is requested, and the board is satisfied that the applicant has the additional skill and has been properly and adequately tested thereon.

AMENDATORY SECTION (Amending Order 199B, filed 9/30/91, effective 10/31/91)

WAC 246-854-030 Osteopathic physician((²s)) assistant prescriptions. An osteopathic physician((²s)) assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician.

(1) Except for schedule two controlled substances as listed under federal and state controlled substances acts, a physician((²s)) assistant may issue prescriptions for a patient

who is under the care of the physician responsible for the supervision of the physician((²s)) assistant.

(a) Written prescriptions shall be written on the blank of the supervising physician and shall include the name, address and telephone number of the physician and physician assistant. The prescription shall also bear the name and address of the patient and the date on which the prescription was written.

(b) The physician((²s)) assistant shall sign such a prescription by signing his or her own name followed by the letters "P.A." and the physician assistant(~~((²s registration))~~) license number or physician assistant drug enforcement administration registration number or, if none, the supervising physician's drug enforcement administration registration number, followed by the initials "P.A." and the physician assistant(~~((²s registration))~~) license number issued by the board.

(c) Prescriptions for legend drugs and schedule three through five controlled substances must each be approved or signed by the supervising physician prior to administration, dispensing or release of the medication to the patient, except as provided in subsection (5) of this section.

(2) A physician((²s)) assistant extended privileges by a hospital, nursing home or other health care institution may, if permissible under the bylaws, rules and regulations of the institution, write medical orders, except those for schedule two controlled substances, for inpatients under the care of the physician responsible for his or her supervision.

(3) The ~~((registration))~~ license of a physician((²s)) assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(4) Physician((²s)) assistants may not dispense prescription drugs to exceed treatment for forty-eight hours, except as provided in subsection (6) of this section. The medication so dispensed must comply with the state law prescription labeling requirements.

(5) Authority to issue prescriptions for legend drugs and schedule three through five controlled substances without the prior approval or signature of the supervising physician may be granted by the board to an osteopathic physician((²s)) assistant who has:

(a) Provided a statement signed by the supervising physician that he or she assumes full responsibility and that he or she will review the physician assistant's prescription writing practice on an ongoing basis;

(b) A ~~((current certification))~~ certificate from the National Commission on Certification of Physician Assistants';

(c) Demonstrated the necessity in the practice for authority to be granted permitting a physician assistant to issue prescriptions without prior approval or signature of the supervising physician.

(6) A physician assistant authorized to issue prescriptions under subsection (5) of this section may dispense medications the physician assistant has prescribed from office supplies. The physician assistant shall comply with the state laws concerning prescription labeling requirements.

AMENDATORY SECTION (Amending Order 100B, filed 12/3/90, effective 1/31/91)

WAC 246-854-040 Osteopathic physician((~~s~~)) assistant use of drugs or autotransfusion to enhance athletic ability. (1) An osteopathic physician((~~s~~)) assistant shall not prescribe, administer, or dispense anabolic steroids, growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), other hormones, or any form of autotransfusion for the purpose of enhancing athletic ability and/or for nontherapeutic cosmetic appearance.

(2) A physician((~~s~~)) assistant shall complete and maintain patient medical records which accurately reflect the prescription, administering, or dispensing of any substance or drug described in this section or any form of autotransfusion. Patient medical records shall indicate the diagnosis and purpose for which the substance, drug, or autotransfusion is prescribed, administered, or dispensed and any additional information upon which the diagnosis is based.

(3) A violation of any provision of this section shall constitute grounds for disciplinary action under RCW 18.130.180(7). A violation of subsection (1) of this section shall also constitute grounds for disciplinary action under RCW 18.130.180(6).

AMENDATORY SECTION (Amending Order 199B, filed 9/30/91, effective 10/31/91)

WAC 246-854-050 AIDS education and training. (1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(3) Acceptable education and training. The department will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(4) Implementation. Effective January 1, 1989, the requirement for ((~~registration~~)) license application, renewal, or reinstatement of any ((~~registration~~)) license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.

(5) Documentation. The ((~~registration~~)) license holder shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.

AMENDATORY SECTION (Amending Order 199B, filed 9/30/91, effective 10/31/91)

WAC 246-854-060 Application for ((~~registration~~)) licensure. Effective January 1, 1989, persons applying for ((~~registration~~)) licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 246-854-050.

AMENDATORY SECTION (Amending Order 100B, filed 12/3/90, effective 1/31/91)

WAC 246-854-080 Osteopathic physician((~~s~~)) assistant((~~s registration~~)) licensure. (1) Applications. All applications shall be made to the board on forms supplied by the board. ((~~All applications shall be submitted at least thirty days prior to the meeting of the board in which consideration is desired. Applications shall be made jointly by the physician and assistant.~~))

(2) Authorization by board, powers. In granting authorizations for the utilization of the osteopathic physician's assistant, the board may limit the authority for utilizing an osteopathic physician's assistant to a specific task or tasks, or may grant specific approval in conformity with the program approved and on file with the board. (2) The application shall detail the education, training, and experience of the physician assistant and provide such other information as may be required. The application shall be accompanied by a fee determined by the secretary as provided in RCW 43.70.250. Each applicant shall furnish proof satisfactory to the board of the following:

(a) That the applicant has completed an accredited physician assistant program approved by the board and is eligible to take the National Commission on Certification of Physician Assistants examination;

(b) That the applicant is of good moral character; and

(c) That the applicant is physically and mentally capable of practicing medicine as an osteopathic physician assistant with reasonable skill and safety.

(3) The license shall be renewed on a periodic basis as determined by the secretary of the department of health under RCW 43.70.280. The renewal shall include a completed renewal application and payment of a fee, in addition to any late penalty fee, determined by the secretary as provided in RCW 43.70.250.

AMENDATORY SECTION (Amending Order 100B, filed 12/3/90, effective 1/31/91)

WAC 246-854-090 Osteopathic physician((~~s~~)) assistant((~~s utilization~~)) practice plan. (1) A licensed physician assistant shall not practice except pursuant to a board approved practice arrangement plan jointly submitted by the osteopathic physician assistant and osteopathic physician or physician group under whose supervision the osteopathic physician assistant will practice. A fee as determined by the secretary of the department of health that is determined necessary to recover the cost of administering the plan review shall accompany the practice plan.

(2) When a physician group is proposed to supervise the osteopathic physician assistant, one of the osteopathic physicians from that group shall be designated as primary responsible for the supervision of the osteopathic physician assistant and the plan shall specify how supervising responsibility is to be assigned among the remaining members of the group.

(3) Limitations, number. No osteopathic physician shall supervise more than one osteopathic physician(‘s) assistant without specific authorization by the board. The board shall consider the individual qualifications and experience of the physician and physician assistant, community need, and review mechanisms available in making their determination.

((2)) (4) Authorization by board, powers. In granting authorizations for the practice plan, the board may limit the authority for utilizing an osteopathic physician assistant to a specific task or tasks, or may grant specific approval in conformity with the program approved pursuant to WAC 246-854-020 and on file with the board.

(5) Limitations—Geographic limitations. No osteopathic physician(‘s) assistant shall ((ordinarily)) be utilized in a place other than ((the supervising osteopathic physician’s regular place for meeting patients, unless personally accompanied by the supervising osteopathic physician. The “regular place for meeting patients” shall be defined to include the physician’s office, the institution(s) in which his or her patients are hospitalized or confined, or the homes of patients for whom a physician-patient relationship has already been established)) that designated in the practice plan.

((3)) (6) Limitations—Remote practice. ((Special permission may be granted to utilize)) A practice plan proposing utilization of an osteopathic physician assistant ((in)) at a place remote from the physician’s regular place for meeting patients may be approved only if:

(a) There is a demonstrated need for such utilization; and

(b) Adequate provision for immediate communication between the physician and his physician assistant exists; and

(c) A mechanism has been developed and specified in the practice plan to provide for the establishment of a direct patient-physician relationship between the supervising osteopathic physician and patients with ongoing medical needs who may be seen initially by the osteopathic physician assistant; and

(d) The responsible physician spends at least one-half day per week seeing patients in the remote office site; and

(e) The remote office site reflects the osteopathic physician assistant and osteopathic physician relationship by specifying such relationship on office signs, office stationary, advertisements, billing forms, and other communication with patients or the public.

((4)) (7) Limitations, hospital functions. An osteopathic physician assistant working in or for a hospital, clinic or other health organization shall be ((registered)) licensed in the same manner as any other osteopathic physician assistant ((and his/her functions shall be limited to those specifically approved by the board)). His/her responsibilities, if any, to other physicians must be defined in the ((application for registration)) board approved practice plan.

((5)) (8) Limitations, trainees. An individual enrolled in a training program for physician assistants may function

only in direct association with his/her preceptorship physician or a delegated alternate physician in the immediate clinical setting or, as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor.

((6)) (9) Supervising osteopathic physician, responsibility. It shall be the responsibility of the supervising osteopathic physician to see to it that:

(a) Any osteopathic physician(‘s) assistant ((employed by him or her)) at all times when meeting or treating patient(s) wears a placard or other identifying plate in a prominent place upon his or her person identifying him or her as a physician(‘s) assistant;

(b) No osteopathic physician(‘s) assistant ((in his employ)) represents himself or herself in any manner which would tend to mislead anyone that he or she is a physician;

(c) That the osteopathic physician(‘s) assistant ((in his or her employ)) performs only those tasks which he or she is authorized to perform under the authorization granted by the board;

(d) All EKG’s and x-rays and all abnormal laboratory tests shall be reviewed by the physician within twenty-four hours;

(e) The charts of all patients seen by the osteopathic physician(‘s) assistant shall be reviewed ((and))₂ countersigned and dated within one week by the supervising osteopathic physician ((within one week)) or in the case of a physician group, the designated supervising physician as outlined in the practice plan;

(f) All telephone advice given by the supervising osteopathic physician, alternate supervising physician, or member of a supervising physician group through the physician(‘s) assistant shall be documented, reviewed, ((and)) countersigned, and dated by the advising physician within one week.

((7)) (g) The supervising osteopathic physician shall advise the board of the termination date of the working relationship. The notification shall include a written report providing the reasons for termination and an evaluation of the osteopathic physician assistant’s performance.

(10) Alternate physician, supervisor—Approved by board. In the temporary absence of the supervising osteopathic physician, the osteopathic physician assistant may carry out those tasks for which he is ((registered)) licensed, if the supervisory and review mechanisms are provided by a delegated alternate osteopathic physician supervisor. If an alternate osteopathic physician is not available in the community or practice, the board may authorize a physician licensed under chapter 18.71 RCW or physician group to act as the alternate physician supervisor specified on the board approved practice plan.

NEW SECTION

WAC 246-854-110 Osteopathic physician assistant continuing education required. (1) The board requires fifty credit hours of continuing education every year.

(a) In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance with the fifty hour continuing education requirement on a form supplied by the board. The continuing education

requirement shall be completed prior to issuance of the renewal license.

(b) The board reserves the right to require a licensee to submit evidence, in addition to the affidavit, to demonstrate compliance with the fifty hour continuing education requirement. Accordingly, it is the responsibility of a licensee to maintain evidence of such compliance.

(c) Certification of compliance with the requirement for continuing education of the American Osteopathic Association, Washington State Osteopathic Association, National Commission on Certification of Physician Assistants, Washington Academy of Physician Assistants, American Academy of Physician's Assistants, and the American Medical Association, or a recognition award or a current certification of continuing education from medical practice academies shall be deemed sufficient to satisfy the requirements of these regulations.

(2) In case licensees fail to meet the requirements because of illness, retirement (with no further provision of osteopathic medical services to consumers), or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant an extension of time or a change in requirements. In the case of a permanent retirement or illness, the board may grant indefinite waiver of continuing education as a requirement for licensure, provided an affidavit is received indicating that the osteopathic physician assistant is not providing osteopathic medical services to consumers. If such permanent retirement or illness status is changed or osteopathic medical services are resumed, it is incumbent upon the licensee to immediately notify the board and show proof of practice competency as determined necessary by the board.

(3) Prior approval not required.

(a) The Washington state board of osteopathic medicine and surgery does not approve credits for continuing education. The board will accept any continuing education that reasonably falls within these regulations and relies upon each individual osteopathic physician assistant's integrity in complying with this requirement.

(b) Continuing education program sponsors need not apply for nor expect to receive prior board approval for continuing education programs. The continuing education category will depend solely upon the determination of the accrediting organization or institution. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour.

NEW SECTION

WAC 246-854-115 Categories of creditable continuing professional education activities. The following are categories of creditable continuing education activities approved by the board. The credits must be earned in the twelve-month period preceding application for renewal of licensure. One clock hour shall equal one credit hour for the purpose of satisfying the fifty hour continuing education requirement.

Category 1 - A minimum of thirty credit hours are mandatory under this category.

1-A Formal educational program sponsored by nationally recognized organizations or institutions which have been

approved by the American Osteopathic Association, Washington State Osteopathic Association, Washington Academy of Physician Assistants, National Commission on Certification of Physician Assistants, American Medical Association, and the American Academy of Physician's Assistants.

1-B Preparation in publishable form of an original scientific paper.

a. A maximum of five credit hours for initial presentation or publication of a paper in a professional journal.

1-C Serving as a teacher, lecturer, preceptor or a moderator-participant in a formal educational program or preparation and scientific presentation at a formal educational program sponsored by one of the organizations or institutions specified in Category 1-A. One hour credit per each hour of instruction may be claimed.

a. A maximum of five credit hours per year.

Category 2 - Home Study.

2-A A maximum of twenty credit hours per year may be granted.

a. Reading - Medical journals and quizzes.

1) One-half credit hour per issue

2) One-half credit hour per quiz

b. Listening - audio tape programs.

1) One-half credit hour per tape program

2) One-half credit hour per tape program quiz

c. Other - subject - oriented and refresher home study courses.

1) Credit hours indicated by sponsor will be accepted

2-B Preparation and presentation of a scientific exhibit at professional meetings.

a. Maximum of five credit hours per exhibit per year.

2-C Observation at medical centers; programs dealing with experimental and investigative areas of medical practice and programs conducted by nonrecognized sponsors.

a. Maximum of five credit hours per year.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-854-100 Osteopathic physicians' assistants reexamination.

WSR 93-17-099

PROPOSED RULES

DEPARTMENT OF LICENSING

(Real Estate Commission)

[Filed August 17, 1993, 4:15 p.m.]

Original Notice.

Title of Rule: Amending WAC 308-124A-025 Application process to take examination; 308-124A-440 Reexamination; 308-124A-450 Examination procedures; and 308-124A-460 Real estate brokers and salespersons and land development representative fees.

Purpose: These amendments reflect changes in cost and technology in the examination process as a result of a recent RFP to contract for electronic testing services for real estate examinations. The other changes are to help make administration of the examination more efficient and less costly.

Statutory Authority for Adoption: RCW 18.85.040.
 Statute Being Implemented: RCW 18.85.085,
 [18.85].120, and [18.85].130

Summary: See above.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting,
 Implementation and Enforcement: Nancy Draper, 2424
 Bristol Court, Olympia, 98504, 753-2262.

Name of Proponent: [Department of Licensing], govern-
 mental.

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

Proposal Changes the Following Existing Rules: [No
 information supplied by agency.]

No small business economic impact statement is
 required for this proposal by chapter 19.85 RCW.

Hearing Location: Red Lion Inn, 2525 North 20th,
 Pasco, WA 99301, on September 28, 1993, at 9:00 a.m.

Submit Written Comments to: Nancy Draper, 2424
 Bristol Court, Olympia, WA 98504, by September 24, 1993,
 5:00 p.m.

Date of Intended Adoption: November 30, 1993.

August 17, 1993

Linda M. Moran

Senior Assistant Attorney General

AMENDATORY SECTION (Amending WSR 91-23-006,
 filed 11/7/91, effective 12/8/91)

**WAC 308-124A-025 Application process to take
 examination.** (1) Any person desiring to take an examina-
 tion for a real estate salesperson license, except candidates
 who are actively licensed in another jurisdiction or were so
 licensed in the preceding six months or candidates who have
 received clock hours in another jurisdiction, ~~((must))~~ shall
telephone the testing service up to three days prior to the
 desired test date to schedule an examination. On the day of
 the examination, the candidate shall submit a completed
 examination application together with the examination fee
 and supporting documents, including evidence satisfactory to
 the department of having successfully completed an ap-
 proved thirty clock hour fundamentals course, to the testing
 service approved by the department.

(2) Any person desiring to take an examination for a
 real estate broker license or real estate salesperson license
 who is actively licensed in another jurisdiction or was so
 licensed in the preceding six months or who has received
 clock hours in another jurisdiction must submit a completed
 examination application with supporting documents, includ-
 ing evidence satisfactory to the department of having
 successfully completed any and all approved clock hour
 courses for licensure, to the licensing division of the depart-
 ment of licensing. After the qualifications for the examina-
 tion have been verified by the department, the candidate
 shall telephone the testing service up to three days prior to
 the desired test date to schedule an examination. On the day
 of the examination, the candidate shall submit the completed
 examination application and examination fee by cashier's
 check, certified check, or money order to the testing service
 approved by the department.

(3) The applicant will be ~~((assigned to the first available
 examination subsequent to determination of eligibility. The~~

~~cutoff date for eligibility for any specific examination is
 available to the applicant upon request))~~ able to schedule an
 examination date up to three days prior to their desired test
 date. Candidates requesting a morning or afternoon test
 session will be scheduled immediately for an examination
 and will be provided with a registration number confirming
 their reservation.

(4) An examination candidate who has a completed
 examination application with the examination ~~((walk-in))~~ fee
 and supporting documents, including evidence satisfactory to
 the department of having successfully completed an ap-
 proved thirty clock hour fundamentals course for candidates
 for a salesperson license, ~~((may walk-in to))~~ shall telephone
 the testing service to schedule an examination ((if there are
 adequate space and test booklets after accommodating all
 candidates who have pre-applied under subsections (1) and
 (2) of this section)). A candidate for a real estate broker
 license or real estate salesperson license who is actively
 licensed in another jurisdiction or was so licensed in the
 preceding six months or who has received clock hours in
 another jurisdiction must have his or her qualifications for
 the examination verified by the department as provided in
 subsection (2) of this section prior to ~~((walking-in to))~~
scheduling an examination as permitted in this section. The
 examination ~~((walk-in))~~ fee shall be paid in the form of a
 certified check, a cashier's check, or money order made
 payable to the testing service approved by the department.
 Cash will not be accepted from ~~((walk-in))~~ candidates.

(5) An applicant shall ~~((forfeit all))~~ be assessed the full
 examination fee(s) for any examination ((or examinations
 for)) in which the applicant ((has applied and does not take
 for any reason, other than through the fault or mistake of the
 department of licensing)) fails to provide four days notice to
 the testing service for changing their examination date or for
 failing to arrive and take a scheduled examination at the time
 the examination is scheduled or rescheduled.

AMENDATORY SECTION (Amending Order PM 774, filed
 9/30/88, effective 1/1/89)

WAC 308-124A-440 Reexamination. An applicant
 who has failed the examination or failed to appear for a
 scheduled examination may apply for reexamination,
 provided the required reexamination fee is submitted.

An applicant who has failed the examination or failed
 to appear for a scheduled examination may ~~((walk-in to an
 examination upon payment of the reexamination walk-in fee
 if there are adequate space and test booklets and upon
 presentation of the failure notice or exam admission ticket.
 The failure notice or exam admission ticket shall be valid for
 walk-in testing for a period of no more than six months after
 date of issuance))~~ apply for reexamination by telephoning the
 testing service to schedule an examination. Broker exam
 applicants who applied for a waiver and failed the examina-
 tion must comply with the provisions of WAC 308-124A-
 040.

AMENDATORY SECTION (Amending WSR 90-23-039,
 filed 11/15/90, effective 12/16/90)

WAC 308-124A-450 Examination procedures. (1)
 Each applicant will be required to present one piece of
 positive identification which bears a photograph of the

applicant. In the event the applicant has no photo identification, the applicant will be required to make prior arrangements with the department not later than ten working days prior to the examination. Failure to produce the required identification will result in the applicant being refused admission to the examination.

(2) Applicants will be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a test monitor. Any applicant observed talking or attempting to give or receive information; using unauthorized materials during any portion of the examination; or removing test ((booklets)) materials and/or notes from the testing room will be subject to denial of a license.

(3) Applicants who participate in disruptive behavior during the examination will be required to turn in their test materials to the test monitor and leave the examination site. Their opportunity to sit for the examination will be forfeited. Their answer sheet will be voided. A voided answer sheet will not be scored and the examination fee will not be refunded. A candidate must then reapply to take the examination.

AMENDATORY SECTION (Amending WSR 90-23-039, filed 11/15/90, effective 12/16/90)

WAC 308-124A-460 Real estate brokers and salespersons and land development representative fees. The following fees for a two-year period shall be charged by professional licensing services of the department of licensing:

Title of Fee	Fee
Real estate broker:	
Application/examination	((\$ 85.00)) \$130.00
Reexamination	((85.00)) 130.00
((Walk in for examination	25.00))
Original license	160.00
License renewal	160.00
Late renewal with penalty	185.00
Duplicate license	25.00
Certification	25.00
Name or address change, transfer or license activation	25.00
Real estate broker - Branch office:	
Original license	\$150.00
License renewal	150.00
Late renewal with penalty	175.00
Duplicate license	25.00
Name or address change	25.00
Real estate salesperson:	
Application/examination	((\$ 85.00)) \$130.00
Reexamination	((85.00)) 130.00
((Walk in for examination	25.00))
Original license	100.00
License renewal	100.00
Late renewal with penalty	125.00
Duplicate license	25.00
Certification	25.00
Name or address change, transfer or license activation	25.00
The following fee shall be charged annually for land development representatives:	
Land development representative:	
Registration	25.00

**WSR 93-17-100
PROPOSED RULES
DEPARTMENT OF ECOLOGY**

[Order 93-19—Filed August 18, 1993, 9:55 a.m.]

Original Notice.

Title of Rule: Chapter 173-401 WAC, The operating permit regulation.

Purpose: Amendments to this rule govern the state's process for determining and assessing fees supporting the air operating permit program as required under the state and federal clean air acts.

Other Identifying Information: Adds new Part IX to chapter 173-401 WAC.

Statutory Authority for Adoption: Chapter 70.94 RCW and chapter 252, Laws of 1993.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: The proposed amendments to the operating permit regulation add provisions governing the determination and assessment of operating permit fees. The amendments also address tracking procedures for program expenditures and establish a system of periodic fiscal and performance audits for the operating permit program.

Reasons Supporting Proposal: The proposed amendments will enable ecology to collect fees adequate to fund the operating permit program, which ability is a prerequisite to EPA approval of Washington's operating permit program.

Name of Agency Personnel Responsible for Drafting: Catherine O'Neill, P.O. Box 47600, Olympia, WA 98504-7600, (206) 459-6248; Implementation and Enforcement: Joseph Williams, P.O. Box 47600, Olympia, WA 98504-7600, (206) 459-6255.

Name of Proponent: The Washington State Department of Ecology, governmental.

Rule is necessary because of federal law, Title V of the 1990 federal Clean Air Act Amendments.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendments to this rule establishes a funding mechanism for the operating permit program for sources of air emissions as required under both the state and federal clean air acts. In 1991, The Washington Clean Air Act, chapter 70.94 RCW, was amended to reflect changes in the federal Clean Air Act. Among other things, these changes require state and delegated local permitting authorities to collect from sources subject to the operating permit program fees adequate to cover the direct and indirect costs of administering the operating permit program. Washington must demonstrate its ability to collect adequate fees in order to receive U.S. EPA approval of its statewide operating permit program. In addition, the proposed amendments establish a methodology for tracking revenues and expenditures and create a system of fiscal and performance evaluations, both of which will contribute to increased agency efficiency and accountability.

Proposal does not change existing rules.

The proposed amendments create a new Part IX, to be added to chapter 173-401 WAC.

Small Business Economic Impact Statement

The Washington State Department of Ecology (ecology) is proposing regulations that establish procedures for assessing and collecting air operating permit fees. These regulations were developed to fund the implementation of the state air quality permitting program required by the Washington Clean Air Act (chapter 70.94 RCW) and Title V of the Federal Clean Air Act (FCAA) (42 U.S.C. 7401, et seq.). Under state and federal law, certain sources of air pollution will be required to obtain operating permits. Those sources will be required to pay fees to cover the direct and indirect costs of the permit program.

WAC 173-401-900 establishes the procedures by which air operating permit fees are assessed and collected and creates accountability measures for both ecology and local air authorities who have been delegated the responsibility for implementing operating permit programs in their jurisdiction. The goal of the rule is to create an equitable and efficient means to cover the cost of the air operating permit program. This small business economic impact statement summary addresses the impacts of the permit fees. It does not address the impacts of implementing the permit system. Those impacts were analyzed in the Economic Compliance Document, Small Business Economic Impact Statement, chapter 173-401 WAC, Operating permit regulation, April 1993.

WAC 173-401-900 applies to sources that emit regulated air pollutants in quantities such that an operating permit is required under the FCAA; it also applies to sources that ecology or other permitting authorities deem to contribute to air pollution so as to create a threat to public health or welfare. A temporary exemption exists for sources not classified as a major source, affected source, or solid waste incineration unit under chapter 173-401 WAC.

The proposed rule has six sections. These sections include: A fee determination that develops a schedule for collecting fees from ecology sources; a description of fee eligible activities; mandate for ecology to produce a workload analysis; a description of how ecology will prepare its budget; the methodology for allocating the operating permit program budget among the individual sources; and a fee schedule reflecting the permit administration fee and the share of the development and oversight fee to be paid by each permit program source under its jurisdiction.

The Regulatory Fairness Act (RFA) (chapter 19.85 RCW) requires that rules promulgated under the Administrative Procedure Act be reviewed in light of their economic impact on small businesses in the state. One goal of this review is to ensure that a proposed rule does not place a proportionately higher burden on small businesses. The RFA requires that a small business economic impact statement (SBEIS) be performed if a rule affects more than 20% of all industries (by 3-digit standard industrial classification code) in the state or more than 10% of the businesses in any one industry.

WAC 173-401-900 has been reviewed and is expected to affect more than 10% of the businesses in several three-digit SIC code industries. The table at the end of this summary shows the industries likely to be affected in the initial stage of the permitting process. Businesses that are smaller sources of regulated air pollutants in up to eighty other industries may be affected by this rule at the end of a three year exemption period. The nature of the impact on

smaller sources will depend to a substantial degree on future federal and state rulemaking.

Among the sources for which ecology expects to issue the operating permit, there are no sources that strictly meet the definition of small business as established in the RFA. Therefore, it was impossible to compare small versus large business using the measures set forth in the RFA. However, an analysis was conducted comparing larger firms that employ over 100 people to smaller firms with 100 or fewer employees. That analysis was based on an ecology survey and ecology's fee schedule for 1994. The results suggest that there will be a disproportionate impact on small businesses when either the cost per employee or cost per \$100 in revenue is used. Larger sources have an average cost per employee of \$115.95 whereas smaller sources have a cost per employee of \$823.75. Similarly, larger sources' fee cost per \$100 of revenue averages \$.07 and smaller sources' costs average \$.16.

Seven measures are built into WAC 173-401-900 as well as other parts of chapter 173-401 WAC to reduce the impacts on small business. These measures include: Issuing general permits to source categories (e.g. dry cleaners) to reduce administrative burdens and fee cost; exempting nonmajor sources for the first three years of the permit program; exempting specific nonmajor sources permanently; allowing sources to accept federally enforceable limitations on emissions and opt out of the permit system; coordination with new source review to reduce administrative burden and duplicative requirements thereby reducing fees; listing insignificant emissions rather than providing detailed information on those emissions to reduce administrative burden and fee costs; and based on the assumption that more complex sources with higher emissions tend to be larger businesses, the use of a fee formula that weights membership, complexity and emission factors equally to determine the fee should reduce the disproportionate impact of the fee.

Affected Industries by Three-Digit SIC Code

SIC	Industry	SIC	Industry
122	Bituminous Coal and Lignite Mining	324	Cement, Hydraulic
162	Heavy Construction, except Highway	325	Structural Clay Products
203	Canned, Frozen, Preserved Food	331	Steel Works, Blast Furnaces, etc
242	Sawmills and Planing Mills	333	Primary Smelting, etc Nonferrous
243	Millwork, Veneer, and Structural Wood	341	Metal Cans, Shipping Containers
249	Misc. Wood Products	371	Motor Vehicles & Motor Veh. Equipment
261	Pulp Mills	372	Aircraft and Planes
262	Paper Mills	373	Ship and Boat Building and Repair
267	Converted Paper, and Paperboard	491	Electric Services
281	Industrial Inorganic Chemicals	492	Gas Production and Distribution
286	Industrial Organic Chemicals	496	Steam and Air Conditioning Supply
287	Agricultural Chemicals	511	Paper and Paper Products
291	Petroleum Refining	517	Petroleum and Petroleum Products
308	Miscellaneous Plastic Products, NEC	554	Gasoline Service Stations
322	Glass and Glassware, Pressed or Blown		

Copies of the full SBEIS are available from: Tony Warfield, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, (206) 438-8109.

Hearing Location: Fire Station 58, District 5, 17408 S.E. 15th Street, Vancouver, WA, on October 5, 1993, at 7:00 p.m.; at South Seattle Community College, 6000 16th Avenue S.W., Seattle, WA, on October 6, 1993, at 11:00 a.m.; and at Spokane Falls Community College, 3410 West Fort George Wright Drive, Building 17 Conference Room 'G', Spokane, WA 99204-5288, on October 7, 1993, at 7:00 p.m.

Submit Written Comments to: Catherine O'Neill,
Department of Ecology, Air Quality Program, P.O. Box
47600, Olympia, WA 98504-7600, by October 14, 1993.

Date of Intended Adoption: December 30, 1993.

August 16, 1993

Mary Riveland

Director

PART IX. FEE DETERMINATION AND CERTIFICATION

NEW SECTION

WAC 173-401-900 Fee determination—Ecology. (1) Fee determination. Ecology shall develop a fee schedule, according to 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 ecology's permit administration costs and its share of ecology's development and oversight costs. The fee schedule shall also indicate the shares of Ecology's development and oversight costs that are to be collected by each delegated local authority. Opportunities for public participation shall be afforded throughout the fee determination process, as provided in WAC 173-401-920(1).

(2) Fee eligible activities. The costs of the permit administration and development and oversight activities are fee eligible.

(a) Permit administration. Permit administration costs are those incurred by each permitting authority, including ecology, in administering and enforcing the operating permit program with respect to sources under its jurisdiction. Permit administration costs are those enumerated in WAC 173-401-940(1).

(b) 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 those enumerated in WAC 173-401-940(2).

(3) Workload analysis. Ecology shall conduct a workload analysis projecting resource requirements, organized by categories of fee-eligible activities, for the purpose of facilitating budget preparation. Ecology shall, for the two-year period corresponding to each biennium, identify the permit administration and development and oversight activities that it will perform during that biennium. The workload analysis shall include resource requirements for both the direct and indirect costs of the permit administration activities enumerated in WAC 173-401-940(1) and the development and oversight activities enumerated in WAC 173-401-940(2). Ecology shall publish a draft workload analysis together with the draft budget for the following biennium on or before February 28 of each even-numbered year and shall provide opportunity for public comment thereon in accordance with WAC 173-401-920(1). Ecology shall publish a final workload analysis together with the final budget for the following biennium on or before June 30 of each even-numbered year.

(4) Budget development. Ecology shall, for the two-year period corresponding to each biennium, prepare an operating permit program budget for that biennium. The

budget shall be based on the resource requirements identified in the workload analysis for the biennium and shall take into account the projected fund balance at the start of the biennium. Ecology shall publish a draft budget for the following biennium together with the draft workload analysis on or before February 28 of each even-numbered year and shall provide opportunity for public comment thereon in accordance with WAC 173-401-920(1). Ecology shall publish a final budget together with the final workload analysis for the following biennium on or before June 30 of each even-numbered year.

(5) Allocation methodology.

(a) Development and oversight costs. Ecology shall allocate its development and oversight costs among all permitting authorities, including ecology, 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 will assess to that permitting authority such extraordinary costs.

(b) Permit administration costs and ecology's share of development and oversight costs. Ecology 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 structure based upon:

(i) The number of sources under its jurisdiction;

(ii) The complexity of the sources under its jurisdiction; and

(iii) The size of the sources under its jurisdiction, as measured by the quantity of each regulated pollutant emitted.

The complexity of each source shall be determined based on a ranking system under which ecology assigns to each source a complexity value of 1, 2 or 3, corresponding to ecology's assessment of the relative difficulty of issuing and maintaining an operating permit for that source. 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.

(c) WAC 173-401-300(7) Sources. Ecology shall allocate to permit program sources applying for an exemption pursuant to WAC 173-401-300(7) that portion of ecology's permit administration costs and ecology's share of its development and oversight costs that results from including such sources in the first tier of the allocation structure described in (b)(i) of this subsection. After federally enforceable limits have been established and for so long as a source continues to meet the requirements for exemption under WAC 173-401-300(7), that source shall pay registration program fees pursuant to RCW 70.94.015(2) in lieu of paying operating permit program fees.

(6) Fee schedule. Ecology shall issue annually a fee schedule reflecting the permit administration fee and the share of the development and oversight fee to be paid by each permit program source under its jurisdiction and reflecting the development and oversight assessment to be paid by each permitting authority. The fee schedule shall be based on the information contained in the final source data statements, as provided in WAC 173-401-925(3), for each year; the final source data statements shall be issued after

opportunity for petition and review has been afforded in accordance with WAC 173-401-925. Ecology shall publish the fee schedule for the following year on or before December 31 of each year.

NEW SECTION

WAC 173-401-905 Fee determination—Delegated local authorities. Each delegated local authority shall establish a process for developing, assessing, and collecting fees from permit program sources under its jurisdiction. The fees shall be sufficient to cover its permit administration costs and its share of ecology's development and oversight costs. The fee determination process shall provide opportunity for public participation.

NEW SECTION

WAC 173-401-910 General permit fee determination. Reserved.

NEW SECTION

WAC 173-401-915 Fee collection—Ecology and delegated local authorities. (1) Collection from sources. Ecology and each delegated local authority shall collect fees sufficient to cover the costs of its respective permit administration activities and its share of ecology's development and oversight activities from the permit program sources under their respective jurisdictions.

(2) Dedicated account. All receipts from fees collected by or on behalf of ecology from permit program sources pursuant to section 6, chapter 252, Laws of 1993, shall be deposited in the air operating permit account created under RCW 70.94.015. All receipts from fees collected by delegated local authorities from permit program sources pursuant to section 6, chapter 252, Laws of 1993, shall be deposited in the dedicated accounts of their respective air operating permit accounts or other accounts dedicated exclusively to support of the operating permit program.

NEW SECTION

WAC 173-401-920 Accountability—Ecology and delegated local authorities. (1) Public participation during fee determination process. Ecology shall provide for public participation in the fee determination process described under WAC 173-401-900, which provision shall include but not be limited to the following:

(a) Ecology shall provide opportunity for public review and comment on each biennial workload analysis and budget.

(b) Ecology shall publish in the *Permit Register* notice of issuance of its draft biennial workload analysis and draft biennial budget and issuance of its annual fee schedule.

(c) Ecology shall make available for public inspection and to those requesting opportunity for review, on or before February 28 of each even-numbered year, copies of its draft biennial workload analysis and draft biennial budget. Ecology shall make available for public inspection and to those requesting opportunity for review, on or before December 31 of each year, copies of its annual fee schedule. Ecology shall maintain a mailing list of persons requesting opportunity for review under this subsection or under WAC

173-401-925(1). Ecology may, from time to time, inform the public of the opportunity to be placed on the mailing list and may delete from the list persons who fail to respond to an inquiry regarding continued interest in receiving materials.

(d) Ecology shall provide a minimum of sixty days for public comment on the draft biennial workload analysis and draft biennial budget. Such sixty-day period for comment shall run from the date ecology mails the draft workload analysis and draft budget as provided in (c) of this subsection.

(2) Tracking of revenues, time and expenditures.

(a) Revenues. Ecology shall track revenues on a source-specific basis.

(b) Time and expenditures. Ecology shall track time and expenditures on the basis of source categories and functional categories, except that, as part of a demonstration project undertaken pursuant to chapter 252, Laws of 1993, ecology will track time and expenditures on a source-specific basis for at least three but no more than five sources:

(i) Sources will be grouped into five categories, as follows:

- (A) Kraft pulping mills;
- (B) Sulfite pulping mills;
- (C) Metal processing and related industries;
- (D) Sources located on the Hanford Reservation; and
- (E) Other sources, including those sources under the jurisdiction of ecology's Central and Eastern Regional Offices.

(ii) Functions will be grouped into several categories and subcategories, as follows:

- (A) Program management and support;
- (B) Program development;
- (C) Permit processing;
- (I) Application assistance and review;
- (II) Preparing draft and final permits;
- (D) Permit management; compliance activities;
- (E) Technical assistance; and
- (F) Outreach and education.

(c) Use of information obtained from tracking revenues, time and expenditures.

(i) Ecology shall use the information obtained from tracking revenues, time and expenditures to modify its workload analysis during the biennial review provided for under WAC 173-401-900.

(ii) 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.

(3) 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 the implementation of the operating permit program by ecology and delegated local authorities. Ecology and each delegated local authority shall gather baseline data, where appropriate, to which the various evaluation criteria will be compared.

(a) Fiscal audits. Ecology and each delegated local authority shall contract with the state auditor to have the auditor perform a standard fiscal audit of ecology's and each delegated local authority's operating permit program every other year.

(b) Annual routine performance audits. Ecology and each local authority shall be subject to annual routine

performance audits, except that the routine audit shall be incorporated into the extensive performance audit, conducted pursuant to subsection (4)(d) of this section, in each year during which an extensive performance is conducted. Ecology shall conduct the audits of each of the delegated local authorities. An individual from another state environmental agency shall conduct the audit of ecology. In the event that no such individual is able to serve in this capacity, an independent contractor shall conduct the audit of ecology; the contractor is to be free of any conflicts of interest and is to be agreed upon by a committee comprised of one representative each from the environmental and regulated communities, and one representative of a delegated local authority. The annual routine performance audits shall address the following questions and measures of performance:

- (i) Incorporate by reference information in annual report and, every other year, fiscal audit;
- (ii) Number of lapsed permits;
 - (A) Explanation of lapse;
 - (B) Comment;
- (iii) Total permit applications/applications for permit modifications;
 - (A) Average application processing time;
 - (B) Number of disapproved applications and reason for disapproval;
 - (C) The number of permit applications regarding which permitting authority had to return to source to request additional information? How many times before permit deemed complete?
- (iv) Number/percentage of permits to which EPA objects (including objection upon petition from public);
 - (A) Grounds for objection;
 - (B) Agency response;
 - (I) Deficiency remedied?
 - (II) Timeliness (i.e., within ninety days? Must administrator issue permit?)
- (v) Number/percentage of permits subject to legal/administrative challenge;
 - (A) Challenging party;
 - (B) Grounds for challenge;
 - (I) Substantive;
 - (II) Procedural;
 - (C) Outcome of challenge/prevaling party;
 - (D) Agency response;
- (vi) Number of administrative enforcement actions; number of notices of violation issued;
 - (A) Date issued? How long after violation discovered?
 - (B) Reason;
 - (C) Result (i.e., penalties? Orders of agreement? Legal challenge?)
 - (D) Source returned to compliance? Date? (If not, explain);
- (vii) Frequency of inspections at each facility?
 - (A) Announced;
 - (B) Unannounced;
 - (C) Comparison with baseline data;
- (viii) Number of accidental releases as defined in Section 112(r) of the Federal Clean Air Act?
 - (A) Reason identified;
 - (B) Agency response;
 - (C) Resulting changes to terms of permit, if any;
 - (D) Comparison with baseline data;

- (ix) Expenditures per permit issuance;
 - (A) Average for program;
 - (B) Average for source category;
- (c) Annual random individual permit review. Five percent of the permits issued by each permitting authority, or if five percent of the permits issued by a permitting authority is equal to less than one, at least one permit issued by the permitting authority shall be subject to review each year in conjunction with the annual routine performance. The permit to be reviewed shall be selected at random. Ecology shall conduct the review in the case of each of the delegated local authorities. An individual from another state environmental agency shall conduct the audit of ecology. In the event that no such individual is able to serve in this capacity, an independent contractor shall conduct the audit of ecology; the contractor is to be free of any conflicts of interest and is to be agreed upon by a committee comprised of one representative each from the environmental and regulated communities, and one representative of a delegated local authority. The annual random individual permit review shall address the following questions and measures of performance:
 - (i) Can reviewer, from information available in permit, determine all requirements to which the source is subject?
 - (ii) Does permit include all applicable requirements?
 - (iii) Can reviewer, from information available in file, determine compliance status for each emission point? For facility?
 - (iv) File includes technical reviews, sources tests, CEM performance specification tests, permit applications, record of citizen complaints, correspondence with facility and other supporting documentation?
 - (v) All major emissions points identified in permit?
 - (vi) All pieces of control equipment identified in permit?
 - (vii) Permit specifies operation and management requirements?
 - (viii) Permit specifies all monitoring, recording, reporting and certification requirements to which source is subject?
 - (ix) Alternative operating scenarios specified in permit? Conditions adequately specified?
 - (x) Permit expiration date noted?
 - (xi) Permit indicates which requirements enforceable by federal/state mechanisms? States existence of opportunity for judicial review?
 - (xii) All procedural requirements, including notice to public and affected states, satisfied in issuing/modifying permit?
 - (xiii) Did permit writer work with source to identify and consider opportunities for pollution prevention? Were any pollution prevention measures implemented?
 - (xiv) Evaluation of overall performance:
 - (A) Is permit complete and understandable? Assess completeness, clarity, etc.;
 - (B) Assess procedural adequacy of permit issuance process.
- (d) Periodic extensive performance audits. Ecology and each local authority shall be subject to extensive performance audits every five years. In addition, ecology or a delegated local authority may be subject to an extensive performance audit more frequently under the conditions of WAC 173-401-920 (4)(e). Ecology shall conduct the audits

of each of the delegated local authorities. An individual from another state environmental agency shall conduct the audit of ecology. In the event that no such individual is able to serve in this capacity, an independent contractor shall conduct the audit of ecology; the contractor is to be free of any conflicts of interest and is to be agreed upon by a committee comprised of one representative each from the environmental and regulated communities, and one representative of a delegated local authority. The extensive performance audits shall address the following questions and measures of performance:

(i) Incorporate by reference information in annual reports and routine audits for relevant period; takes place of routine audit every fifth year (gathers routine audit information in addition to information indicated below);

(ii) Number of modifications;

(A) Comparison with projection;

(B) Applicable to how many sources;

(iii) Personnel adequate to complete workload in timely fashion?

(iv) Total fees assessed adequate to fund program?

(A) Amount of shortfall or overcharge;

(B) Explanation;

(v) Total fees collected equal to total fees assessed?

(A) Amount/percentage of shortfall;

(B) Reason for shortfall;

(vi) Program budget increase or decrease over period?

(A) Percentage increase or decrease;

(B) Explanation (e.g., sources no longer part of operating permit program; new federal requirements implemented through permit program);

(vii) Number of instances of late fee payment;

(A) Agency response;

(B) Result (i.e., fee paid? Penalty assessed? Time interval between payment and date fee amount due?)

(viii) Number/percentage of sources in compliance with all applicable requirements; comparison with baseline data;

(ix) Number of businesses availing selves of services offered by business assistance program? By local authority equivalents? Effort required to provide assistance;

(x) Inspection results adequately documented?

(xi) Methods used to ascertain compliance/frequency of required activities appropriate for each facility?

(A) Frequency of inspections appropriate for relevant facility?

(B) Monitoring requirements appropriate for relevant facility?

(xii) Operation and management plans adequate?

(xiii) Public information efforts adequate?

(A) Public notice for actions relating to permitted sources meets/exceeds statutory requirements?

(B) Agency/permit writers accessible to regulated community? To environmental community? To stakeholders and general public?

(C) Other outreach efforts;

(xiv) Evaluation of overall performance:

(A) Is permitting authority issuing quality permits?

(B) Is permitting authority issuing/renewing permits in timely fashion?

(C) Is permitting authority ensuring that sources are in compliance with terms and conditions of permit?

(D) Is permitting authority effectively using operating permit as a tool for securing environmental improvements?

(E) Is permitting authority efficiently administering program (includes, in the case of ecology, state-wide program)? Indicate inefficiencies, where these exist;

(F) Evaluation of particular questions identified in annual report/routine audit for further examination;

(e) 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 entity conducting the audit finds that ecology or a delegated local authority 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 WAC 173-401-920 (4)(d).

(f) Preaudit public meeting with auditor. Ecology and each delegated local authority shall provide the opportunity for interested individuals to provide comment to the entity conducting an annual routine audit, annual random permit review or extensive performance audit prior to the audit. Such opportunity shall consist of a single, informal meeting at which at least one representative from the regulated community and at least one representative of the environmental community are present. Ecology and each delegated local authority shall provide notice of the preaudit meeting in the *Permit Register*.

(g) Annual reports. Ecology and each delegated local authority shall prepare an annual report evaluating its operating permit program administration. Such report shall include any findings resulting from the relevant fiscal audits, annual routine audits, annual random individual permit reviews or periodic extensive performance audits. Ecology shall submit its annual report to the appropriate standing committees of the legislature. Each delegated local authority shall submit its report to its board of directors and to ecology.

NEW SECTION

WAC 173-401-925 Source data statements and petition for review of statements—Ecology and delegated local authorities.

(1) Preliminary source data statements. Ecology shall provide to the permit program sources under its jurisdiction and to those persons on the mailing list, maintained in accordance with WAC 173-491-920 (1)(c), or to those requesting receipt of source data statements under this subsection a preliminary statement of emissions and other data from that source upon which ecology intends to base its allocation determination under WAC 173-401-900(5). In addition, the preliminary source data statements shall include a preliminary statement of emissions and other data upon which ecology intends to base its allocation determination from each of the permit program sources under its jurisdiction. Such preliminary statement shall be provided to the permit program sources and to other persons on the mailing list 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 subsection (2) of this section regarding the accuracy of the data contained therein.

(2) Petition for review of statement. A permit program source or other individual may petition ecology to review for accuracy the data contained in the preliminary source data statement provided for under subsection (1) of this section. 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 ecology may direct inquiries regarding the request. Upon receipt of such a petition, ecology 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 ecology's response.

(3) Final source data statement. Ecology shall provide to the permit program sources under its jurisdiction and to those persons on the mailing list, maintained in accordance with WAC 173-491-920 (1)(c), or to those requesting receipt of source data statements under this subsection a final statement of emissions and other data from that source upon which ecology will base its allocation determination under WAC 173-401-900 on or before December 31 of each year. In addition, the final source data statements shall include a final statement of emissions and other data upon which ecology intends to base its allocation determination from each of the permit program sources under its jurisdiction. The final source data statement will be accompanied by an invoice reflecting the fee to be paid by each source.

(4) Delegated local authorities. Delegated local authorities shall establish procedures for administrative dispute resolution for disputes pertaining to fees.

NEW SECTION

WAC 173-401-930 Fee payment and penalties—Ecology. (1) Fee payment. Each permit program source under ecology's jurisdiction shall pay a fee in the amount reflected in the invoice issued under WAC 173-401-925(3). Such fee shall be due on or before February 28 of each year.

(2) Failure to pay fees. Ecology 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.

(3) Other penalties. The penalties authorized in subsection (2) of this section are additional to and in no way prejudice ecology's or a local air authority'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.

(4) 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 fiscal year at the time the source ceases operations by the total of three hundred sixty-five calendar days, and multiplying the fraction thus derived by the fee that the source would have paid for the relevant fiscal year, had it not ceased operations.

(5) 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.

NEW SECTION

WAC 173-401-935 Development and oversight remittance by local authorities—Ecology and delegated local authorities. (1) Collection. Ecology shall provide to each delegated local authority a statement of the share of ecology's development and oversight costs for which the authority is responsible for collecting from sources under its jurisdiction on or before December 31 of each year.

(2) Remittance. Each delegated local 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.

NEW SECTION

WAC 173-401-940 Fee eligible activities—Ecology and delegated local authorities (1) Permit administration.

(a) Preapplication assistance and review of an application and proposed compliance plan for a permit, permit revision, or renewal;

(b) Source inspections, 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 and 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; and
 - (p) Other activities required by operating permit regulations issued by the United States Environmental Protection Agency under the Federal Clean Air Act.
- (2) Development and oversight.
- (a) Review and determinations necessary for delegation of authority to administer and enforce a permit program to a local air authority under RCW 70.94.161(2) and 70.94.860;
 - (b) Conducting fiscal audits and periodic performance audits of delegated local authorities, and other oversight functions required by the operating permit program;
 - (c) Administering enforcement actions taken by the department on behalf of a permitting authority, including those actions taken by the department under RCW 70.94.785, but excluding the costs of proceedings before the pollution control hearings board and all costs of judicial enforcement;
 - (d) Determination and assessment with respect to each permitting authority of the fees covering its share of the costs of development and oversight;
 - (e) Training and assistance for permit program administration and oversight, including training and assistance regarding technical, administrative, and data management issues;
 - (f) Development of generally applicable regulations or guidance regarding the permit program or its implementation or enforcement;
 - (g) State codification of federal rules or standards for inclusion in operating permits;
 - (h) Preparation of delegation package and other activities associated with submittal of the state permit program to the United States Environmental Protection Agency for approval, including ongoing coordination activities;
 - (i) General administration and coordination of the state permit program, related support activities, and other agency indirect costs, including necessary data management and quality assurance;
 - (j) Required fiscal audits and periodic performance audits of the department, and reporting activities;
 - (k) Tracking of time, revenues and expenditures, and accounting activities;
 - (l) Public education and outreach related to the operating permit program, including the maintenance of a permit register;
 - (m) The share attributable to permitted sources of compiling and maintaining emissions inventories;
 - (n) The share attributable to permitted sources of ambient air quality monitoring, related technical support, and associated recording activities;

- (o) Provision of assistance to small business as required under Section 507 of the Federal Clean Air Act as it exists on the effective date of this act or its later enactment as adopted by reference by the director by rule;
- (p) Provision of services by the department of revenue and the office of the state attorney general and other state agencies in support of permit program administration;
- (q) A one-time revision to the state implementation plan to make those administrative changes necessary to ensure coordination of the state implementation plan and the operating permit program; and
- (r) Other activities required by operating permit regulations issued by the United States Environmental Protection Agency under the Federal Clean Air Act.

WSR 93-17-102
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed August 18, 1993, 10:45 a.m.]

Continuance of WSR 93-13-141.
 Title of Rule: Chapter 16-403 WAC, Marketing standards for apples.
 Date of Intended Adoption: August 30, 1993.
 August 17, 1993
 K. Diane Dolstad
 Assistant Director

WSR 93-17-103
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed August 18, 1993, 10:57 a.m.]

Original Notice.
 Title of Rule: Special services program, Chapter 1 Migrant Elementary and Secondary School Improvement Amendments of 1988.
 Purpose: The purpose of this chapter is to ensure compliance by the state of Washington with provisions governing financial assistance to local school districts and other subgrantees of Chapter 1 Migrant of the Elementary and Secondary School Improvement Amendments of 1988 and accompanying federal rules and regulations, particularly 34 CFR Parts 200, 201 and 203 and 74.60-61 and Appendix 76.
 Statutory Authority for Adoption: RCW 28A.300.070.
 Summary: See Purpose above.
 Reasons Supporting Proposal: See Purpose above.
 Name of Agency Personnel Responsible for Drafting: Bettijane McCauley, Old Capitol Building, 753-1031;
 Implementation: Raul de la Rosa; and Enforcement: John Pearson.
 Name of Proponent: Governmental.
 Rule is necessary because of federal law, CFR 34, Part 201.
 Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.
 Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Old Capitol Building, Wanamaker Conference Room, 2nd Floor, Olympia, Washington 98504-7200, on October 8, 1993, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, P.O. Box 47200, Olympia, WA 98504-7200, by August [September] 5, 1993.

Date of Intended Adoption: October 20, 1993.

August 18, 1993
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-105 Purpose. The purpose of this chapter is to ensure compliance by the state of Washington with provisions governing financial assistance to local school districts and other subgrantee's of Chapter 1 Migrant of the (~~Education Consolidation and Improvement Act of 1981~~) Elementary and Secondary School Improvement amendments of 1988 and accompanying federal rules and regulations, particularly 34 CFR Parts (~~(201, 204)~~) 200, 201, and 203 and 74.60-61 and Appendix (~~(G to part 74)~~) 76.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-115 Accountability. Nothing in this chapter shall be construed to relieve a local school district or other subgrantee of its responsibility to comply also with all applicable federal statutes, rules, and regulations including but not limited to provisions of time and effort found in OMB Circular A-87, attachment B, Paragraph (B)(10).

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-120 Chapter 1 Migrant—Definition. As used in this chapter, the term "Chapter 1 Migrant" means that part of Public Law (~~(97-35)~~) 100-97 and subsequent amendments, commonly referred to as Chapter 1 of the (~~Education Consolidation and Improvement Act of 1981~~) Elementary and Secondary School Improvement amendments of 1988, which provide financial assistance to state educational agencies to meet special educational needs of migratory children.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-165 Preschool children—Definition. As used in this chapter, "preschool children" means children who are:

- (1) Below the age and grade level at which the state provides free public education; and
- (2) Of the age or grade level at which they can benefit from an organized (~~(instructional)~~) educational program provided in a school or instructional setting: *Provided*, That such children shall not be younger than three years of age.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-185 Object of expenditure—Definition. As used in this chapter, the term "object of expenditure" means an article purchased or a service obtained, coded appropriately on the program budget matrix (FORM SPI F-1000B(~~(—CH-1)~~)) and referred to for accounting purposes as the third field of uniform expenditure classification.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-190 Activity—Definition. As used in this chapter, the term "activity(ies)," when used in the context of budgeting provisions, means a specific line of work carried on by the school district or other subgrantee coded appropriately on the program budget matrix (FORM SPI F-1000B(~~(—CH-1)~~)) and referred to for accounting purposes as the second field of uniform expenditure classification.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-205 (~~(Definition—)~~)Service model—Definition. As used in this chapter, the term "service model" means the location, time and conditions characteristic of the method(s) chosen by a school district for delivery of Chapter 1 Migrant instructional and/or support services. Permissible models are those described in the annual application instructions.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-164-225 Academic instruction—Definition. As used in this chapter, the term "academic instruction" means reading, oral language development, language arts, mathematics, basic and advanced skills: *Provided*, That other areas of basic education instruction identified in RCW 28A.150.220, Basic Education Act, may be included if appropriate to the state and local plans approved pursuant to WAC 392-164-285.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-230 Greatest need of special assistance—Definition. As used in this chapter, the term "greatest need of special assistance" means those eligible migratory children, as defined in WAC 392-164-170, who have been identified on the basis of established selection criteria, including objective measurement of educational achievement, as demonstrated by written and oral tests if reasonable, as in the greatest need of special assistance.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-235 Consultation with parents and teachers of participating children—Definition. As used in

this chapter, the term "consultation with parents and teachers of participating children" means:

- (1) Establishment by the local school district of a parent advisory council;
- (2) Active solicitation of parent involvement in the planning, (~~(operation)~~) design, and evaluation of the migrant education program, including discussion of program revenues and expenditures; and
- (3) Similar involvement of teachers of children being served.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-240 Definition—Participating children. As used in this chapter, the term "participating children" means those eligible migratory children in greatest need of special assistance, as determined on the basis of established selection criteria, who are selected to receive services in the Chapter 1 Migrant program.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-255 Application required. Each local school district or other subgrantee that seeks an allocation of federal funds under Chapter 1 Migrant shall submit an annual application by November 30 on forms provided by the superintendent of public instruction. No application submitted after November 30 will be considered for the current school year.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-260 Substance of annual application. The local school district's or other subgrantee's annual application shall include:

- (1) A description of the Chapter 1 Migrant education project to be conducted, (~~(including)~~) based on local needs assessment will include the following:
 - (a) The services and types of programs to be provided.
 - (b) The number of children to be served in total and for each service.
 - (c) The types and number of staff to be employed.
 - (d) Advanced skills which include reasoning, analysis, interpretation, problem-solving, and decision making as they relate to particular subjects.
 - (e) Desired outcomes expressed in measurable terms for all aspects of the migrant program including support services and early childhood.
 - (f) A separate summary of the project components designed to meet unmet needs of currently migratory children expected to be served.
- (2) An appropriate budget displayed on FORM SPI F-1000B(~~—CH. 1~~).
- (3) The assurances in section 556(b)(2) through (b)(5) of Chapter 1 of the (~~Education Consolidation and Improvement Act~~) Elementary and Secondary School Improvement Amendments of 1988.
- (4) The assurances in section 436(b)(2) and (b)(3) of the General Education Provisions Act.

(5) The state-developed assurances included in the application.

(6) Services, site, and use of facilities and equipment to be purchased.

(7) A description of the local school district's or other subgrantee's plan for involving parents of migratory children in the planning, implementation, and evaluation of the project.

(8) Descriptive outcomes for all migrant children in terms of advanced skills.

(9) A description of how the district will remediate the unmet needs of currently migratory children.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-265 Basis of project planning and funding. The local school district or other subgrantee and the superintendent of public instruction shall consider the following factors in project planning and approval for funding.

- (1) An operating agency's project shall:
 - (a) Satisfy the provisions of the approved state plan submitted by the superintendent of public instruction to the secretary of education;
 - (b) Be planned and implemented based on the number and specific needs of participating, eligible migratory students;
 - (c) Be of sufficient size and scope as determined pursuant to WAC 392-164-275 to meet the needs of the eligible migratory students to be served;
 - (d) Be funded in relationship to:
 - (i) The migrant student records and transfer system (MSRTS) reports on full-time equivalent migratory students to determine the number and status of migratory students enrolled on the MSRTS as compared to previous years' enrollment and with other local school districts and operating agencies within Washington state;
 - (ii) Data contained in the report of services filed with the superintendent of public instruction to determine continuity of services and projected number of participants versus the number of migratory students actually served over time;
 - (iii) (~~Skills information systems reports and supplementary services report to determine if skills mastered by project participants and under study are consistent with the amount of staff time requested;~~)
 - (~~iv~~) The number of students served in supplemental programs by the operating agency to determine whether planning information and proposed services are consistent with one another and if funds requested are intended to support a new project;
 - (~~(v)~~) (~~iv~~) Monitoring reports to determine if the local school district or subgrantee has incorporated recommendations to remedy weaknesses in previous projects into their current proposal;
 - (~~(vi)~~) (~~v~~) Expenditure claims for the immediately preceding and current year to determine if the amount requested is realistic in light of the rate of expenditure in the current year;
 - (~~(vii)~~) (~~vi~~) State plan to determine whether the scope of services planned at the local school district or subgrantee level is within approved state priorities; and

~~((viii))~~ (vii) Migrant student records transfer system and migrant education regional office reports to determine the needs, strengths and weaknesses of the proposal based on information gathered in visits for reports, training, and district profiles.

(2) No project shall be established solely for formerly migratory children.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-285 Approval of Chapter 1 Migrant project applications for a subgrant by the superintendent of public instruction. (1) Final approval of a Chapter 1 Migrant project shall be given to a local school district or other subgrantee when the superintendent of public instruction has received a completed application in accordance with WAC 392-164-260 and 392-164-265 and is assured that the local school district or other subgrantee has satisfied all yearly reporting requirements and compliance agreements from the previous year, unless the agreement extends into the current year.

(2) Programs shall not be implemented without prior approval from the superintendent of public instruction. The effective approval date shall be July 1 of each year for complete applications received prior to July 1, or the subsequent date on which the complete application is received by the superintendent of public instruction provided it is before November 30 of the current year.

(3) Fiscal expenditures made prior to the effective approval date indicated on an application or a request for budget revision shall not be allowed.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-300 Budget revision—~~((Twenty)) Ten~~ percent allowed. Using either an object or activity subtotal from FORM SPI F-1000B(~~—CH. 1 as a base, local~~); School districts or other subgrantees may make annual expenditure adjustments of up to ~~((twenty)) ten~~ percent per activity line or object column in any of the previously budgeted ~~((object/activity cell)) activity lines or object column totals~~ within the approved annual application without filing a request for a budget revision with the superintendent of public instruction. Any object or activity revisions in excess of ten percent require previous approval from the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-305 Budget revisions—Updating planned expenditures. Except as provided in WAC 392-164-300 each local school district or other subgrantee shall expend Chapter 1 Migrant moneys in accordance with planned expenditures and the program description included in the application submitted to and approved by the superintendent of public instruction. A local school district or other subgrantee shall be required to file a request for a budget revision whenever necessary or no later than August 31 of the current year with the superintendent of public instruction in order to accomplish any of the following:

(1) Increase the total expenditure of Chapter 1 Migrant moneys~~((:))~~;

(2) Change by more than ~~((twenty)) ten~~ percent of ~~((an object/activity cell))~~ the expenditures among activities or object~~((:))s~~ totals; or

(3) Expend money in any object or activity where no moneys were budgeted in the approved application.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-315 Program update. No later than thirty calendar days following a substantial program change, a local school district or other subgrantee shall submit to the superintendent of public instruction a description of such changes. "Substantial changes" shall mean one or more of the following:

(1) Removal of Chapter 1 Migrant services from an area listed as "served" on the application.

(2) Addition of Chapter 1 Migrant services to an area not listed as "served" in the application.

(3) Modification of the Chapter 1 Migrant program in any served area by adding a new program focus, by changing grade levels, or by changing program service delivery models or staff F.T.E.s.

(4) Increasing the number of students served in the Chapter 1 Migrant program to such an extent that the district must exceed the ~~((twenty)) ten~~ percent budget variance to accommodate serving the additional eligible students.

(5) *Provided*, That notwithstanding the thirty-day provision for notification to the superintendent of public instruction of substantial program changes, if such changes necessitate a budget revision or are based on a needs assessment revision, said revision shall be submitted to the superintendent of public instruction for approval prior to implementation of proposed changes.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-345 Preschool services. Preschool services for eligible migratory children may be provided under this part as a service to preschool children upon specific application to the superintendent of public instruction with sufficient information to enable him to determine that such care as described in the application:

(1) Serves eligible students who are currently migratory children ages three to school age;

(2) Supplements services available from other public or private agencies;

(3) Is not extravagant in view of the cost and the number of children involved;

(4) Does not prevent participation of school age migratory children or detract from the s operation of projects for school age children;

(5) Is developed based on ~~((an academic))~~ educational and support services needs assessment; and

(6) Is designed to provide for the special educational, cultural, and linguistic needs of the children.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-350 Fiscal requirements. Fiscal requirements for operating agencies receiving funds under this chapter shall be understood and applied as described in WAC 392-163-245, 392-163-405, 392-163-410, and 392-163-415 which apply to Chapter 1 Regular of the (~~Education Consolidation and Improvement Act~~) Elementary and Secondary School Improvement Amendments of 1988.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-355 Chapter 1 Migrant audit. Audit of local school district Chapter 1 Migrant programs shall be conducted in compliance with (~~34 CFR Part 74, Subpart H "Standards for grantee and subgrantee financial management systems and non-federal audits" and Appendix G, "Audit requirements for state and local governments."~~) the Single Audit Act of 1984 and related regulations including but not limited to chapter 392-115 WAC.

NEW SECTION

WAC 392-164-368 Consultation with parents. To meet the expanded parental involvement required in Section 1016, ESSIA 1988 each agency receiving Chapter 1 Migrant funds must develop procedures for organized, ongoing, systematic informed, and timely consultations with parents of participating children.

These written procedures must be made available to parents and guardians of participating children.

Parent involvement must be developed with, and based on proposed and final applications, needs assessment documentation, budgetary information, evaluation data, local, state, and federal laws, regulations, policies, and directives, and other information deemed necessary for effective involvement.

Methods for obtaining full participation of parents must be of sufficient size, scope, and quality to give reasonable promise of substantial progress toward achieving the parental involvement goals in Section 299.34 (a)(3) and (b) and Section 201.35(c).

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-375 State advisory committee. The purpose of the state advisory committee shall be to advise the superintendent of public instruction in planning, developing, operating, and evaluating the state Chapter 1 Migrant program; and to facilitate communication among local parent advisory councils and between the state advisory committee and local councils.

(1) Membership of the state advisory committee shall be as follows:

(a) The superintendent of public instruction shall select parent members from nominations submitted by local parent advisory committees, current state advisory committee members, or migrant education staff;

(b) The majority of the state advisory committee shall consist of such parents, selected from nominees; and

(c) The balance of the state advisory committee shall be selected by the superintendent of public instruction and shall consist of representatives of local districts and (~~intermediate school~~) educational service districts, the Washington Hispanic commission, a high school migratory student, and such other agencies and committees as are deemed appropriate.

(2) Bylaws shall be developed jointly by the state advisory committee and the superintendent of public instruction with final approval given by the superintendent of public instruction.

(3) Election of officers shall be conducted by the membership.

(4) The superintendent of public instruction shall call all meetings.

(5) Members shall be reimbursed for travel and expenses consistent with state law.

(6) The executive secretary of the state advisory committee shall be an employee of the superintendent of public instruction who shall be assisted by the executive committee of the state advisory committee in finalizing and facilitating state advisory committee meeting agendas.

AMENDATORY SECTION (Amending Order 88-16, filed 6/20/88)

WAC 392-164-390 Program evaluation. Each local school district or other subgrantee that receives a subgrant under Chapter 1 Migrant shall (~~evaluate their Chapter 1 Migrant program using a locally developed evaluation method or the Chapter 1 Evaluation and Reporting System (CHERS) for reporting student impact data to the superintendent of public instruction~~) conduct evaluations that assess the overall progress of participating migrant children in grade two through twelve, including education progress, in terms of instructional services and support services.

The evaluation design for the regular school year instructional program must include:

(1) Objective measures of educational progress of project participants (including achievement in basic skills) as measured, if possible, over a twelve-month testing interval through the use of forms of state or national normal achievement tests. If this is not possible the LEA or operating agency may use other acceptable measures of educational progress of migrant children, such as changes in attendance patterns, drop-out rates, and objectively applied indicators of student achievement;

(2) Migrant summer schools, to the extent possible, must follow the same guidelines; and

(3) During either regular or summer terms, the evaluation design for support service components must include measures of the effects on project participants that are consistent with the defined support objectives. In addition, each local school district or other subgrantee, when appropriate, shall determine whether improved student achievement is sustained over a period of more than one program year, and shall consider that data in the improvement of programs and projects assisted with Chapter 1 Migrant moneys.

NEW SECTION

WAC 392-164-420 General requirements for new program. To develop and implement a new migrant program, a local school district or operating agency must do the following:

- (1) Identify ten or more currently migrant students;
- (2) Do a needs assessment which will show what needs can be met in basic education, other specially funded programs, and determine if special unmet needs unique to the migrant life still exist.

If so, the LEA may design a migrant education program based on this needs assessment that will be of a size, scope, and quality to give reasonable promise of substantial progress toward meeting the special needs of the identified migrant pupils.

NEW SECTION

WAC 392-164-425 Subgrant allocation formula. Each year an allocation formula based on pupils served, types of migrant pupils, current district enrollments for January will be used to determine the maximum subgrant funds available to LEAs. The actual amount granted to each subgrant will be determined by the needs assessment in each LEA.

NEW SECTION

WAC 392-164-430 Supply purchase. All supplies, materials, and equipment for current year program must be purchased before March 1. An unexpected spring influx or a summer school are the only exceptions under which approval will be granted and will require SPI's prior approval.

**WSR 93-17-105
PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER**
[Filed August 18, 1993, 11:10 a.m.]

Original Notice.

Title of Rule: The Washington United States Longshore and Harbor Workers' Compensation Act assigned risk plan.

Purpose: The rule is intended to promote a strong and healthy maritime industry through the establishment of a plan ensuring the continued availability of USL&H coverage for those employers unable to purchase this essential coverage in the normal insurance market. This plan will replace a voluntary plan that expired on June 30, 1992.

Other Identifying Information: Insurance Commissioner Matter No. R 93-17.

Statutory Authority for Adoption: RCW 48.02.060.

Statute Being Implemented: RCW 48.22.070.

Summary: Participation in this workers' compensation assigned risk plan, according to a specified ratio, is mandatory for the state industrial insurance fund, and for authorized insurers writing primary or excess United States Longshore and Harbor Workers' insurance.

Reasons Supporting Proposal: Maritime industry within Washington state requires the availability of workers'

compensation coverage, as required by the United States Longshore and Harbor Workers' Act.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Allen Morrow, Insurance Building, Olympia, Washington, (206) 753-5396.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will ensure the continued availability of workers' compensation coverage for longshore and harbor workers. It will provide a mechanism through which the underwriting results of the assigned risk plan are shared by the Washington state industrial insurance fund and authorized insurers writing primary or excess United States Longshore and Harbor Workers' insurance.

Proposal Changes the Following Existing Rules: Only to the extent that a previously adopted emergency rule is being adopted as a permanent rule.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Pursuant to RCW 19.85.060(2), this rule "will have a minor or negligible economic impact" on small businesses.

Hearing Location: Insurance Commissioner's Office, Insurance Building, Second Floor Conference Room, Olympia, Washington, on September 21, 1993, at 1:00 p.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, P.O. Box 40255, Olympia, WA 98504-0255, by September 21, 1993.

Date of Intended Adoption: September 24, 1993.

August 17, 1993

Deborah Senn

Insurance Commissioner

AMENDATORY SECTION (Amending Order R 92-12, filed 9/16/92, effective 10/17/92)

WAC 284-22-010 Title. These rules and regulations, adopted under the authority of chapter ((209)) 177, Laws of ((1992)) 1993, shall be entitled the Washington United States Longshore and Harbor Workers' Compensation Act assigned risk plan (hereinafter referred to as "the assigned risk plan").

AMENDATORY SECTION (Amending Order R 92-12, filed 9/16/92, effective 10/17/92)

WAC 284-22-020 Purpose. The purposes of the assigned risk plan are:

(1) To promote a strong and healthy maritime industry, within Washington state, by ensuring the continued availability of workers' compensation coverage required by the United States Longshore and Harbor Workers' Act and maritime employers' liability coverage incidental to such workers' compensation coverage for employers who are unable to purchase it through the normal insurance market.

(2) To provide a mechanism through which the underwriting results of the assigned risk plan are shared by authorized insurers writing ((workers' compensation)) primary or excess United States Longshore and Harbor Workers' insurance within Washington state and the Washington state industrial insurance fund.

AMENDATORY SECTION (Amending Order R 92-12, filed 9/16/92, effective 10/17/92)

WAC 284-22-030 Effective date. (1) The assigned risk plan shall become effective at 12:01 a.m. July 1, 1992.

(2) The assigned risk plan shall cease accepting new applicants at 12:01 a.m. July 1, ~~((1993))~~ 1995. However, it shall not terminate until all policies issued under the plan have expired and outstanding obligations incurred under such policies have been satisfied.

AMENDATORY SECTION (Amending Order R 92-12, filed 9/16/92, effective 10/17/92)

WAC 284-22-050 Definitions. (1) "Administrator" means any organization designated by the assigned risk plan and approved by the commissioner to provide administrative support for the plan. Such support shall be defined by the governing committee in its operating plan. It may include, but is not limited to, acceptance, processing, and distribution of incoming applications to the servicing carrier(s), collection of and accounting for premium income, determination of assigned risk plan reserves, investment of assigned risk plan assets, collection of statistical data, actuarial assistance for rate making, development of policy contracts, and auditing the activities of servicing carrier(s) to ensure that the assigned risk plan's rules are being applied properly.

(2) "Applicant" means an employer, seeking coverage from the assigned risk plan, who has, in good faith, sought United States longshore and harbor workers' coverage from at least two of the authorized insurers writing such coverage in Washington and has been declined such coverage by all insurers from which it has sought coverage. "Applicant" does not include employers seeking coverage through the plan solely because of the lack of availability of maritime employers' liability coverage.

(3) "Authorized insurer" means any insurance company licensed to write workers' compensation insurance on a direct basis in this state.

(4) "Commissioner" means the commissioner of insurance of the state of Washington.

(5) "Governing committee" means the committee responsible for administering the assigned risk plan. It shall consist of thirteen members, who shall be appointed by the commissioner. The director of the department of labor and industries shall be one member. The remaining members shall be selected to insure equal representation of each of the following interest groups; authorized insurers writing primary or excess workers' compensation insurance, insurance producers, organized labor, and maritime employers.

(6) "Maritime employers' liability" means that liability imposed by 46 U.S.C. 688 (the Jones Act) and general maritime law for bodily injury including death of a master or member of the crew of any vessel.

(7) "Servicing carrier" means any authorized insurer designated by the assigned risk plan and approved by the commissioner and the United States Department of Labor to issue workers' compensation policies. It shall issue policies on behalf of the assigned risk plan, provide safety engineering, handle claims incurred by those covered by the assigned risk plan, provide premium audits, perform underwriting functions, and perform other duties as defined by the governing committee in its operating procedures.

(8) "State industrial insurance fund" means that entity defined in RCW 51.08.175 which provides primary workers' compensation insurance on a direct basis in this state.

(9) "Underwriting results" means the assigned risk plan's revenues less incurred claims plus net operating expenses, net of reinsurance, during its period of operation.

(10) "United States longshore and harbor workers' compensation coverage" means that workers' compensation coverage required of employers by the United States Longshore and Harbor Workers' Compensation Act, 33 U.S.C. Secs. 901 through 950. It is hereinafter referred to as USL&H coverage.

(11) "Written premium" means gross direct premiums (excluding premiums on risks written ceded to the assigned risk plan), within the state of Washington, charged during the first preceding calendar year with respect to ~~((workers' compensation))~~ United States Longshore and Harbor Workers' insurance, less return premiums, dividends paid or credited to policyholders, or the unused or unabsorbed portions of premium deposits.

AMENDATORY SECTION (Amending Order R 92-12, filed 9/16/92, effective 10/17/92)

WAC 284-22-060 Participation. (1) Participation in the assigned risk plan is mandatory for all authorized insurers writing ~~((workers' compensation))~~ primary or excess United States Longshore and Harbor Workers' insurance in Washington state and the state industrial insurance fund. Underwriting results shall be shared by the participants in accordance with the following ratio: The state industrial insurance fund, fifty percent; authorized insurers writing ~~((USL&H))~~ such United States Longshore and Harbor Workers' coverage, ~~((forty-eight))~~ fifty percent ~~((+ and authorized insurers writing excess workers' compensation insurance, two percent)).~~

(2) The amount of participation of each authorized insurer shall be based on the proportional share of its ~~((USL&H or excess))~~ United States Longshore and Harbor Workers' compensation premium written within Washington to all such premium written within the appropriate category during the first preceding calendar year. However, the governing committee, subject to the commissioner's approval, and subject to the requirement that the amount assumed by all insurers within each category must be as stated in subsection (1) of this section, has the authority to allocate assessments in such a fashion that no authorized insurer shall be required to participate in the plan if the amount of an assessment shall be less than fifty dollars.

(3) Each authorized insurer writing ~~((workers' compensation))~~ United States Longshore and Harbor Workers' insurance shall by September 1 ~~((, 1992,))~~ of each calendar year make a report to the governing committee identifying the amount of its ~~((1991))~~ written premium in the preceding year applying to ~~((USL&H))~~ United States Longshore and Harbor Workers' coverage and the amount applying to excess workers' compensation coverage.

WSR 93-17-106
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Order 93-07—Filed August 18, 1993, 11:18 a.m.]

Original Notice.

Title of Rule: Chapter 296-155 WAC, Safety standards for construction work, new sections WAC 296-155-176 Lead; 296-155-17603 Scope; 296-155-17605 Definitions; 296-155-17607 Permissible exposure limit; 296-155-17609 Exposure assessment; 296-155-17611 Methods of compliance; 296-155-17613 Respiratory protection; 296-155-17615 Protective work clothing and equipment; 296-155-17617 Housekeeping; 296-155-17619 Hygiene facilities and practices; 296-155-17621 Medical surveillance; 296-155-17623 Medical removal protection; 296-155-17625 Employee information and training; 296-155-17627 Signs; 296-155-17629 Recordkeeping; 296-155-17631 Observation of monitoring; 296-155-17635 Startup dates; 296-155-17650 Appendix A to WAC 296-155-176—Substance data sheet for occupational exposure to lead; 296-155-17652 Appendix B to WAC 296-155-176—Employee standard summary; 296-155-17654 Appendix C to WAC 296-155-176—Medical surveillance guidelines; and 296-155-17656 Appendix D to WAC 296-155-176—Qualitative and quantitative fit test protocols.

Purpose: Federal-initiated proposed new sections are made to be "identical" to the federal interim final rule, relating to lead in construction, as published in Federal Register Volume 58, Number 84, dated May 4, 1993. This standard reduces the permitted level of exposure to lead for construction workers from 200 micrograms per cubic meter of air ($200 \mu\text{g}/\text{m}^3$) as an 8-hour time-weighted average of $50 \mu\text{g}/\text{m}^3$. The standard also includes requirements addressing exposure assessment, methods of compliance, respiratory protection, protective clothing and equipment hygiene facilities and practices, medical surveillance, medical removal protection, employee information and training, signs, recordkeeping, and observation of monitoring. An action level of $30 \mu\text{g}/\text{m}^3$ as an 8-hour time-weighted average is established as the level at which employers must initiate certain compliance activities. In instances where employers can demonstrate that employee exposures are below $30 \mu\text{g}/\text{m}^3$ as an 8-hour time-weighted average, the employer is not obligated to comply with most of the requirements in this standard.

Notice: The Department of Labor and Industries had filed a preproposal comment notice in this issue of the Washington State Register asking for comments on proposed amendments to the lead standards in chapter 296-62 WAC, General occupational health standards and chapter 296-155 WAC, Safety standards for construction work, which would exceed the minimum federal OSHA requirements being discussed at this hearing.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Statute Being Implemented: RCW 49.17.040, [49.17].050, and [49.17].060.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Ray V. Wax, 7273 Linderson Way, Tumwater, WA, (206) 956-5526; **Implementation and Enforcement:** Suzanne L.

Mager, 7273 Linderson Way, Tumwater, WA, (206) 956-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, Federal Register Volume 58, Number 84, dated May 4, 1993.

Explanation of Rule, its Purpose, and Anticipated Effects: See above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The department has considered whether these rules are subject to the Regulatory Fairness Act and has determined that they are not, for the following reasons: Federal-initiated proposed new sections are made to be "identical" to the federal interim final rule, relating to lead in construction, as published in Federal Register Volume 58, Number 84, dated May 4, 1993. Federal-initiated proposed new sections are made to be "identical" to the federal interim final rule, relating to lead in construction, as published in Federal Register Volume 58, Number 84, dated May 4, 1993. This standard reduces the permitted level of exposure to lead for construction workers from 200 micrograms per cubic meter of air ($200 \mu\text{g}/\text{m}^3$) as an 8-hour time-weighted average of $50 \mu\text{g}/\text{m}^3$. The standard also includes requirements addressing exposure assessment, methods of compliance, respiratory protection, protective clothing and equipment hygiene facilities and practices, medical surveillance, medical removal protection, employee information and training, signs, recordkeeping, and observation of monitoring. An action level of $30 \mu\text{g}/\text{m}^3$ as an 8-hour time-weighted average is established as the level at which employers must initiate certain compliance activities. In instances where employers can demonstrate that employee exposures are below $30 \mu\text{g}/\text{m}^3$ as an 8-hour time-weighted average, the employer is not obligated to comply with most of the requirements in this standard.

Hearing Location: 1st Floor Auditorium, Labor and Industries Building, 7273 Linderson Way, Tumwater, WA, on September 28, 1993, at 9:30 a.m.

Submit Written Comments to: Suzanne L. Mager, Interim Assistant Director, P.O. Box 44620, Olympia, WA 98504-4620, by October 12, 1993.

Date of Intended Adoption: October 29, 1993.

August 18, 1993

Mark O. Brown

Director

NEW SECTION

WAC 296-155-176 Lead.

NEW SECTION

WAC 296-155-17603 Scope. WAC 296-155-176, Lead, applies to all construction work where an employee may be occupationally exposed to lead. All construction work excluded from coverage in the general industry standard for lead by WAC 296-62-07521(1)(b) is covered by this standard. Construction work is defined as work for construction, alteration and/or repair, including painting and decorating. It includes but is not limited to the following:

- (1) Demolition or salvage of structures where lead or materials containing lead are present;
- (2) Removal or encapsulation of materials containing lead;
- (3) New construction, alteration, repair, or renovation of structures, substrates, or portions thereof, that contain lead, or materials containing lead;
- (4) Installation of products containing lead;
- (5) Lead contamination/emergency cleanup;
- (6) Transportation, disposal, storage, or containment of lead or materials containing lead on the site or location at which construction activities are performed; and
- (7) Maintenance operations associated with the construction activities described in this section.

NEW SECTION

WAC 296-155-17605 Definitions. (1) Action level means employee exposure, without regard to the use of respirators, to an airborne concentration of lead of 30 micrograms per cubic meter of air (30 µg/m³) calculated as an 8-hour time-weighted average (TWA).

(2) Competent person means one who is capable of identifying existing and predictable lead hazards in the surroundings or working conditions and who has authorization to take prompt corrective measures to eliminate them.

(3) Director means the director of labor and industries, or his/her designated representative.

(4) Lead means metallic lead, all inorganic lead compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(5) This section means WAC 296-155-176 through 296-155-17656.

NEW SECTION

WAC 296-155-17607 Permissible exposure limit. (1) The employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air (50 µg/m³) averaged over an 8-hour period.

(2) If an employee is exposed to lead for more than 8 hours in any work day the employees' allowable exposure, as a time weighted average (TWA) for that day, shall be reduced according to the following formula:

Allowable employee exposure (in µg/m³)=400 divided by hours worked in the day.

(3) When respirators are used to limit employee exposure as required by this section and all the requirements of WAC 296-155-17611(1) and WAC 296-155-17613 have been met, employee exposure may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods may be averaged with exposure levels during periods when respirators are not worn to determine the employee's daily TWA exposure.

NEW SECTION

WAC 296-155-17609 Exposure assessment. (1) General.

(a) Each employer who has a workplace or operation covered by this standard shall initially determine if any

employee may be exposed to lead at or above the action level.

(b) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(c) With the exception of monitoring under subsection (3) of this section, where monitoring is required by this standard, the employer shall collect personal samples representative of a full shift including at least one sample for each job classification in each work area either for each shift or for the shift with the highest exposure level.

(d) Full shift personal samples shall be representative of the monitored employee's regular, daily exposure to lead.

(2) Protection of employees during assessment of exposure.

(a) With respect to the lead related tasks listed in this subdivision, where lead is present, until the employer performs an employee exposure assessment as required in this section and documents that the employee performing any of the listed tasks is not exposed above the PEL, the employer shall treat the employee as if the employee were exposed above the PEL, and not in excess of ten (10) times the PEL, and shall implement employee protective measures prescribed in subdivision (e) of this subsection. The tasks covered by this requirement are:

(i) Where lead containing coatings or paint are present: Manual demolition of structures (e.g, dry wall), manual scraping, manual sanding, heat gun applications, and power tool cleaning with dust collection systems;

(ii) Spray painting with lead paint.

(b) In addition, with regard to tasks not listed in subdivision (a), where the employer has any reason to believe that an employee performing the task may be exposed to lead in excess of the PEL, until the employer performs an employee exposure assessment as required by this section and documents that the employee's lead exposure is not above the PEL the employer shall treat the employee as if the employee were exposed above the PEL and shall implement employee protective measures as prescribed in subdivision (e) of this subsection.

(c) With respect to the tasks listed in this subdivision, where lead is present, until the employer performs an employee exposure assessment as required in this section, and documents that the employee performing any of the listed tasks is not exposed in excess of 500 µg/m³, the employer shall treat the employee as if the employee were exposed to lead in excess of 500 µg/m³ and shall implement employee protective measures as prescribed in subdivision (e) of this subsection. Where the employer does establish that the employee is exposed to levels of lead below 500 µg/m³, the employer may provide the exposed employee with the appropriate respirator prescribed for such use at such lower exposures, in accordance with Table 1 of WAC 296-155-17613. The tasks covered by this requirement are:

(i) Using lead containing mortar; lead burning;

(ii) Where lead containing coatings or paint are present: Rivet busting; power tool cleaning without dust collection systems; cleanup activities where dry expendable abrasives are used; and abrasive blasting enclosure movement and removal.

(d) With respect to the tasks listed in this subdivision, where lead is present, until the employer performs an

employee exposure assessment as required in this section and documents that the employee performing any of the listed tasks is not exposed to lead in excess of 2,500 $\mu\text{g}/\text{m}^3$ (50xPEL), the employer shall treat the employee as if the employee were exposed to lead in excess of 2,500 $\mu\text{g}/\text{m}^3$ and shall implement employee protective measures as prescribed in (e) of this subsection. Where the employer does establish that the employee is exposed to levels of lead below 2,500 $\mu\text{g}/\text{m}^3$, the employer may provide the exposed employee with the appropriate respirator prescribed for use at such lower exposures, in accordance with Table I of this WAC 296-155-17613. Protection described in this section is required where lead containing coatings or paint are present on structures when performing:

- (i) Abrasive blasting;
- (ii) Welding;
- (iii) Cutting; and
- (iv) Torch burning.

(e) Until the employer performs an employee exposure assessment as required by this section and determines actual employee exposure, the employer shall provide to employees performing the tasks described in (a) through (d) of this subsection with interim protection as follows:

(i) Appropriate respiratory protection in accordance with WAC 296-155-17613.

(ii) Appropriate personal protective clothing and equipment in accordance with WAC 296-155-17615.

(iii) Change areas in accordance with WAC 296-155-17619(2). (iv) Hand washing facilities in accordance with WAC 296-155-17619(5).

(v) Biological monitoring in accordance with WAC 296-155-17621 (1)(a), to consist of blood sampling and analysis for lead and zinc protoporphyrin levels, and

(vi) Training as required by WAC 296-155-17625 (1)(a) regarding part C of chapter 296-62 WAC, Hazard Communication; training as required by WAC 296-155-17625 (2)(c), regarding use of respirators; and training in accordance with WAC 296-155-100.

(3) Basis of initial determination.

(a) Except as provided by (c) and (d) of this subsection the employer shall monitor employee exposures and shall base initial determinations on the employee exposure monitoring results and any of the following, relevant considerations:

- (i) Any information, observations, or calculations which would indicate employee exposure to lead;
- (ii) Any previous measurements of airborne lead; and
- (iii) Any employee complaints of symptoms which may be attributable to exposure to lead.

(b) Monitoring for the initial determination where performed may be limited to a representative sample of the exposed employees who the employer reasonably believes are exposed to the greatest airborne concentrations of lead in the workplace.

(c) Where the employer has previously monitored for lead exposures, and the data were obtained within the past 12 months during work operations conducted under workplace conditions closely resembling the processes, type of material, 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 subdivision

(a) of this subsection and subsection (5) of this section if the sampling and analytical methods meet the accuracy and confidence levels of subsection (9) of this section.

(d) Where the employer has objective data, demonstrating that a particular product or material containing lead or a specific process, operation or activity involving lead cannot result in employee exposure to lead at or above the action level during processing, use, or handling, the employer may rely upon such data instead of implementing initial monitoring.

(i) The employer shall establish and maintain an accurate record documenting the nature and relevancy of objective data as specified in WAC 296-155-17629(4), where used in assessing employee exposure in lieu of exposure monitoring.

(ii) Objective data, as described in subdivision (d) of this subsection, is not permitted to be used for exposure assessment in connection with subsection (2) of this section.

(4) Positive initial determination and initial monitoring.

(a) Where a determination conducted under subsections (1), (2) and (3) of this section shows the possibility of any employee exposure at or above the action level the employer shall conduct monitoring which is representative of the exposure for each employee in the workplace who is exposed to lead.

(b) Where the employer has previously monitored for lead exposure, and the data were obtained within the past 12 months during work operations conducted under workplace conditions closely resembling the processes, type of material, 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) of this subsection if the sampling and analytical methods meet the accuracy and confidence levels of subsection (9) of this section.

(5) Negative initial determination. Where a determination, conducted under subsections (1), (2), and (3) of this section is made that no employee is exposed to airborne concentrations of lead at or above the action level the employer shall make a written record of such determination. The record shall include at least the information specified in subsection (3)(a) of this section and shall also include the date of determination, location within the worksite, and the name and social security number of each employee monitored.

(6) Frequency.

(a) If the initial determination reveals employee exposure to be below the action level further exposure determination need not be repeated except as otherwise provided in subsection (7) of this section.

(b) If the initial determination or subsequent determination reveals employee exposure to be at or above the action level but at or below the PEL the employer shall perform monitoring in accordance with this section at least every 6 months. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least 7 days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in subsection (7) of this section.

(c) If the initial determination reveals that employee exposure is above the PEL the employer shall perform

monitoring quarterly. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least 7 days apart, are at or below the PEL but at or above the action level at which time the employer shall repeat monitoring for that employee at the frequency specified in subdivision (b) of this subsection, except as otherwise provided in subsection (7) of this section. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least 7 days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in subsection (7) of this section.

(7) Additional exposure assessments. Whenever there has been a change of equipment, process, control, personnel or a new task has been initiated that may result in additional employees being exposed to lead at or above the action level or may result in employees already exposed at or above the action level being exposed above the PEL, the employer shall conduct additional monitoring in accordance with this section.

(8) Employee notification.

(a) Within 5 working days after completion of the exposure assessment the employer shall notify each employee in writing of the results which represent that employee's exposure.

(b) Whenever the results indicate that the representative employee exposure, without regard to respirators, is at or above the PEL the employer shall include in the written notice a statement that the employees exposure was at or above that level and a description of the corrective action taken or to be taken to reduce exposure to below that level.

(9) Accuracy of measurement. The employer shall use a method of monitoring and analysis which has an accuracy (to a confidence level of 95%) of not less than plus or minus 25 percent for airborne concentrations of lead equal to or greater than 30 $\mu\text{g}/\text{m}^3$.

NEW SECTION

WAC 296-155-17611 Methods of compliance. (1) Engineering and work practice controls. The employer shall implement engineering and work practice controls, including administrative controls, to reduce and maintain employee exposure to lead to or below the permissible exposure limit to the extent that such controls are feasible. Wherever all feasible engineering and work practices controls that can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limit prescribed in WAC 296-155-17607, the employer shall nonetheless use them to reduce employee exposure to the lowest feasible level and shall supplement them by the use of respiratory protection that complies with the requirements of WAC 296-155-17613.

(2) Compliance program.

(a) Prior to commencement of the job each employer shall establish and implement a written compliance program to achieve compliance with WAC 296-155-17607.

(b) Written plans for these compliance programs shall include at least the following:

(i) A description of each activity in which lead is emitted; e.g., equipment used, material involved, controls in

place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(ii) A description of the specific means that will be employed to achieve compliance and, where engineering controls are required engineering plans and studies used to determine methods selected for controlling exposure to lead;

(iii) A report of the technology considered in meeting the PEL;

(iv) Air monitoring data which documents the source of lead emissions;

(v) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(vi) A work practice program which includes under requirements in WAC 296-155-17615, WAC 296-155-17617, and WAC 296-155-17619, and incorporates other relevant work practices such as those specified in subsection (5) of this section;

(vii) An administrative control schedule required by subsection (4) of this section, if applicable;

(viii) Other relevant information.

(c) The compliance program shall provide for frequent and regular inspections of job sites, materials, and equipment to be made by a competent person.

(d) Written programs shall be submitted upon request to any affected employee or authorized employee representatives, and the director, and shall be available at the worksite for examination and copying by the director.

(e) Written programs shall be revised and updated at least every 6 months to reflect the current status of the program.

(3) Mechanical ventilation. When ventilation is used to control lead exposure, the employer shall evaluate the mechanical performance of the system in controlling exposure as necessary to maintain its effectiveness.

(4) Administrative controls. If administrative controls are used as a means of reducing employees TWA exposure to lead, the employer shall establish and implement a job rotation schedule which includes:

(a) Name or identification number of each affected employee;

(b) Duration and exposure levels at each job or work station where each affected employee is located; and

(c) Any other information which may be useful in assessing the reliability of administrative controls to reduce exposure to lead.

(5) The employer shall ensure that, to the extent relevant, employees follow good work practices such as described in Appendix B, WAC 296-155-17652.

NEW SECTION

WAC 296-155-17613 Respiratory protection. (1) General. Where the use of respirators is required by WAC 296-155-176 the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this section. Respirators shall be used in the following circumstances:

(a) Whenever an employee's exposure to lead exceeds the PEL;

(b) In work situations in which engineering controls and work practices are not sufficient to reduce exposures to or below the PEL;

(c) Whenever an employee requests a respirator; and

(d) Protection for employees performing tasks as specified in WAC 296-155-17609(2).

(2) Respirator selection.

(a) Where respirators are used by WAC 296-155-176 the employer shall select the appropriate respirator or combination of respirators from Table I below.

(b) The employer shall provide a powered, air-purifying respirator in lieu of the respirator specified in Table I whenever:

(i) An employee chooses to use this type of respirator; and

(ii) This respirator will provide adequate protection to the employee.

(c) The employer shall select respirators from among those approved for protection against lead dust, fume, and mist by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR part 11.

Table I.—Respiratory Protection for Lead Aerosols

Airborne concentration of lead or condition of use	Required respirator ^a
Not in excess of 500 µg/m ³	1/2 mask air purifying respirator with high efficiency filters. ^{b, c} 1/2 mask supplied air respirator operated in demand (negative pressure) mode.
Not in excess of 1,250 µg/m ³	Loose fitting hood or helmet powered air purifying respirator with high efficiency filters. ^c Hood or helmet supplied air respirator operated in a continuous-flow mode—e.g., type CE abrasive blasting respirators operated in a continuous-flow mode.
Not in excess of 2,500 µg/m ³	Full facepiece air purifying respirator with high efficiency filters. ^c Tight fitting powered air purifying respirator with high efficiency filters. ^c Full facepiece supplied air respirator operated in demand mode. 1/2 mask or full facepiece supplied air respirator operated in a continuous-flow mode.
Not in excess of 50,000 µg/m ³	Full facepiece self-contained breathing apparatus (SCBA) operated in demand mode. 1/2 mask supplied air respirator operated in pressure demand or other positive-pressure mode.
Not in excess of 100,000 µg/m ³	Full facepiece supplied air respirator operated in pressure demand or other positive-pressure mode—e.g., type CE abrasive blasting respirators operated in a positive-pressure mode.
Greater than 100,000 µg/m ³	Full facepiece SCBA operated

unknown concentration, or fire fighting

in pressure demand or other positive pressure mode.

^a Respirators specified for higher concentrations can be used at lower concentrations of lead.

^b Full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations.

^c A high efficiency particulate filter (HEPA) means a filter that is 99.97 percent efficient against particles of 0.3 micron size or larger.

(3) Respirator usage.

(a) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(b) Employers shall perform either quantitative or qualitative face fit tests at the time of initial fitting and at least every six months thereafter for each employee wearing negative pressure respirators. The qualitative fit tests may be used only for testing the fit of half-mask respirators where they are permitted to be worn, and shall be conducted in accordance with appendix D, WAC 296-155-17656. The tests shall be used to select facepieces that provide the required protection as prescribed in Table I.

(c) If an employee exhibits difficulty in breathing during the fitting test or during use, the employer shall make available to the employee an examination in accordance with WAC 296-155-17621 (3)(a)(ii) to determine whether the employee can wear a respirator while performing the required duty.

(4) Respirator program.

(a) The employer shall institute a respiratory protection program in accordance with part E, chapter 296-62 WAC.

(b) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(c) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece whenever necessary to prevent skin irritation associated with respirator use.

NEW SECTION

WAC 296-155-17615 Protective work clothing and equipment. (1) Provision and use. Where an employee is exposed to lead above the PEL without regard to the use of respirators, where employees are exposed to lead compounds which may cause skin or eye irritation (e.g., lead arsenate, lead azide), and as protection for employees performing tasks as specified in WAC 296-155-17609(2), the employer shall provide at no cost to the employee and assure that the employee uses appropriate protective work clothing and equipment that prevents contamination of the employee and the employee's garments such as, but not limited to:

(a) Coveralls or similar full-body work clothing;

(b) Gloves, hats, and shoes or disposable shoe coverlets; and

(c) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-078.

(2) Cleaning and replacement.

(a) The employer shall provide the protective clothing required in subsection (1) of this section in a clean and dry condition at least weekly, and daily to employees whose

exposure levels without regard to a respirator are over 200 $\mu\text{g}/\text{m}^3$ of lead as an 8-hour TWA.

(b) The employer shall provide for the cleaning, laundering, and disposal of protective clothing and equipment required by subsection (1) of this section.

(c) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(d) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change areas provided for that purpose as prescribed in WAC 296-155-17619(2).

(e) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change area which prevents dispersion of lead outside the container.

(f) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially harmful effects of exposure to lead.

(g) The employer shall assure that the containers of contaminated protective clothing and equipment required by subdivision (e) of this subsection are labelled as follows:

Caution: Clothing contaminated with lead. Do not remove dust by blowing or shaking. Dispose of lead contaminated wash water in accordance with applicable local, state, or federal regulations.

(h) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

NEW SECTION

WAC 296-155-17617 Housekeeping. (1) All surfaces shall be maintained as free as practicable of accumulations of lead.

(2) Clean-up of floors and other surfaces where lead accumulates shall wherever possible, be cleaned by vacuuming or other methods that minimize the likelihood of lead becoming airborne.

(3) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective.

(4) Where vacuuming methods are selected, the vacuums shall be equipped with HEPA filters and used and emptied in a manner which minimizes the reentry of lead into the workplace.

(5) Compressed air shall not be used to remove lead from any surface unless the compressed air is used in conjunction with a ventilation system designed to capture the airborne dust created by the compressed air.

NEW SECTION

WAC 296-155-17619 Hygiene facilities and practices.

(1) The employer shall assure that in areas where employees are exposed to lead above the PEL without regard to the use of respirators, food or beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied.

(2) Change areas.

(a) The employer shall provide clean change areas for employees whose airborne exposure to lead is above the PEL, and as protection for employees performing tasks as

specified in WAC 296-155-17609(2), without regard to the use of respirators.

(b) The employer shall assure that change areas are equipped with separate storage facilities for protective work clothing and equipment and for street clothes which prevent cross-contamination.

(c) The employer shall assure that employees do not leave the workplace wearing any protective clothing or equipment that is required to be worn during the work shift.

(3) Showers.

(a) The employer shall provide shower facilities, where feasible, for use by employees whose airborne exposure to lead is above the PEL.

(b) The employer shall assure, where shower facilities are available, that employees shower at the end of the work shift and shall provide an adequate supply of cleansing agents and towels for use by affected employees.

(4) Eating facilities.

(a) The employer shall provide lunchroom facilities or eating areas for employees whose airborne exposure to lead is above the PEL, without regard to the use of respirators.

(b) The employer shall assure that lunchroom facilities or eating areas are as free as practicable from lead contamination and are readily accessible to employees.

(c) The employer shall assure that employees whose airborne exposure to lead is above the PEL, without regard to the use of a respirator, wash their hands and face prior to eating, drinking, smoking or applying cosmetics.

(d) The employer shall assure that employees do not enter lunchroom facilities or eating areas with protective work clothing or equipment unless surface lead dust has been removed by vacuuming, downdraft booth, or other cleaning method that limits dispersion of lead dust.

(5) Hand washing facilities.

(a) The employer shall provide adequate handwashing facilities for use by employees exposed to lead in accordance with WAC 296-155-140.

(b) Where showers are not provided the employer shall assure that employees wash their hands and face at the end of the work-shift.

NEW SECTION

WAC 296-155-17621 Medical surveillance. (1) General.

(a) The employer shall make available initial medical surveillance to employees occupationally exposed on any day to lead at or above the action level. Initial medical surveillance consists of biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels.

(b) The employer shall institute a medical surveillance program in accordance with subsections (2) and (3) of this section for all employees who are or may be exposed by the employer at or above the action level for more than 30 days in any consecutive 12 months;

(c) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(d) The employer shall make available the required medical surveillance including multiple physician review

under subsection (3)(c) without cost to employees and at a reasonable time and place.

(2) Biological monitoring.

(a) Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee covered by subsection (1)(a) and (b) of this section on the following schedule:

(i) For each employee covered by subsection (1)(b) of this section, at least every 2 months for the first 6 months and every 6 months thereafter;

(ii) For each employee covered by subsection (1)(a) or (b) of this section whose last blood sampling and analysis indicated a blood lead level at or above 40 µg/dl, at least every two months. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below 40 µg/dl; and

(iii) For each employee who is removed from exposure to lead due to an elevated blood lead level at least monthly during the removal period.

(b) Follow-up blood sampling tests. Whenever the results of a blood lead level test indicate that an employee's blood lead level exceeds the numerical criterion for medical removal under WAC 296-155-17623 (1)(a), the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(c) Accuracy of blood lead level sampling and analysis. Blood lead level sampling and analysis provided pursuant to this WAC 296-155-176 shall have an accuracy (to a confidence level of 95 percent) within plus or minus 15 percent or 6 µg/dl, whichever is greater, and shall be conducted by a laboratory approved by OSHA.

(d) Employee notification.

(i) Within five working days after the receipt of biological monitoring results, the employer shall notify each employee in writing of their blood lead level; and

(ii) The employer shall notify each employee whose blood lead level exceeds 40 µg/dl that the standard requires temporary medical removal with Medical Removal Protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under WAC 296-155-17623 (1)(a).

(3) Medical examinations and consultations.

(a) Frequency. The employer shall make available medical examinations and consultations to each employee covered by subsection (1)(b) of this section on the following schedule:

(i) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding 12 months indicated a blood lead level at or above 40 µg/dl;

(ii) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, that the employee is pregnant, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(iii) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining

material impairment to health, or otherwise limited pursuant to a final medical determination.

(b) Content. The content of medical examinations made available pursuant to subdivision (a)(ii) and (iii) of this subsection shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility. Medical examinations made available pursuant to subdivision (a)(i) of this subsection shall include the following elements:

(i) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and non-occupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(ii) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(iii) A blood pressure measurement;

(iv) A blood sample and analysis which determines:

(A) Blood lead level;

(B) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;

(C) Zinc protoporphyrin;

(D) Blood urea nitrogen; and,

(E) Serum creatinine;

(v) A routine urinalysis with microscopic examination; and

(vi) Any laboratory or other test relevant to lead exposure which the examining physician deems necessary by sound medical practice.

(c) Multiple physician review mechanism.

(i) If the employer selects the initial physician who conducts any medical examination or consultation provided to an employee by WAC 296-155-176, the employee may designate a second physician:

(A) To review any findings, determinations or recommendations of the initial physician; and

(B) To conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(ii) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation pursuant to WAC 296-155-176. The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen (15) days after receipt of the foregoing notification, or receipt of the initial physician's written opinion, whichever is later:

(A) The employee informing the employer that they intend to seek a second medical opinion; and

(B) The employee initiating steps to make an appointment with a second physician.

(iii) If the findings, determinations or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(iv) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the

employee through their respective physicians shall designate a third physician:

(A) To review any findings, determinations or recommendations of the prior physicians; and

(B) To conduct such examinations, consultations, laboratory tests and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(v) The employer shall act consistent with the findings, determinations and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(d) Information provided to examining and consulting physicians.

(i) The employer shall provide an initial physician conducting a medical examination or consultation under WAC 296-155-176 with the following information:

(A) A copy of this regulation for lead including all Appendices;

(B) A description of the affected employee's duties as they relate to the employee's exposure;

(C) The employee's exposure level or anticipated exposure level to lead and to any other toxic substance (if applicable);

(D) A description of any personal protective equipment used or to be used;

(E) Prior blood lead determinations; and

(F) All prior written medical opinions concerning the employee in the employer's possession or control.

(ii) The employer shall provide the foregoing information to a second or third physician conducting a medical examination or consultation under WAC 296-155-176 upon request either by the second or third physician, or by the employee.

(e) Written medical opinions.

(i) The employer shall obtain and furnish the employee with a copy of a written medical opinion from each examining or consulting physician which contains only the following information:

(A) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead;

(B) Any recommended special protective measures to be provided to the employee, or limitations to be placed upon the employee's exposure to lead;

(C) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator; and

(D) The results of the blood lead determinations.

(ii) The employer shall instruct each examining and consulting physician to:

(A) Not reveal either in the written opinion or orally, or in any other means of communication with the employer, findings, including laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead; and

(B) Advise the employee of any medical condition, occupational or nonoccupational, which dictates further medical examination or treatment.

(f) Alternate physician determination mechanisms. The employer and an employee or authorized employee representative may agree upon the use of any alternate physician determination mechanism in lieu of the multiple physician review mechanism provided by subdivision (c) of this subsection so long as the alternate mechanism is as expeditious and protective as the requirements contained in this section.

(4) Chelation.

(a) The employer shall assure that any person whom he retains, employs, supervises or controls does not engage in prophylactic chelation of any employee at any time.

(b) If therapeutic or diagnostic chelation is to be performed by any person in subdivision (a) of this subsection, the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

NEW SECTION

WAC 296-155-17623 Medical removal protection.

(1) Temporary medical removal and return of an employee.

(a) Temporary removal due to elevated blood lead level. The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to WAC 296-155-176 indicate that the employee's blood lead level is at or above 50 µg/dl; and

(b) Temporary removal due to a final medical determination.

(i) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination, or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(ii) For the purposes of WAC 296-155-176, the phrase "final medical determination" means the written medical opinion on the employees' health status by the examining physician or, where relevant, the outcome of the multiple physician review mechanism or alternate medical determination mechanism used pursuant to the medical surveillance provisions of WAC 296-155-176.

(iii) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to lead, the employer shall implement and act consistent with the recommendation.

(c) Return of the employee to former job status.

(i) The employer shall return an employee to their former job status:

(A) For an employee removed due to a blood lead level at or above 50 µg/dl when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 40 µg/dl;

(B) For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination, or opinion that the employee no longer has a detected medical condition

which places the employee at increased risk of material impairment to health from exposure to lead.

(ii) For the purposes of WAC 296-155-176, the requirement that an employer return an employee to their former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(d) Removal of other employee special protective measure or limitations. The employer shall remove any limitations placed on an employee or end any special protective measures provided to an employee pursuant to a final medical determination when a subsequent final medical determination indicates that the limitations or special protective measures are no longer necessary.

(e) Employer options pending a final medical determination. Where the multiple physician review mechanism, or alternate medical determination mechanism used pursuant to the medical surveillance provisions of WAC 296-155-176, has not yet resulted in a final medical determination with respect to an employee, the employer shall act as follows:

(i) Removal. The employer may remove the employee from exposure to lead, provide special protective measures to the employee, or place limitations upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(ii) Return. The employer may return the employee to their former job status, end any special protective measures provided to the employee, and remove any limitations placed upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, with two exceptions.

(A) If the initial removal, special protection, or limitation of the employee resulted from a final medical determination which differed from the findings, determinations, or recommendations of the initial physician or;

(B) If the employee has been on removal status for the preceding eighteen months due to an elevated blood lead level, then the employer shall await a final medical determination.

(2) Medical removal protection benefits.

(a) Provision of medical removal protection benefits. The employer shall provide an employee up to eighteen (18) months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or otherwise limited pursuant to WAC 296-155-176.

(b) Definition of medical removal protection benefits. For the purposes of WAC 296-155-176, the requirement that an employer provide medical removal protection benefits means that, as long as the job the employee was removed from continues, the employer shall maintain the total normal earnings, seniority and other employment rights and benefits of an employee, including the employee's right to their former job status as though the employee had not been medically removed from the employee's job or otherwise medically limited.

(c) Follow-up medical surveillance during the period of employee removal or limitation. During the period of time that an employee is medically removed from their job or otherwise medically limited, the employer may condition the

provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to WAC 296-155-176.

(d) Workers' compensation claims. If a removed employee files a claim for workers' compensation payments for a lead-related disability, then the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by such amount. The employer shall receive no credit for workers' compensation payments received by the employee for treatment-related expenses.

(e) Other credits. The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or receives income from employment with another employer made possible by virtue of the employee's removal.

(f) Voluntary removal or restriction of an employee. Where an employer, although not required by WAC 296-155-176 to do so, removes an employee from exposure to lead or otherwise places limitations on an employee due to the effects of lead exposure on the employee's medical condition, the employer shall provide medical removal protection benefits to the employee equal to that required by subdivisions (a) and (b) of this subsection.

NEW SECTION

WAC 296-155²-17625 Employee information and training. (1) General.

(a) The employer shall communicate information concerning lead hazards according to the requirements of WISHA's Hazard Communication Standard for the construction industry, part C of chapter 296-62 WAC, including but not limited to the requirements concerning warning signs and labels, material safety data sheets (MSDS), and employee information and training. In addition, employers shall comply with the following requirements:

(b) For all employees who are subject to exposure to lead at or above the action level on any day or who are subject to exposure to lead compounds which may cause skin or eye irritation (e.g., lead arsenate, lead azide), the employer shall provide a training program in accordance with subsection (2) of this section and assure employee participation.

(c) The employer shall provide the training program as initial training prior to the time of job assignment or prior to the start up date for this requirement, whichever comes last.

(d) The employer shall also provide the training program at least annually for each employee who is subject to lead exposure at or above the action level on any day.

(2) Training program. The employer shall assure that each employee is trained in the following:

(a) The content of this standard and its appendices;

(b) The specific nature of the operations which could result in exposure to lead above the action level;

(c) The purpose, proper selection, fitting, use, and limitations of respirators;

(d) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular attention to the adverse reproductive effects on both males and females and hazards to the fetus and additional precautions for employees who are pregnant);

(e) The engineering controls and work practices associated with the employee's job assignment including training of employees to follow relevant good work practices described in Appendix B, WAC 296-155-17652;

(f) The contents of any compliance plan in effect;

(g) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician; and

(h) The employee's right of access to records under part B, chapter 296-62 WAC.

(3) Access to information and training materials.

(a) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(b) The employer shall provide, upon request, all materials relating to the employee information and training program to affected employees and their designated representatives, and the director.

NEW SECTION

WAC 296-155-17627 Signs. (1) General.

(a) The employer may use signs required by other statutes, regulations or ordinances in addition to, or in combination with, signs required by this section.

(b) The employer shall assure that no statement appears on or near any sign required by this section which contradicts or detracts from the meaning of the required sign.

(2) Signs.

(a) The employer shall post the following warning signs in each work area where an employees exposure to lead is above the PEL.

WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING

(b) The employer shall assure that signs required by this section are illuminated and cleaned as necessary so that the legend is readily visible.

NEW SECTION

WAC 296-155-17629 Recordkeeping. (1) Exposure assessment.

(a) The employer shall establish and maintain an accurate record of all monitoring and other data used in conducting employee exposure assessments as required in WAC 296-155-17609.

(b) Exposure monitoring records shall include:

(i) The date(s), number, duration, location and results of each of the samples taken if any, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(ii) A description of the sampling and analytical methods used and evidence of their accuracy;

(iii) The type of respiratory protective devices worn, if any;

(iv) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent; and

(v) The environmental variables that could affect the measurement of employee exposure.

(c) The employer shall maintain monitoring and other exposure assessment records in accordance with the provisions of part B, chapter 296-62 WAC.

(2) Medical surveillance.

(a) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by WAC 296-155-17621.

(b) This record shall include:

(i) The name, social security number, and description of the duties of the employee;

(ii) A copy of the physician's written opinions;

(iii) Results of any airborne exposure monitoring done on or for that employee and provided to the physician; and

(iv) Any employee medical complaints related to exposure to lead.

(c) The employer shall keep, or assure that the examining physician keeps, the following medical records:

(i) A copy of the medical examination results including medical and work history required by WAC 296-155-17621;

(ii) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information;

(iii) A copy of the results of biological monitoring.

(d) The employer shall maintain or assure that the physician maintains medical records in accordance with the provisions of part B, chapter 296-62 WAC.

(3) Medical removals.

(a) The employer shall establish and maintain an accurate record for each employee removed from current exposure to lead pursuant to WAC 296-155-17623.

(b) Each record shall include:

(i) The name and social security number of the employee;

(ii) The date of each occasion that the employee was removed from current exposure to lead as well as the corresponding date on which the employee was returned to their former job status;

(iii) A brief explanation of how each removal was or is being accomplished; and

(iv) A statement with respect to each removal indicating whether or not the reason for the removal was an elevated blood lead level.

(c) The employer shall maintain each medical removal record for at least the duration of an employee's employment.

(4) Objective data for exemption from requirement for initial monitoring.

(a) For purposes of WAC 296-155-176, objective data are information demonstrating that a particular product or material containing lead or a specific process, operation, or activity involving lead cannot release dust or fumes in concentrations at or above the action level under any expected conditions of use. Objective data can be obtained

from an industry-wide study or from laboratory product test results from manufacturers of lead containing products or materials. The data the employer uses from an industry-wide survey must be obtained under workplace conditions closely resembling the processes, types of material, control methods, work practices and environmental conditions in the employer's current operations.

(b) The employer shall maintain the record of the objective data relied upon for at least 30 years.

(5) Availability. The employer shall make available upon request all records required to be maintained by this section to affected employees, former employees, and their designated representatives, and to the director for examination and copying.

(6) Transfer of records.

(a) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(b) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by WAC 296-155-176 for the prescribed period, these records shall be transmitted to the director.

(c) At the expiration of the retention period for the records required to be maintained by WAC 296-155-176, the employer shall notify the director at least 3 months prior to the disposal of such records and shall transmit those records to the director if requested within the period.

(d) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

NEW SECTION

WAC 296-155-17631 Observation of monitoring. (1) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to WAC 296-155-17609.

(2) Observation procedures.

(a) Whenever observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing and equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(b) Without interfering with the monitoring, observers shall be entitled to:

(i) Receive an explanation of the measurement procedures;

(ii) Observe all steps related to the monitoring of lead performed at the place of exposure; and

(iii) Record the results obtained or receive copies of the results when returned by the laboratory.

NEW SECTION

WAC 296-155-17635 Startup dates. (1) The requirements of WAC 296-155-17607 through 296-155-17631, including administrative controls and feasible work practice controls, but not including engineering controls specified in WAC 296-155-17611(1), shall be complied with as soon as

possible, but no later than 60 days from the effective date of WAC 296-155-176.

(2) Feasible engineering controls specified by WAC 296-155-17611(1) shall be implemented as soon as possible, but no later than 120 days from the effective date of WAC 296-155-176.

NEW SECTION

WAC 296-155-17650 Appendix A to WAC 296-155-176—Substance data sheet for occupational exposure to lead. The information contained in the appendices to WAC 296-155-176 is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

(1) Substance Identification.

(a) Substance: Pure lead (Pb) is a heavy metal at room temperature and pressure and is a basic chemical element. It can combine with various other substances to form numerous lead compounds.

(b) Compounds covered by the standard: The word "lead" when used in this standard means elemental lead, all inorganic lead compounds and a class of organic lead compounds called lead soaps. This standard does not apply to other organic lead compounds.

(c) Uses: Exposure to lead occurs in several different occupations in the construction industry, including demolition or salvage of structures where lead or lead-containing materials are present; removal or encapsulation of lead-containing materials, new construction, alteration, repair, or renovation of structures that contain lead or materials containing lead; installation of products containing lead. In addition, there are construction related activities where exposure to lead may occur, including transportation, disposal, storage, or containment of lead or materials containing lead on construction sites, and maintenance operations associated with construction activities.

(d) Permissible exposure: The permissible exposure limit (PEL) set by the standard is 50 micrograms of lead per cubic meter of air ($50 \mu\text{g}/\text{m}^3$), averaged over an 8-hour workday.

(e) Action level: The standard establishes an action level of 30 micrograms of lead per cubic meter of air ($30 \mu\text{g}/\text{m}^3$), averaged over an 8-hour workday. The action level triggers several ancillary provisions of the standard such as exposure monitoring, medical surveillance, and training.

(2) Health Hazard Data.

(a) Ways in which lead enters your body. When absorbed into your body in certain doses, lead is a toxic substance. The object of the lead standard is to prevent absorption of harmful quantities of lead. The standard is intended to protect you not only from the immediate toxic effects of lead, but also from the serious toxic effects that may not become apparent until years of exposure have passed. Lead can be absorbed into your body by inhalation (breathing) and ingestion (eating). Lead (except for certain organic lead compounds not covered by the standard, such as tetraethyl lead) is not absorbed through your skin. When lead is scattered in the air as a dust, fume respiratory tract. Inhalation of airborne lead is generally the most important source of occupational lead absorption. You can also absorb lead through your digestive system if lead gets into your

mouth and is swallowed. If you handle food, cigarettes, chewing tobacco, or make-up which have lead on them or handle them with hands contaminated with lead, this will contribute to ingestion. A significant portion of the lead that you inhale or ingest gets into your blood stream. Once in your blood stream, lead is circulated throughout your body and stored in various organs and body tissues. Some of this lead is quickly filtered out of your body and excreted, but some remains in the blood and other tissues. As exposure to lead continues, the amount stored in your body will increase if you are absorbing more lead than your body is excreting. Even though you may not be aware of any immediate symptoms of disease, this lead stored in your tissues can be slowly causing irreversible damage, first to individual cells, then to your organs and whole body systems.

(b) Effects of overexposure to lead.

(i) Short term (acute) overexposure. Lead is a potent, systemic poison that serves no known useful function once absorbed by your body. Taken in large enough doses, lead can kill you in a matter of days. A condition affecting the brain called acute encephalopathy may arise which develops quickly to seizures, coma, and death from cardiorespiratory arrest. A short term dose of lead can lead to acute encephalopathy. Short term occupational exposures of this magnitude are highly unusual, but not impossible. Similar forms of encephalopathy may, however, arise from extended, chronic exposure to lower doses of lead. There is no sharp dividing line between rapidly developing acute effects of lead, and chronic effects which take longer to acquire. Lead adversely affects numerous body systems, and causes forms of health impairment and disease which arise after periods of exposure as short as days or as long as several years.

(ii) Long-term (chronic) overexposure. Chronic overexposure to lead may result in severe damage to your blood-forming, nervous, urinary and reproductive systems. Some common symptoms of chronic overexposure include loss of appetite, metallic taste in the mouth, anxiety, constipation, nausea, pallor, excessive tiredness, weakness, insomnia, headache, nervous irritability, muscle and joint pain or soreness, fine tremors, numbness, dizziness, hyperactivity and colic. In lead colic there may be severe abdominal pain. Damage to the central nervous system in general and the brain (encephalopathy) in particular is one of the most severe forms of lead poisoning. The most severe, often fatal, form of encephalopathy may be preceded by vomiting, a feeling of dullness progressing to drowsiness and stupor, poor memory, restlessness, irritability, tremor, and convulsions. It may arise suddenly with the onset of seizures, followed by coma, and death. There is a tendency for muscular weakness to develop at the same time. This weakness may progress to paralysis often observed as a characteristic "wrist drop" or "foot drop" and is a manifestation of a disease to the nervous system called peripheral neuropathy. Chronic overexposure to lead also results in kidney disease with few, if any, symptoms appearing until extensive and most likely permanent kidney damage has occurred. Routine laboratory tests reveal the presence of this kidney disease only after about two-thirds of kidney function is lost. When overt symptoms of urinary dysfunction arise, it is often too late to correct or prevent worsening conditions, and progression to kidney dialysis or death is possible.

Chronic overexposure to lead impairs the reproductive systems of both men and women. Overexposure to lead may result in decreased sex drive, impotence and sterility in men. Lead can alter the structure of sperm cells raising the risk of birth defects. There is evidence of miscarriage and stillbirth in women whose husbands were exposed to lead or who were exposed to lead themselves. Lead exposure also may result in decreased fertility, and abnormal menstrual cycles in women. The course of pregnancy may be adversely affected by exposure to lead since lead crosses the placental barrier and poses risks to developing fetuses. Children born of parents either one of whom were exposed to excess lead levels are more likely to have birth defects, mental retardation, behavioral disorders or die during the first year of childhood. Overexposure to lead also disrupts the blood-forming system resulting in decreased hemoglobin (the substance in the blood that carries oxygen to the cells) and ultimately anemia. Anemia is characterized by weakness, pallor and fatigability as a result of decreased oxygen carrying capacity in the blood.

(iii) Health protection goals of the standard. Prevention of adverse health effects for most workers from exposure to lead throughout a working lifetime requires that a worker's blood lead level (BLL, also expressed as PbB) be maintained at or below forty micrograms per deciliter of whole blood (40 µg/dl). The blood lead levels of workers (both male and female workers) who intend to have children should be maintained below 30 µg/dl to minimize adverse reproductive health effects to the parents and to the developing fetus. The measurement of your blood lead level (BLL) is the most useful indicator of the amount of lead being absorbed by your body. Blood lead levels are most often reported in units of milligrams (mg) or micrograms (µg) of lead (1 mg=1000 µg) per 100 grams (100g), 100 milliliters (100 ml) or deciliter (dl) of blood. These three units are essentially the same. Sometime BLLs are expressed in the form of mg% or µg%. This is a shorthand notation for 100g, 100 ml, or dl. (References to BLL measurements in this standard are expressed in the form of µg/dl.)

BLL measurements show the amount of lead circulating in your blood stream, but do not give any information about the amount of lead stored in your various tissues. BLL measurements merely show current absorption of lead, not the effect that lead is having on your body or the effects that past lead exposure may have already caused. Past research into lead-related diseases, however, has focused heavily on associations between BLLs and various diseases. As a result, your BLL is an important indicator of the likelihood that you will gradually acquire a lead-related health impairment or disease.

Once your blood lead level climbs above 40 µg/dl, your risk of disease increases. There is a wide variability of individual response to lead, thus it is difficult to say that a particular BLL in a given person will cause a particular effect. Studies have associated fatal encephalopathy with BLLs as low as 150 µg/dl. Other studies have shown other forms of diseases in some workers with BLLs well below 80 µg/dl. Your BLL is a crucial indicator of the risks to your health, but one other factor is also extremely important. This factor is the length of time you have had elevated BLLs. The longer you have an elevated BLL, the greater the risk that large quantities of lead are being gradually

stored in your organs and tissues (body burden). The greater your overall body burden, the greater the chances of substantial permanent damage. The best way to prevent all forms of lead-related impairments and diseases—both short term and long term—is to maintain your BLL below 40 µg/dl. The provisions of the standard are designed with this end in mind.

Your employer has prime responsibility to assure that the provisions of the standard are complied with both by the company and by individual workers. You, as a worker, however, also have a responsibility to assist your employer in complying with the standard. You can play a key role in protecting your own health by learning about the lead hazards and their control, learning what the standard requires, following the standard where it governs your own actions, and seeing that your employer complies with provisions governing employee actions.

(iv) Reporting signs and symptoms of health problems. You should immediately notify your employer if you develop signs or symptoms associated with lead poisoning or if you desire medical advice concerning the effects of current or past exposure to lead or your ability to have a healthy child. You should also notify your employer if you have difficulty breathing during a respirator fit test or while wearing a respirator. In each of these cases, your employer must make available to you appropriate medical examinations or consultations. These must be provided at no cost to you and at a reasonable time and place. The standard contains a procedure whereby you can obtain a second opinion by a physician of your choice if your employer selected the initial physician.

NEW SECTION

WAC 296-155-17652 Appendix B to WAC 296-155-176—Employee standard summary. This appendix summarizes key provisions of the standard for lead in construction that you as a worker should become familiar with.

(1) Permissible Exposure Limit (PEL)—WAC 296-62-17607.

The standard sets a permissible exposure limit (PEL) of 50 micrograms of lead per cubic meter of air (50 µg/m³), averaged over an 8-hour workday which is referred to as a time-weighted average (TWA). This is the highest level of lead in air to which you may be permissibly exposed over an 8-hour workday. However, since this is an 8-hour average, short exposures above the PEL are permitted so long as for each 8-hour work day your average exposure does not exceed this level. This standard, however, takes into account the fact that your daily exposure to lead can extend beyond a typical 8-hour workday as the result of overtime or other alterations in your work schedule. To deal with this situation, the standard contains a formula which reduces your permissible exposure when you are exposed more than 8 hours. For example, if you are exposed to lead for 10 hours a day, the maximum permitted average exposure would be 40 µg/m³.

(2) Exposure Assessment—WAC 296-155-17609.

If lead is present in your workplace in any quantity, your employer is required to make an initial determination of whether any employee's exposure to lead exceeds the

action level (30 µg/m³ averaged over an 8-hour day). Employee exposure is that exposure which would occur if the employee were not using a respirator. This initial determination requires your employer to monitor workers' exposures unless the employee has objective data which can demonstrate conclusively that no employee will be exposed to lead in excess of the action level. Where objective data is used in lieu of actual monitoring the employer must establish and maintain an accurate record, documenting its relevancy in assessing exposure levels for current job conditions. If such objective data is available, the employer need proceed no further on employee exposure assessment until such time that conditions have changed and the determination is no longer valid.

Objective data may be compiled from various sources, e.g., insurance companies and trade associations and information from suppliers or exposure data collected from similar operations. Objective data may also comprise previously-collected sampling data including area monitoring. If it cannot be determined through using objective data that worker exposure is less than the action level, your employer must conduct monitoring or must rely on relevant previous personal sampling, if available. Where monitoring is required for the initial determination, it may be limited to a representative number of employees who are reasonably expected to have the highest exposure levels. If your employer has conducted appropriate air sampling for lead in the past 12 months, they may use these results, provided they are applicable to the same employee tasks and exposure conditions and meet the requirements for accuracy as specified in the standard. As with objective data, if such results are relied upon for the initial determination, your employer must establish and maintain a record as to the relevancy of such data to current job conditions.

If there have been any employee complaints of symptoms which may be attributable to exposure to lead or if there is any other information or observations which would indicate employee exposure to lead, this must also be considered as part of the initial determination. If this initial determination shows that a reasonable possibility exists that any employee may be exposed, without regard to respirators, over the action level, your employer must set up an air monitoring program to determine the exposure level representative of each employee exposed to lead at your workplace. In carrying out this air monitoring program, your employer is not required to monitor the exposure of every employee, but they must monitor a representative number of employees and job types. Enough sampling must be done to enable each employee's exposure level to be reasonably represent full shift exposure. In addition, these air samples must be taken under conditions which represent each employee's regular, daily exposure to lead. Sampling performed in the past 12 months may be used to determine exposures above the action level if such sampling was conducted during work activities essentially similar to present work conditions.

The standard lists certain tasks which may likely result in exposures to lead in excess of the PEL and, in some cases, exposures in excess of 50 times the PEL. If you are performing any of these tasks, your employer must provide you with appropriate respiratory protection, protective clothing and equipment, change areas, hand washing facili-

ties, biological monitoring, and training until such time that an exposure assessment is conducted which demonstrates that your exposure level is below the PEL.

If you are exposed to lead and air sampling is performed, your employer is required to notify you in writing within 5 working days of the air monitoring results which represent your exposure. If the results indicate that your exposure exceeds the PEL (without regard to your use of a respirator), then your employer must also notify you of this in writing, and provide you with a description of the corrective action that has been taken or will be taken to reduce your exposure.

Your exposure must be rechecked by monitoring, at least every six months if your exposure is at or over the action level but below the PEL. Your employer may discontinue monitoring for you if 2 consecutive measurements, taken at least 7 days apart, are at or below the action level. Air monitoring must be repeated every 3 months if you are exposed over the PEL. Your employer must continue monitoring for you at this frequency until 2 consecutive measurements, taken at least 7 days apart, are below the PEL but above the action level, at which time your employer must repeat monitoring of your exposure every six months and may discontinue monitoring only after your exposure drops to or below the action level. However, whenever there is a change of equipment, process, control, or personnel or a new type of job is added at your workplace which may result in new or additional exposure to lead, your employer must perform additional monitoring.

(3) Methods of Compliance—WAC 296-155-17611.

Your employer is required to assure that no employee is exposed to lead in excess of the PEL as an 8-hour TWA. The standard for lead in construction requires employers to institute engineering and work practice controls including administrative controls to the extent feasible to reduce employee exposure to lead. Where such controls are feasible but not adequate to reduce exposures below the PEL they must be used nonetheless to reduce exposures to the lowest level that can be accomplished by these means and then supplemented with appropriate respiratory protection.

Your employer is required to develop and implement a written compliance program prior to the commencement of any job where employee exposures may reach the PEL as an 8-hour TWA. The standard identifies the various elements that must be included in the plan. For example, employers are required to include a description of operations in which lead is emitted, detailing other relevant information about the operation such as the type of equipment used, the type of material involved, employee job responsibilities, operating procedures and maintenance practices. In addition, your employer's compliance plan must specify the means that will be used to achieve compliance and, where engineering controls are required, include any engineering plans or studies that have been used to select the control methods. If administrative controls involving job rotation are used to reduce employee exposure to lead, the job rotation schedule must be included in the compliance plan. The plan must also detail the type of protective clothing and equipment, including respirators, housekeeping and hygiene practices that will be used to protect you from the adverse effects of exposure to lead.

The written compliance program must be made available, upon request, to affected employees and their designated representatives, and the director.

Finally, the plan must be reviewed and updated at least every 6 months to assure it reflects the current status in exposure control.

(4) Respiratory Protection—WAC 296-155-17613.

Your employer is required to provide and assure your use of respirators when your exposure to lead is not controlled below the PEL by other means. The employer must pay the cost of the respirator. Whenever you request one, your employer is also required to provide you a respirator even if your air exposure level is not above the PEL. You might desire a respirator when, for example, you have received medical advice that your lead absorption should be decreased. Or, you may intend to have children in the near future, and want to reduce the level of lead in your body to minimize adverse reproductive effects. While respirators are the least satisfactory means of controlling your exposure, they are capable of providing significant protection if properly chosen, fitted, worn, cleaned, maintained, and replaced when they stop providing adequate protection.

Your employer is required to select respirators from the types listed in Table I of the Respiratory Protection section of the standard. Any respirator chosen must be approved by the Mine Safety and Health Administration (MSHA) or the National Institute for Occupational Safety and Health (NIOSH). This respirator selection table will enable your employer to choose a type of respirator which will give you a proper amount of protection based on your airborne lead exposure. Your employer may select a type of respirator that provides greater protection than that required by the standard; that is, one recommended for a higher concentration of lead than is present in your workplace. For example, a powered air purifying respirator (PAPR) is much more protective than a typical negative pressure respirator, and may also be more comfortable to wear. A PAPR has a filter, cartridge or canister to clean the air, and a power source which continuously blows filtered air into your breathing zone. Your employer might make a PAPR available to you to ease the burden of having to wear a respirator for long periods of time. The standard provides that you can obtain a PAPR upon request.

Your employer must also start a Respiratory Protection Program. This program must include written procedures for the proper selection, use, cleaning, storage, and maintenance of respirators.

Your employer must assure that your respirator facepiece fits properly. Proper fit of a respirator facepiece is critical. Obtaining a proper fit on each employee may require your employer to make available two or three different mask types. In order to assure that your respirator fits properly and that facepiece leakage is minimized, your employer must give you either a qualitative fit test or a quantitative fit test (if you use a negative pressure respirator) in accordance with appendix D. Any respirator which has a filter, cartridge or canister which cleans the work room air before you breathe it and which requires the force of your inhalation to draw air through the filtering element is a negative pressure respirator. A positive pressure respirator supplies air to you directly. A quantitative fit test uses a

sophisticated machine to measure the amount, if any, of test material that leaks into the facepiece of your respirator.

You must also receive from your employer proper training in the use of respirators. Your employer is required to teach you how to wear a respirator, to know why it is needed, and to understand its limitations.

Your employer must test the effectiveness of your negative pressure respirator initially and at least every six months thereafter with a "qualitative fit test." In this test, the fit of the facepiece is checked by seeing if you can smell a substance placed outside the respirator. If you can, there is appreciable leakage where the facepiece meets your face.

The standard provides that if your respirator uses filter elements, you must be given an opportunity to change the filter elements whenever an increase in breathing resistance is detected. You also must be permitted to periodically leave your work area to wash your face and respirator facepiece whenever necessary to prevent skin irritation. If you ever have difficulty in breathing during a fit test or while using a respirator, your employer must make a medical examination available to you to determine whether you can safely wear a respirator. The result of this examination may be to give you a positive pressure respirator (which reduces breathing resistance) or to provide alternative means of protection.

(5) Protective Work Clothing and Equipment—WAC 296-155-17615.

If you are exposed to lead above the PEL as an 8-hour TWA, without regard to your use of a respirator, or if you are exposed to lead compounds such as lead arsenate or lead azide which can cause skin and eye irritation, your employer must provide you with protective work clothing and equipment appropriate for the hazard. If work clothing is provided, it must be provided in a clean and dry condition at least weekly, and daily if your airborne exposure to lead is greater than 200 $\mu\text{g}/\text{m}^3$. Appropriate protective work clothing and equipment can include coveralls or similar full-body work clothing, gloves, hats, shoes or disposable shoe coverlets, and face shields or vented goggles. Your employer is required to provide all such equipment at no cost to you. In addition, your employer is responsible for providing repairs and replacement as necessary, and also is responsible for the cleaning, laundering or disposal of protective clothing and equipment.

The standard requires that your employer assure that you follow good work practices when you are working in areas where your exposure to lead may exceed the PEL. With respect to protective clothing and equipment, where appropriate, the following procedures should be observed prior to beginning work:

- ♦ Change into work clothing and shoe covers in the clean section of the designated changing areas;
- ♦ Use work garments of appropriate protective gear, including respirators before entering the work area; and
- ♦ Store any clothing not worn under protective clothing in the designated changing area.

Workers should follow these procedures upon leaving the work area:

- ♦ HEPA vacuum heavily contaminated protective work clothing while it is still being worn. At no time may lead be removed from protective clothing

by any means which result in uncontrolled dispersal of lead into the air;

- ♦ Remove shoe covers and leave them in the work area;
- ♦ Remove protective clothing and gear in the dirty area of the designated changing area. Remove protective coveralls by carefully rolling down the garment to reduce exposure to dust.
- ♦ Remove respirators last; and
- ♦ Wash hands and face.

Workers should follow these procedures upon finishing work for the day (in addition to procedures described above):

- ♦ Where applicable, place disposal coveralls and shoe covers with the abatement waste;
- ♦ Contaminated clothing which is to be cleaned, laundered or disposed of must be placed in closed containers in the change room.
- ♦ Clean protective gear, including respirators, according to standard procedures;
- ♦ Wash hands and face again.

If showers are available, take a shower and wash hair. If shower facilities are not available at the work site, shower immediately at home and wash hair.

(6) Housekeeping—WAC 296-155-17617.

Your employer must establish a housekeeping program sufficient to maintain all surfaces as free as practicable of accumulations of lead dust. Vacuuming is the preferred method of meeting this requirement, and the use of compressed air to clean floors and other surfaces is generally prohibited unless removal with compressed air is done in conjunction with ventilation systems designed to contain dispersal of the lead dust. Dry or wet sweeping, shoveling, or brushing may not be used except where vacuuming or other equally effective methods have been tried and do not work. Vacuums must be used equipped with a special filter called a high-efficiency particulate air (HEPA) filter and emptied in a manner which minimizes the reentry of lead into the workplace.

(7) Hygiene Facilities and Practices—WAC 296-155-17619.

The standard requires that hand washing facilities be provided where occupational exposure to lead occurs. In addition, change areas, showers (where feasible), and lunchrooms or eating areas are to be made available to workers exposed to lead above the PEL. Your employer must assure that except in these facilities, food and beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, where airborne exposures are above the PEL. Change rooms provided by your employer must be equipped with separate storage facilities for your protective clothing and equipment and street clothes to avoid cross-contamination. After showering, no required protective clothing or equipment worn during the shift may be worn home. It is important that contaminated clothing or equipment be removed in change areas and not be worn home or you will extend your exposure and expose your family since lead from your clothing can accumulate in your house, car, etc.

Lunchrooms or eating areas may not be entered with protective clothing or equipment unless surface dust has been removed by vacuuming, downdraft booth, or other cleaning method. Finally, workers exposed above the PEL must wash

both their hands and faces prior to eating, drinking, smoking or applying cosmetics.

All of the facilities and hygiene practices just discussed are essential to minimize additional sources of lead absorption from inhalation or ingestion of lead that may accumulate on you, your clothes, or your possessions. Strict compliance with these provisions can virtually eliminate several sources of lead exposure which significantly contribute to excessive lead absorption.

(8) Medical Surveillance—WAC 296-155-17621.

The medical surveillance program is part of the standard's comprehensive approach to the prevention of lead-related disease. Its purpose is to supplement the main thrust of the standard which is aimed at minimizing airborne concentrations of lead and sources of ingestion. Only medical surveillance can determine if the other provisions of the standard have affectively protected you as an individual. Compliance with the standard's provision will protect most workers from the adverse effects of lead exposure, but may not be satisfactory to protect individual workers:

- ♦ Who have high body burdens of lead acquired over past years,
- ♦ Who have additional uncontrolled sources of non-occupational lead exposure,
- ♦ Who exhibit unusual variations in lead absorption rates, or
- ♦ Who have specific non-work related medical conditions which could be aggravated by lead exposure (e.g., renal disease, anemia).

In addition, control systems may fail, or hygiene and respirator programs may be inadequate. Periodic medical surveillance of individual workers will help detect those failures. Medical surveillance will also be important to protect your reproductive ability—regardless of whether you are a man or woman.

All medical surveillance required by the standard must be performed by or under the supervision of a licensed physician. The employer must provide required medical surveillance without cost to employees and at a reasonable time and place. The standard's medical surveillance program has two parts—periodic biological monitoring and medical examinations. Your employer's obligation to offer you medical surveillance is triggered by the results of the air monitoring program. Full medical surveillance must be made available to all employees who are or may be exposed to lead in excess of the action level for more than 30 days a year and whose blood lead level exceeds 40 µg/dl. Initial medical surveillance consisting of blood sampling and analysis for lead and zinc protoporphyrin must be provided to all employees exposed at any time (1 day) above the action level.

Biological monitoring under the standard must be provided at least every 2 months for the first 6 months and every 6 months thereafter until your blood lead level is below 40 µg/dl. A zinc protoporphyrin (ZPP) test is a very useful blood test which measures an adverse metabolic effect of lead on your body and is therefore an indicator of lead toxicity.

If your BLL exceeds 40 µg/dl the monitoring frequency must be increased from every 6 months to at least every 2 months and not reduced until two consecutive BLLs indicate a blood lead level below 40 µg/dl. Each time your BLL is

determined to be over 40 µg/dl, your employer must notify you of this in writing within five working days of their receipt of the test results. The employer must also inform you that the standard requires temporary medical removal with economic protection when your BLL exceeds 50 µg/dl. (See Discussion of Medical Removal Protection—WAC 296-155-17623.) Anytime your BLL exceeds 50 µg/dl your employer must make available to you within two weeks of receipt of these test results a second follow-up BLL test to confirm your BLL. If the two tests both exceed 50 µg/dl, and you are temporarily removed, then your employer must make successive BLL tests available to you on a monthly basis during the period of your removal.

Medical examinations beyond the initial one must be made available on an annual basis if your blood lead level exceeds 40 µg/dl at any time during the preceding year and you are being exposed above the airborne action level of 30 µg/m³ for 30 or more days per year. The initial examination will provide information to establish a baseline to which subsequent data can be compared.

An initial medical examination to consist of blood sampling and analysis for lead and zinc protoporphyrin must also be made available (prior to assignment) for each employee being assigned for the first time to an area where the airborne concentration of lead equals or exceeds the action level at any time. In addition, a medical examination or consultation must be made available as soon as possible if you notify your employer that you are experiencing signs or symptoms commonly associated with lead poisoning or that you have difficulty breathing while wearing a respirator or during a respirator fit test. You must also be provided a medical examination or consultation if you notify your employer that you desire medical advice concerning the effects of current or past exposure to lead on your ability to procreate a healthy child.

Finally, appropriate follow-up medical examinations or consultations may also be provided for employees who have been temporarily removed from exposure under the medical removal protection provisions of the standard. (See subsection (9), below.)

The standard specifies the minimum content of pre-assignment and annual medical examinations. The content of other types of medical examinations and consultations is left up to the sound discretion of the examining physician. Pre-assignment and annual medical examinations must include:

- ♦ A detailed work history and medical history;
- ♦ A thorough physical examination, including an evaluation of your pulmonary status if you will be required to use a respirator;
- ♦ A blood pressure measurement; and
- ♦ A series of laboratory tests designed to check your blood chemistry and your kidney function.

In addition, at any time upon your request, a laboratory evaluation of male fertility will be made (microscopic examination of a sperm sample), or a pregnancy test will be given.

The standard does not require that you participate in any of the medical procedures, tests, etc. which your employer is required to make available to you. Medical surveillance can, however, play a very important role in protecting your health. You are strongly encouraged, therefore, to partici-

pate in a meaningful fashion. The standard contains a multiple physician review mechanism which will give you a chance to have a physician of your choice directly participate in the medical surveillance program. If you are dissatisfied with an examination by a physician chosen by your employer, you can select a second physician to conduct an independent analysis. The two doctors would attempt to resolve any differences of opinion, and select a third physician to resolve any firm dispute. Generally your employer will choose the physician who conducts medical surveillance under the lead standard-unless you and your employer can agree on the choice of a physician or physicians. Some companies and unions have agreed in advance, for example, to use certain independent medical laboratories or panels of physicians. Any of these arrangements are acceptable so long as required medical surveillance is made available to workers.

The standard requires your employer to provide certain information to a physician to aid in their examination of you. This information includes:

- ◆ The standard and its appendices,
- ◆ A description of your duties as they relate to occupational lead exposure,
- ◆ Your exposure level or anticipated exposure level,
- ◆ A description of any personal protective equipment you wear,
- ◆ Prior blood lead level results, and
- ◆ Prior written medical opinions concerning you that the employer has.

After a medical examination or consultation the physician must prepare a written report which must contain:

- ◆ The physician's opinion as to whether you have any medical condition which places you at increased risk of material impairment to health from exposure to lead,
- ◆ Any recommended special protective measures to be provided to you,
- ◆ Any blood lead level determinations, and
- ◆ Any recommended limitation on your use of respirators.

This last element must include a determination of whether you can wear a powered air purifying respirator (PAPR) if you are found unable to wear a negative pressure respirator.

The medical surveillance program of the lead standard may at some point in time serve to notify certain workers that they have acquired a disease or other adverse medical condition as a result of occupational lead exposure. If this is true, these workers might have legal rights to compensation from public agencies, their employers, firms that supply hazardous products to their employers, or other persons. Some states have laws, including worker compensation laws, that disallow a worker who learns of a job-related health impairment to sue, unless the worker sues within a short period of time after learning of the impairment. (This period of time may be a matter of months or years.) An attorney can be consulted about these possibilities. It should be stressed that WISHA is in no way trying to either encourage or discourage claims or lawsuits. However, since results of the standard's medical surveillance program can significantly affect the legal remedies of a worker who has acquired a job-related disease or impairment, it is proper for WISHA to make you aware of this.

The medical surveillance section of the standard also contains provisions dealing with chelation. Chelation is the use of certain drugs (administered in pill form or injected into the body) to reduce the amount of lead absorbed in body tissues. Experience accumulated by the medical and scientific communities has largely confirmed the effectiveness of this type of therapy for the treatment of very severe lead poisoning. On the other hand, it has also been established that there can be a long list of extremely harmful side effects associated with the use of chelating agents. The medical community has balanced the advantages and disadvantages resulting from the use of chelating agents in various circumstances and has established when the use of these agents is acceptable. The standard includes these accepted limitations due to a history of abuse of chelation therapy by some lead companies. The most widely used chelating agents are calcium disodium EDTA, (Ca Na₂ EDTA), Calcium Disodium Versenate (Versenate), and d-penicillamine (penicillamine or Cupramine).

The standard prohibits "prophylactic chelation" of any employee by any person the employer retains, supervises or controls. "Prophylactic chelation" is the routine use of chelating or similarly acting drugs to prevent elevated blood levels in workers who are occupationally exposed to lead, or the use of these drugs to routinely lower blood lead levels to predesignated concentrations believed to be "safe". It should be emphasized that where an employer takes a worker who has no symptoms of lead poisoning and has chelation carried out by a physician (either inside or outside of a hospital) solely to reduce the worker's blood lead level, that will generally be considered prophylactic chelation. The use of a hospital and a physician does not mean that prophylactic chelation is not being performed. Routine chelation to prevent increased or reduce current blood lead levels is unacceptable whatever the setting.

The standard allows the use of "therapeutic" or "diagnostic" chelation if administered under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring. Therapeutic chelation responds to severe lead poisoning where there are marked symptoms. Diagnostic chelation involved giving a patient a dose of the drug then collecting all urine excreted for some period of time as an aid to the diagnosis of lead poisoning.

In cases where the examining physician determines that chelation is appropriate, you must be notified in writing of this fact before such treatment. This will inform you of a potentially harmful treatment, and allow you to obtain a second opinion.

(9) Medical Removal Protection—WAC 296-155-17623.

Excessive lead absorption subjects you to increased risk of disease. Medical removal protection (MRP) is a means of protecting you when, for whatever reasons, other methods, such as engineering controls, work practices, and respirators, have failed to provide the protection you need. MRP involves the temporary removal of a worker from their regular job to a place of significantly lower exposure without any loss of earnings, seniority, or other employment rights or benefits. The purpose of this program is to cease further lead absorption and allow your body to naturally excrete lead which has previously been absorbed. Temporary medical removal can result from an elevated blood lead level, or a medical opinion. For up to 18 months, or for as long as the

job the employee was removed from lasts, protection is provided as a result of either form of removal. The vast majority of removed workers, however, will return to their former jobs long before this eighteen month period expires.

You may also be removed from exposure even if your blood lead level is below 50 µg/dl if a final medical determination indicates that you temporarily need reduced lead exposure for medical reasons. If the physician who is implementing your employers medical program makes a final written opinion recommending your removal or other special protective measures, your employer must implement the physician's recommendation. If you are removed in this manner, you may only be returned when the doctor indicates that it is safe for you to do so.

The standard does not give specific instructions dealing with what an employer must do with a removed worker. Your job assignment upon removal is a matter for you, your employer and your union (if any) to work out consistent with existing procedures for job assignments. Each removal must be accomplished in a manner consistent with existing collective bargaining relationships. Your employer is given broad discretion to implement temporary removals so long as no attempt is made to override existing agreements. Similarly, a removed worker is provided no right to veto an employer's choice which satisfies the standard.

In most cases, employers will likely transfer removed employees to other jobs with sufficiently low lead exposure. Alternatively, a worker's hours may be reduced so that the time weighted average exposure is reduced, or they may be temporarily laid off if no other alternative is feasible.

In all of these situation, MRP benefits must be provided during the period of removal—i.e., you continue to receive the same earnings, seniority, and other rights and benefits you would have had if you had not been removed. Earnings includes more than just your base wage; it includes overtime, shift differentials, incentives, and other compensation you would have earned if you had not been removed. During the period of removal you must also be provided with appropriate follow-up medical surveillance. If you were removed because your blood lead level was too high, you must be provided with a monthly blood test. If a medical opinion caused your removal, you must be provided medical tests or examinations that the doctor believes to be appropriate. If you do not participate in this follow up medical surveillance, you may lose your eligibility for MRP benefits.

When you are medically eligible to return to your former job, your employer must return you to your "former job status." This means that you are entitled to the position, wages, benefits, etc., you would have had if you had not been removed. If you would still be in your old job if no removal had occurred that is where you go back. If not, you are returned consistent with whatever job assignment discretion your employer would have had if no removal had occurred. MRP only seeks to maintain your rights, not expand them or diminish them.

If you are removed under MRP and you are also eligible for worker compensation or other compensation for lost wages, your employer's MRP benefits obligation is reduced by the amount that you actually receive from these other sources. This is also true if you obtain other employment during the time you are laid off with MRP benefits.

The standard also covers situations where an employer voluntarily removes a worker from exposure to lead due to the effects of lead on the employee's medical condition, even though the standard does not require removal. In these situations MRP benefits must still be provided as though the standard required removal. Finally, it is important to note that in all cases where removal is required, respirators cannot be used as a substitute. Respirators may be used before removal becomes necessary, but not as an alternative to a transfer to a low exposure job, or to a lay-off with MRP benefits.

(10) Employee Information and Training—WAC 296-155-17625.

Your employer is required to provide an information and training program for all employees exposed to lead above the action level or who may suffer skin or eye irritation from lead compounds such as lead arsenate or lead azide. The program must train these employees regarding the specific hazards associated with their work environment, protective measures which can be taken, including the contents of any compliance plan in effect, the danger of lead to their bodies (including their reproductive systems), and their rights under the standard. All employees must be trained prior to initial assignment to areas where there is a possibility of exposure over the action level.

This training program must also be provided at least annually thereafter unless further exposure above the action level will not occur.

(11) Signs—WAC 296-155-17627.

The standard requires that the following warning sign be posted in work areas where the exposure to lead exceeds the PEL:

WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING

These signs are to be posted and maintained in a manner which assures that the legend is readily visible.

(12) Recordkeeping—WAC 296-155-17629.

Your employer is required to keep all records of exposure monitoring for airborne lead. These records must include the name and job classification of employees measured, details of the sampling and analytical techniques, the results of this sampling, and the type of respiratory protection being worn by the person sampled. Such records are to be retained for at least 30 years. Your employer is also required to keep all records of biological monitoring and medical examination results. These records must include the names of the employees, the physician's written opinion, and a copy of the results of the examination. Medical records must be preserved and maintained for the duration of employment plus 30 years. However, if the employee's duration of employment is less than one year, the employer need not retain that employee's medical records beyond the period of employment if they are provided to the employee upon termination of employment.

Recordkeeping is also required if you are temporarily removed from your job under the medical removal protection program. This record must include your name and social security number, the date of your removal and return, how the removal was or is being accomplished, and whether or

not the reason for the removal was an elevated blood lead level. Your employer is required to keep each medical removal record only for as long as the duration of an employee's employment.

The standard requires that if you request to see or copy environmental monitoring, blood lead level monitoring, or medical removal records, they must be made available to you or to a representative that you authorize. Your union also has access to these records. Medical records other than BLL's must also be provided upon request to you, to your physician or to any other person whom you may specifically designate. Your union does not have access to your personal medical records unless you authorize their access.

(13) Observation of Monitoring—WAC 296-155-17631.

When air monitoring for lead is performed at your workplace as required by this standard, your employer must allow you or someone you designate to act as an observer of the monitoring. Observers are entitled to an explanation of the measurement procedure, and to record the results obtained. Since results will not normally be available at the time of the monitoring, observers are entitled to record or receive the results of the monitoring when returned by the laboratory. Your employer is required to provide the observer with any personal protective devices required to be worn by employees working in the area that is being monitored. The employer must require the observer to wear all such equipment and to comply with all other applicable safety and health procedures.

(14) Startup Date—WAC 296-155-17635.

Employer obligations under the standard begin as of that date with full implementation of engineering controls as soon as possible but no later than within 4 months, and all other provisions completed as soon as possible, but no later than within 2 months from the effective date.

(15) For Additional Information.

(a) A copy of the standard for lead in construction can be obtained free of charge by calling or writing to the department of labor and industries, Post Office Box 44620, Mail Stop 44620, Olympia, Washington 98504-4620; Telephone (206) 956-5527.

(b) Additional information about the standard, its enforcement, and your employer's compliance can be obtained from the nearest office listed in your telephone directory under the state of Washington, department of labor and industries.

NEW SECTION

WAC 296-155-17654 Appendix C to WAC 296-155-176—Medical surveillance guidelines. (1) Introduction.

The primary purpose of the Washington Industrial Safety and Health Act of 1973 is to assure, so far as possible, safe and healthful working conditions for every working man and woman. The occupational health standard for lead in construction is designed to protect workers exposed to inorganic lead including metallic lead, all inorganic lead compounds and organic lead soaps.

Under this standard occupational exposure to inorganic lead is to be limited to 50 $\mu\text{g}/\text{m}^3$ (micrograms per cubic meter) based on an 8 hour time-weighted average (TWA). This permissible exposure limit (PEL) must be achieved through a combination of engineering, work practice and

administrative controls to the extent feasible. Where these controls are in place but are found not to reduce employee exposures to or below the PEL, they must be used nonetheless, and supplemented with respirators to meet the 50 $\mu\text{g}/\text{m}^3$ exposure limit.

The standard also provides for a program of biological monitoring for employees exposed to lead above the action level at any time, and additional medical surveillance for all employees exposed to levels of inorganic lead above 30 $\mu\text{g}/\text{m}^3$ (TWA) for more than 30 days per year and whose BLL exceeds 40 $\mu\text{g}/\text{dl}$.

The purpose of this document is to outline the medical surveillance provisions of the standard for inorganic lead in construction, and to provide further information to the physician regarding the examination and evaluation of workers exposed to inorganic lead.

Subsection (2) provides a detailed description of the monitoring procedure including the required frequency of blood testing for exposed workers, provisions for medical removal protection (MRP), the recommended right of the employee to a second medical opinion, and notification and recordkeeping requirements of the employer. A discussion of the requirements for respirator use and respirator monitoring and WISHA's position on prophylactic chelation therapy are also included in this subsection.

Subsection (3) discusses the toxic effects and clinical manifestations of lead poisoning and effects of lead intoxication on enzymatic pathways in heme synthesis. The adverse effects on both male and female reproductive capacity and on the fetus are also discussed.

Subsection (4) outlines the recommended medical evaluation of the worker exposed to inorganic lead, including details of the medical history, physical examination, and recommended laboratory tests, which are based on the toxic effects of lead as discussed in subsection (3).

Subsection (5) provides detailed information concerning the laboratory tests available for the monitoring of exposed workers. Included also is a discussion of the relative value of each test and the limitations and precautions which are necessary in the interpretation of the laboratory results.

(2) Medical Surveillance and Monitoring Requirements for Workers Exposed to Inorganic Lead.

Under the standard for inorganic lead in the construction industry, initial medical surveillance consisting of biological monitoring to include blood lead and ZPP level determination shall be provided to employees exposed to lead at or above the action level on any one day. In addition, a program of biological monitoring is to be made available to all employees exposed above the action level at any time and additional medical surveillance is to be made available to all employees exposed to lead above 30 $\mu\text{g}/\text{m}^3$ TWA for more than 30 days each year and whose BLL exceeds 40 $\mu\text{g}/\text{dl}$. This program consists of periodic blood sampling and medical evaluation to be performed on a schedule which is defined by previous laboratory results, worker complaints or concerns, and the clinical assessment of the examining physician.

Under this program, the blood lead level (BLL) of all employees who are exposed to lead above 30 $\mu\text{g}/\text{m}^3$ for more than 30 days per year or whose blood lead is above 40 $\mu\text{g}/\text{dl}$ but exposed for no more than 30 days per year is to be determined at least every two months for the first six months

of exposure and every six months thereafter. The frequency is increased to every two months for employees whose last blood lead level was 40 µg/dl or above. For employees who are removed from exposure to lead due to an elevated blood lead, a new blood lead level must be measured monthly. A zinc protoporphyrin (ZPP) measurement is strongly recommended on each occasion that a blood lead level measurement is made. An annual medical examination and consultation performed under the guidelines discussed in subsection (4) is to be made available to each employee exposed above 30 µg/m³ for more than 30 days per year for whom a blood test conducted at any time during the preceding 12 months indicated a blood lead level at or above 40 µg/dl. Also, an examination is to be given to all employees prior to their assignment to an area in which airborne lead concentrations reach or exceed the 30 µg/m³ for more than 30 days per year. In addition, a medical examination must be provided as soon as possible after notification by an employee that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice regarding lead exposure and the ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during respirator use. An examination is also to be made available to each employee removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited or specially protected pursuant to medical recommendations.

Results of biological monitoring or the recommendations of an examining physician may necessitate removal of an employee from further lead exposure pursuant to the standard's medical removal protection (MRP) program. The object of the MRP program is to provide temporary medical removal to workers either with substantially elevated blood lead levels or otherwise at risk of sustaining material health impairment from continued substantial exposure to lead.

Under the standard's ultimate worker removal criteria, a worker is to be removed from any work having an eight hour TWA exposure to lead of 30 µg/m³ when their blood lead level reaches 50 µg/dl and is confirmed by a second follow-up blood lead level performed within two weeks after the employer receives the results of the first blood sampling test. Return of the employee to their job status depends on a worker's blood lead level declining to 40 µg/dl.

As part of the standard, the employer is required to notify in writing each employee whose blood lead level exceeds 40 µg/dl. In addition each such employee is to be informed that the standard requires medical removal with MRP benefits, discussed below, when an employee's blood lead level exceeds the above defined limit.

In addition to the above blood lead level criterion, temporary worker removal may also take place as a result of medical determinations and recommendations. Written medical opinions must be prepared after each examination pursuant to the standard. If the examining physician includes a medical finding, determination or opinion that the employee has a medical condition which places the employee at increased risk of material health impairment from exposure to lead, then the employee must be removed from exposure to lead at or above 30 µg/m³. Alternatively, if the examining physician recommends special protective measures for an employee (e.g., use of a powered air purifying

respirator) or recommends limitations on an employee's exposure to lead, then the employer must implement these recommendations.

Recommendations may be more stringent than the specific provisions of the standard. The examining physician, therefore, is given broad flexibility to tailor special protective procedures to the needs of individual employees. This flexibility extends to the evaluation and management of pregnant workers and male and female workers who are planning to raise children. Based on the history, physical examination, and laboratory studies, the physician might recommend special protective measures or medical removal for an employee who is pregnant or who is planning to conceive a child when, in the physician's judgment, continued exposure to lead at the current job would pose a significant risk. The return of the employee to their former job status, or the removal of special protections or limitations, depends upon the examining physician determining that the employee is no longer at increased risk of material impairment or that special measures are no longer needed.

During the period of any form of special protection or removal, the employer must maintain the worker's earnings, seniority, and other employment rights and benefits (as though the worker had not been removed) for a period of up to 18 months or for as long as the job the employee was removed from lasts if less than 18 months. This economic protection will maximize meaningful worker participation in the medical surveillance program, and is appropriate as part of the employer's overall obligation to provide a safe and healthful workplace. The provisions of MRP benefits during the employee's removal period may, however, be conditioned upon participation in medical surveillance.

The lead standard provides for a multiple physician review in cases where the employee wishes a second opinion concerning potential lead poisoning or toxicity. If an employee wishes a second opinion, they can make an appointment with a physician of their choice. This second physician will review the findings, recommendations or determinations of the first physician and conduct any examinations, consultations or tests deemed necessary in an attempt to make a final medical determination. If the first and second physicians do not agree in their assessment they must try to resolve their differences. If they cannot reach an agreement then they must designate a third physician to resolve the dispute.

The employer must provide examining and consulting physicians with the following specific information: A copy of the lead regulations and all appendices, a description of the employee's duties as related to exposure, the exposure level or anticipated level to lead and any other toxic substances (if applicable), a description of personal protective equipment used, blood lead levels, and all prior written medical opinions regarding the employee in the employer's possession or control. The employer must also obtain from the physician and provide the employee with a written medical opinion containing blood lead levels, the physicians's opinion as to whether the employee is at risk of material impairment to health, any recommended protective measures for the employee if further exposure is permitted, as well as any recommended limitations upon an employee's use of respirators.

Employers must instruct each physician not to reveal to the employer in writing or in any other way their findings, laboratory results, or diagnoses which are felt to be unrelated to occupational lead exposure. They must also instruct each physician to advise the employee of any occupationally or non-occupationally related medical condition requiring further treatment or evaluation.

The standard provides for the use of respirators where engineering and other primary controls are not effective. However, the use of respirator protection shall not be used in lieu of temporary medical removal due to elevated blood lead levels or findings that an employee is at risk of material health impairment. This is based on the numerous inadequacies of respirators including skin rash where the facepiece makes contact with the skin, unacceptable stress to breathing in some workers with underlying cardiopulmonary impairment, difficulty in providing adequate fit, the tendency for respirators to create additional hazards by interfering with vision, hearing, and mobility, and the difficulties of assuring the maximum effectiveness of a complicated work practice program involving respirators. Respirators do, however, serve a useful function where engineering and work practice controls are inadequate by providing supplementary, interim, or short-term protection, provided they are properly selected for the environment in which the employee will be working, properly fitted to the employee, maintained and cleaned periodically, and worn by the employee when required.

In its standard on occupational exposure to inorganic lead in the construction industry, WISHA has prohibited prophylactic chelation. Diagnostic and therapeutic chelation are permitted only under the supervision of a licensed physician with appropriate medical monitoring in an acceptable clinical setting. The decision to initiate chelation therapy must be made on an individual basis and take into account the severity of symptoms felt to be a result of lead toxicity along with blood lead levels, ZPP levels, and other laboratory tests as appropriate. EDTA and penicillamine which are the primary chelating agents used in the therapy of occupational lead poisoning have significant potential side effects and their use must be justified on the basis of expected benefits to the worker. Unless frank and severe symptoms are present, therapeutic chelation is not recommended, given the opportunity to remove a worker from exposure and allow the body to naturally excrete accumulated lead. As a diagnostic aid, the chelation mobilization test using CA-EDTA has limited applicability. According to some investigators, the test can differentiate between lead-induced and other nephropathies. The test may also provide an estimation of the mobile fraction of the total body lead burden.

Employers are required to assure that accurate records are maintained on exposure assessment, including environmental monitoring, medical surveillance, and medical removal for each employee. Exposure assessment records must be kept for at least 30 years. Medical surveillance records must be kept for the duration of employment plus 30 years except in cases where the employment was less than one year. If duration of employment is less than one year, the employer need not retain this record beyond the term of employment if the record is provided to the employee upon termination of employment. Medical removal records also must be maintained for the duration of employment. All

records required under the standard must be made available upon request to the director. Employers must also make environmental and biological monitoring and medical removal records available to affected employees and to former employees or their authorized employee representatives. Employees or their specifically designated representatives have access to their entire medical surveillance records.

In addition, the standard requires that the employer inform all workers exposed to lead at or above $30 \mu\text{g}/\text{m}^3$ of the provisions of the standard and all its appendices, the purpose and description of medical surveillance and provisions for medical removal protection if temporary removal is required. An understanding of the potential health effects of lead exposure by all exposed employees along with full understanding of their rights under the lead standard is essential for an effective monitoring program.

(3) Adverse Health Effects of Inorganic Lead.

Although the toxicity of lead has been known for 2,000 years, the knowledge of the complex relationship between lead exposure and human response is still being refined. Significant research into the toxic properties of lead continues throughout the world, and it should be anticipated that our understanding of thresholds of effects and margins of safety will be improved in future years. The provisions of the lead standard are founded on two prime medical judgments: First, the prevention of adverse health effects from exposure to lead throughout a working lifetime requires that worker blood lead levels be maintained at or below $40 \mu\text{g}/\text{dl}$ and second, the blood lead levels of workers, male or female, who intend to parent in the near future should be maintained below $30 \mu\text{g}/\text{dl}$ to minimize adverse reproductive health effects to the parents and developing fetus. The adverse effects of lead on reproduction are being actively researched and WISHA encourages the physician to remain abreast of recent developments in the area to best advise pregnant workers or workers planning to conceive children.

The spectrum of health effects caused by lead exposure can be subdivided into five developmental stages: Normal, physiological changes of uncertain significance, pathophysiological changes, overt symptoms (morbidity), and mortality. Within this process there are no sharp distinctions, but rather a continuum of effects. Boundaries between categories overlap due to the wide variation of individual responses and exposures in the working population. WISHA's development of the lead standard focused on pathophysiological changes as well as later stages of disease.

(a) Heme Synthesis Inhibition. The earliest demonstrated effect of lead involves its ability to inhibit at least two enzymes of the heme synthesis pathway at very low blood levels. Inhibition of delta aminolevulinic acid dehydrase (ALA-D) which catalyzes the conversion of delta-aminolevulinic acid (ALA) to protoporphyrin is observed at a blood lead level below $20 \mu\text{g}/\text{dl}$. At a blood lead level of $40 \mu\text{g}/\text{dl}$, more than 20% of the population would have 70% inhibition of ALA-D. There is an exponential increase in ALA excretion at blood lead levels greater than $40 \mu\text{g}/\text{dl}$.

Another enzyme, ferrochelatase, is also inhibited at low blood lead levels. Inhibition of ferrochelatase leads to increased free erythrocyte protoporphyrin (FEP) in the blood which can then bind to zinc to yield zinc protoporphyrin. At a blood lead level of $50 \mu\text{g}/\text{dl}$ or greater, nearly 100% of the

population will have an increase in FEP. There is also an exponential relationship between blood lead levels greater than 40 µg/dl and the associated ZPP level, which has led to the development of the ZPP screening test for lead exposure.

While the significance of these effects is subject to debate, it is WISHA's position that these enzyme disturbances are early stages of a disease process which may eventually result in the clinical symptoms of lead poisoning. Whether or not the effects do progress to the later stages of clinical disease, disruption of these enzyme processes over a working lifetime is considered to be a material impairment of health.

One of the eventual results of lead-induced inhibition of enzymes in the heme synthesis pathway is anemia which can be asymptomatic if mild but associated with a wide array of symptoms including dizziness, fatigue, and tachycardia when more severe. Studies have indicated that lead levels as low as 50 µg/dl can be associated with a definite decreased hemoglobin, although most cases of lead-induced anemia, as well as shortened red-cell survival times, occur at lead levels exceeding 80 µg/dl. Inhibited hemoglobin synthesis is more common in chronic cases whereas shortened erythrocyte life span is more common in acute cases.

In lead-induced anemias, there is usually a reticulocytosis along with the presence of basophilic stippling, and ringed sideroblasts, although none of the above are pathognomonic for lead-induced anemia.

(b) Neurological Effects. Inorganic lead has been found to have toxic effects on both the central and peripheral nervous systems. The earliest stages of lead-induced central nervous system effects first manifest themselves in the form of behavioral disturbances and central nervous system symptoms including irritability, restlessness, insomnia and other sleep disturbances, fatigue, vertigo, headache, poor memory, tremor, depression, and apathy. With more severe exposure, symptoms can progress to drowsiness, stupor, hallucinations, delirium, convulsions and coma.

The most severe and acute form of lead poisoning which usually follows ingestion or inhalation of large amounts of lead is acute encephalopathy which may arise precipitously with the onset of intractable seizures, coma, cardiorespiratory arrest, and death within 48 hours.

While there is disagreement about what exposure levels are needed to produce the earliest symptoms, most experts agree that symptoms definitely can occur at blood lead levels of 60 µg/dl whole blood and therefore recommend a 40 µg/dl maximum. The central nervous system effects frequently are not reversible following discontinued exposure or chelation therapy and when improvement does occur, it is almost always only partial.

The peripheral neuropathy resulting from lead exposure characteristically involves only motor function with minimal sensory damage and has a marked predilection for the extensor muscles of the most active extremity. The peripheral neuropathy can occur with varying degrees of severity. The earliest and mildest form which can be detected in workers with blood lead levels as low as 50 µg/dl is manifested by slowing of motor nerve conduction velocity often without clinical symptoms. With progression of the neuropathy there is development of painless extensor muscle weakness usually involving the extensor muscles of the fingers and hand in the most active upper extremity, fol-

lowed in severe cases by wrist drop or, much less commonly, foot drop.

In addition to slowing of nerve conduction, electromyographical studies in patients with blood lead levels greater than 50 µg/dl have demonstrated a decrease in the number of acting motor unit potentials, an increase in the duration of motor unit potentials, and spontaneous pathological activity including fibrillations and fasciculations. Whether these effects occur at levels of 40 µg/dl is undetermined.

While the peripheral neuropathies can occasionally be reversed with therapy, again such recovery is not assured particularly in the more severe neuropathies and often improvement is only partial. The lack of reversibility is felt to be due in part to segmental demyelination.

(c) Gastrointestinal. Lead may also affect the gastrointestinal system producing abdominal colic or diffuse abdominal pain, constipation, obstipation, diarrhea, anorexia, nausea and vomiting. Lead colic rarely develops at blood lead levels below 80 µg/dl.

(d) Renal. Renal toxicity represents one of the most serious health effects of lead poisoning. In the early stages of disease nuclear inclusion bodies can frequently be identified in proximal renal tubular cells. Renal function remains normal and the changes in this stage are probably reversible. With more advanced disease there is progressive interstitial fibrosis and impaired renal function. Eventually extensive interstitial fibrosis ensues with sclerotic glomeruli and dilated and atrophied proximal tubules; all represent end stage kidney disease. Azotemia can be progressive, eventually resulting in frank uremia necessitating dialysis. There is occasionally associated hypertension and hyperuricemia with or without gout.

Early kidney disease is difficult to detect. The urinalysis is normal in early lead nephropathy and the blood urea nitrogen and serum creatinine increase only when two-thirds of kidney function is lost. Measurement of creatinine clearance can often detect earlier disease as can other methods of measurement of glomerular filtration rate. An abnormal Ca-EDTA mobilization test has been used to differentiate between lead-induced and other nephropathies, but this procedure is not widely accepted. A form of Fanconi syndrome with aminoaciduria, glycosuria, and hyperphosphaturia indicating severe injury to the proximal renal tubules is occasionally seen in children.

(e) Reproductive effects. Exposure to lead can have serious effects on reproductive function in both males and females. In male workers exposed to lead there can be a decrease in sexual drive, impotence, decreased ability to produce healthy sperm, and sterility. Malformed sperm (teratospermia), decreased number of sperm (hypospermia), and sperm with decreased motility (asthenospermia) can all occur. Teratospermia has been noted at mean blood lead levels of 53 µg/dl and hypospermia and asthenospermia at 41 µg/dl. Furthermore, there appears to be a dose-response relationship for teratospermia in lead exposed workers.

Women exposed to lead may experience menstrual disturbances including dysmenorrhea, menorrhagia and amenorrhea. Following exposure to lead, women have a higher frequency of sterility, premature births, spontaneous miscarriages, and stillbirths.

Germ cells can be affected by lead and cause genetic damage in the egg or sperm cells before conception and result in failure to implant, miscarriage, stillbirth, or birth defects.

Infants of mothers with lead poisoning have a higher mortality during the first year and suffer from lowered birth weights, slower growth, and nervous system disorders.

Lead can pass through the placental barrier and lead levels in the mother's blood are comparable to concentrations of lead in the umbilical cord at birth. Transplacental passage becomes detectable at 12-14 weeks of gestation and increases until birth.

There is little direct data on damage to the fetus from exposure to lead but it is generally assumed that the fetus and newborn would be at least as susceptible to neurological damage as young children. Blood lead levels of 50-60 µg/dl in children can cause significant neurobehavioral impairments and there is evidence of hyperactivity at blood levels as low as 25 µg/dl. Given the overall body of literature concerning the adverse health effects of lead in children, WISHA feels that the blood lead level in children should be maintained below 30 µg/dl with a population mean of 15 µg/dl. Blood lead levels in the fetus and newborn likewise should not exceed 30 µg/dl.

Because of lead's ability to pass through the placental barrier and also because of the demonstrated adverse effects of lead on reproductive function in both the male and female as well as the risk of genetic damage of lead on both the ovum and sperm, WISHA recommends a 30 µg/dl maximum permissible blood lead level in both males and females who wish to bear children.

(f) Other toxic effects. Debate and research continue on the effects of lead on the human body. Hypertension has frequently been noted in occupationally exposed individuals although it is difficult to assess whether this is due to lead's adverse effects on the kidney or if some other mechanism is involved. Vascular and electrocardiographic changes have been detected but have not been well characterized. Lead is thought to impair thyroid function and interfere with the pituitary-adrenal axis, but again these effects have not been well defined.

(4) Medical Evaluation.

The most important principle in evaluating a worker for any occupational disease including lead poisoning is a high index of suspicion on the part of the examining physician. As discussed in section (3), lead can affect numerous organ systems and produce a wide array of signs and symptoms, most of which are non-specific and subtle in nature at least in the early stages of disease. Unless serious concern for lead toxicity is present, many of the early clues to diagnosis may easily be overlooked.

The crucial initial step in the medical evaluation is recognizing that a worker's employment can result in exposure to lead. The worker will frequently be able to define exposures to lead and lead containing materials but often will not volunteer this information unless specifically asked. In other situations the worker may not know of any exposures to lead but the suspicion might be raised on the part of the physician because of the industry or occupation of the worker. Potential occupational exposure to lead and its compounds occur in many occupations in the construction industry, including demolition and salvaging operations,

removal or encapsulation of materials containing lead, construction, alteration, repair or renovation of structures containing lead, transportation, disposal, storage or containment of lead or lead-containing materials on construction sites, and maintenance operations associated with construction activities.

Once the possibility for lead exposure is raised, the focus can then be directed toward eliciting information from the medical history, physical exam, and finally from laboratory data to evaluate the worker for potential lead toxicity.

A complete and detailed work history is important in the initial evaluation. A listing of all previous employment with information on job description, exposure to fumes or dust, known exposures to lead or other toxic substances, a description of any personal protective equipment used, and previous medical surveillance should all be included in the worker's record. Where exposure to lead is suspected, information concerning on-the-job personal hygiene, smoking or eating habits in work areas, laundry procedures, and use of any protective clothing or respiratory protection equipment should be noted. A complete work history is essential in the medical evaluation of a worker with suspected lead toxicity, especially when long term effects such as neurotoxicity and nephrotoxicity are considered.

The medical history is also of fundamental importance and should include a listing of all past and current medical conditions, current medications including proprietary drug intake, previous surgeries and hospitalizations, allergies, smoking history, alcohol consumption, and also non-occupational lead exposures such as hobbies (hunting, riflery). Also known childhood exposures should be elicited. Any previous history of hematological, neurological, gastrointestinal, renal, psychological, gynecological, genetic, or reproductive problems should be specifically noted.

A careful and complete review of systems must be performed to assess both recognized complaints and subtle or slowly acquired symptoms which the worker might not appreciate as being significant. The review of symptoms should include the following:

- ◆ General—weight loss, fatigue, decreased appetite.
- ◆ Head, Eyes, Ears, Nose, Throat (HEENT)—headaches, visual disturbances or decreased visual acuity, hearing deficits or tinnitus, pigmentation of the oral mucosa, or metallic taste in mouth.
- ◆ Cardio-pulmonary—shortness of breath, cough, chest pains, palpitations, or orthopnea.
- ◆ Gastrointestinal—nausea, vomiting, heartburn, abdominal pain, constipation or diarrhea.
- ◆ Neurologic—irritability, insomnia, weakness (fatigue), dizziness, loss of memory, confusion, hallucinations, incoordination, ataxia, decreased strength in hands or feet, disturbances in gait, difficulty in climbing stairs, or seizures.
- ◆ Hematologic—pallor, easy fatigability, abnormal blood loss, melena.
- ◆ Reproductive (male and female and spouse where relevant)—history of infertility, impotence, loss of libido, abnormal menstrual periods, history of miscarriages, stillbirths, or children with birth defects.
- ◆ Musculo-skeletal—muscle and joint pains.

The physical examination should emphasize the neurological, gastrointestinal, and cardiovascular systems. The worker's weight and blood pressure should be recorded and

the oral mucosa checked for pigmentation characteristic of a possible Burtonian or lead line on the gingiva. It should be noted, however, that the lead line may not be present even in severe lead poisoning if good oral hygiene is practiced.

The presence of pallor on skin examination may indicate an anemia which, if severe, might also be associated with a tachycardia. If an anemia is suspected, an active search for blood loss should be undertaken including potential blood loss through the gastrointestinal tract.

A complete neurological examination should include an adequate mental status evaluation including a search for behavioral and psychological disturbances, memory testing, evaluation for irritability, insomnia, hallucinations, and mental clouding. Gait and coordination should be examined along with close observation for tremor. A detailed evaluation of peripheral nerve function including careful sensory and motor function testing is warranted. Strength testing particularly of extensor muscle groups of all extremities is of fundamental importance.

Cranial nerve evaluation should also be included in the routine examination.

The abdominal examination should include auscultation for bowel sounds and abdominal bruits and palpation for organomegaly, masses, and diffuse abdominal tenderness.

Cardiovascular examination should evaluate possible early signs of congestive heart failure. Pulmonary status should be addressed particularly if respirator protection is contemplated.

As part of the medical evaluation, the lead standard requires the following laboratory studies:

- ◆ Blood lead level.
- ◆ Hemoglobin and hematocrit determinations, red cell indices, and examination of the peripheral blood smear to evaluate red blood cell morphology.
- ◆ Blood urea nitrogen.
- ◆ Serum creatinine.
- ◆ Routine urinalysis with microscopic examination.
- ◆ A zinc protoporphyrin level.

In addition to the above, the physician is authorized to order any further laboratory or other tests which they deem necessary in accordance with sound medical practice. The evaluation must also include pregnancy testing or laboratory evaluation of male fertility if requested by the employee. Additional tests which are probably not warranted on a routine basis but may be appropriate when blood lead and ZPP levels are equivocal include delta aminolevulinic acid and coproporphyrin concentrations in the urine, and dark-field illumination for detection of basophilic stippling in red blood cells.

If an anemia is detected further studies including a careful examination of the peripheral smear, reticulocyte count, stool for occult blood, serum iron, total iron binding capacity, bilirubin, and, if appropriate, vitamin B12 and folate may be of value in attempting to identify the cause of the anemia.

If a peripheral neuropathy is suspected, nerve conduction studies are warranted both for diagnosis and as a basis to monitor any therapy.

If renal disease is questioned, a 24 hour urine collection for creatinine clearance, protein, and electrolytes may be indicated. Elevated uric acid levels may result from

lead-induced renal disease and a serum uric acid level might be performed.

An electrocardiogram and chest x-ray may be obtained as deemed appropriate.

Sophisticated and highly specialized testing should not be done routinely and where indicated should be under the direction of a specialist.

(5) Laboratory Evaluation.

The blood lead level at present remains the single most important test to monitor lead exposure and is the test used in the medical surveillance program under the lead standard to guide employee medical removal. The ZPP has several advantages over the blood lead level. Because of its relatively recent development and the lack of extensive data concerning its interpretation, the ZPP currently remains an ancillary test.

This section will discuss the blood lead level and ZPP in detail and will outline their relative advantages and disadvantages. Other blood tests currently available to evaluate lead exposure will also be reviewed.

The blood lead level is a good index of current or recent lead absorption when there is no anemia present and when the worker has not taken any chelating agents. However, blood lead levels along with urinary lead levels do not necessarily indicate the total body burden of lead and are not adequate measures of past exposure. One reason for this is that lead has a high affinity for bone and up to 90% of the body's total lead is deposited there. A very important component of the total lead body burden is lead in soft tissue (liver, kidney, and brain). This fraction of the lead body burden, the biologically active lead, is not entirely reflected by blood lead levels since it is a function of the dynamics of lead absorption, distribution, deposition in bone and excretion. Following discontinuation of exposure to lead, the excess body burden is only slowly mobilized from bone and other relatively stable body stores and excreted. Consequently, a high blood lead level may only represent recent heavy exposure to lead without a significant total body excess and likewise a low blood lead level does not exclude an elevated total body burden of lead.

Also due to its correlation with recent exposures, the blood lead level may vary considerably over short time intervals.

To minimize laboratory error and erroneous results due to contamination, blood specimens must be carefully collected after thorough cleaning of the skin with appropriate methods using lead-free blood containers and analyzed by a reliable laboratory. Under the standard, samples must be analyzed in laboratories which are approved by OSHA. Analysis is to be made using atomic absorption spectrophotometry, anodic stripping voltammetry or any method which meets the accuracy requirements set forth by the standard.

The determination of lead in urine is generally considered a less reliable monitoring technique than analysis of whole blood primarily due to individual variability in urinary excretion capacity as well as the technical difficulty of obtaining accurate 24 hour urine collections. In addition, workers with renal insufficiency, whether due to lead or some other cause, may have decreased lead clearance and consequently urine lead levels may underestimate the true lead burden. Therefore, urine lead levels should not be used as a routine test.

The zinc protoporphyrin test, unlike the blood lead determination, measures an adverse metabolic effect of lead and as such is a better indicator of lead toxicity than the level of blood lead itself. The level of ZPP reflects lead absorption over the preceding 3 to 4 months, and therefore is a better indicator of lead body burden. The ZPP requires more time than the blood lead to read significantly elevated levels; the return to normal after discontinuing lead exposure is also slower. Furthermore, the ZPP test is simpler, faster, and less expensive to perform and no contamination is possible. Many investigators believe it is the most reliable means of monitoring chronic lead absorption.

Zinc protoporphyrin results from the inhibition of the enzyme ferrochelatase which catalyzes the insertion of an iron molecule into the protoporphyrin molecule, which then becomes heme. If iron is not inserted into the molecule then zinc, having a greater affinity for protoporphyrin, takes the place of the iron, forming ZPP.

An elevation in the level of circulating ZPP may occur at blood lead levels as low as 20-30 µg/dl in some workers. Once the blood lead level has reached 40 µg/dl there is more marked rise in the ZPP value from its normal range of less than 100 µg/dl 100 ml. Increases in blood lead levels beyond 40 µg/100 g are associated with exponential increases in ZPP.

Whereas blood lead levels fluctuate over short time spans, ZPP levels remain relatively stable. ZPP is measured directly in red blood cells and is present for the cell's entire 120 day life-span. Therefore, the ZPP level in blood reflects the average ZPP production over the previous 3-4 months and consequently the average lead exposure during that time interval.

It is recommended that a hematocrit be determined whenever a confirmed ZPP of 50 µg/100 ml whole blood is obtained to rule out a significant underlying anemia. If the ZPP is in excess of 100 µg/100 ml and not associated with abnormal elevations in blood lead levels, the laboratory should be checked to be sure that blood leads were determined using atomic absorption spectrophotometry anodic stripping voltammetry, or any method which meets the accuracy requirements set forth by the standard by an OSHA approved laboratory which is experienced in lead level determinations. Repeat periodic blood lead studies should be obtained in all individuals with elevated ZPP levels to be certain that an associated elevated blood lead level has not been missed due to transient fluctuations in blood leads.

ZPP has a characteristic fluorescence spectrum with a peak at 594 nm which is detectable with a hematofluorimeter. The hematofluorimeter is accurate and portable and can provide on-site, instantaneous results for workers who can be frequently tested via a finger prick.

Careful attention must be given to calibration and quality control procedures. Limited data on blood lead-ZPP correlations and the ZPP levels which are associated with the adverse health effects discussed in subsection (3) are the major limitations of the test. Also it is difficult to correlate ZPP levels with environmental exposure and there is some variation of response with age and sex. Nevertheless, the ZPP promises to be an important diagnostic test for the early detection of lead toxicity and its value will increase as more data is collected regarding its relationship to other manifestations of lead poisoning.

Levels of delta-aminolevulinic acid (ALA) in the urine are also used as a measure of lead exposure. Increasing concentrations of ALA are believed to result from the inhibition of the enzyme delta-aminolevulinic acid dehydrase (ALA-D). Although the test is relatively easy to perform, inexpensive, and rapid, the disadvantages include variability in results, the necessity to collect a complete 24 hour urine sample which has a specific gravity greater than 1.010, and also the fact that ALA decomposes in the presence of light.

The pattern of porphyrin excretion in the urine can also be helpful in identifying lead intoxication. With lead poisoning, the urine concentrations of coproporphyrins I and II, porphobilinogen and uroporphyrin I rise. The most important increase, however, is that of coproporphyrin III; levels may exceed 5,000 µg/l in the urine in lead poisoned individuals, but its correlation with blood lead levels and ZPP are not as good as those of ALA. Increases in urinary porphyrins are not diagnostic of lead toxicity and may be seen in porphyria, some liver diseases, and in patients with high reticulocyte counts.

Summary. The Washington Industrial Safety and Health Act's standard for inorganic lead in the construction industry places significant emphasis on the medical surveillance of all workers exposed to levels of inorganic lead above 30 µg/m³ TWA. The physician has a fundamental role in this surveillance program, and in the operation of the medical removal protection program.

Even with adequate worker education on the adverse health effects of lead and appropriate training in work practices, personal hygiene and other control measures, the physician has a primary responsibility for evaluating potential lead toxicity in the worker. It is only through a careful and detailed medical and work history, a complete physical examination and appropriate laboratory testing that an accurate assessment can be made. Many of the adverse health effects of lead toxicity are either irreversible or only partially reversible and therefore early detection of disease is very important.

This document outlines the medical monitoring program as defined by the occupational safety and health standard for inorganic lead. It reviews the adverse health effects of lead poisoning and describes the important elements of the history and physical examinations as they relate to these adverse effects. Finally, the appropriate laboratory testing for evaluating lead exposure and toxicity is presented.

It is hoped that this review and discussion will give the physician a better understanding of the WISHA standard with the ultimate goal of protecting the health and well-being of the worker exposed to lead under their care.

NEW SECTION

WAC 296-155-17656 Appendix D to WAC 296-155-176—Qualitative and quantitative fit test protocols. Fit Test Protocols.

(1) Definitions.

(a) Quantitative fit test. The test is performed in a test chamber. The normal air-purifying element of the respirator is replaced by a high-efficiency particulate air (HEPA) filter in the case of particulate QNFT aerosols or a sorbent offering contaminant penetration protection equivalent to

high-efficiency filters where the QNFT test agent is a gas or vapor.

(b) Challenge agent means the aerosol, gas or vapor introduced into a test chamber so that its concentration inside and outside the respirator may be measured.

(c) Test subject means the person wearing the respirator for quantitative fit testing.

(d) Normal standing position means standing erect and straight with arms down along the sides and looking straight ahead.

(e) Maximum peak penetration method means the method of determining test agent penetration in the respirator as determined by strip chart recordings of the test. The highest peak penetration for a given exercise is taken to be representative of average penetration into the respirator for that exercise.

(f) Average peak penetration method means the method of determining test agent penetration into the respirator utilizing a strip chart recorder, integrator, or computer. The agent penetration is determined by an average of the peak heights on the graph or by computer integration, for each exercise except the grimace exercise. Integrators or computers which calculate the actual test agent penetration into the respirator for each exercise will also be considered to meet the requirements of the average peak penetration method.

(g) "Fit Factor" means the ration of challenge agent concentration outside with respect to the inside of a respirator inlet covering (facepiece or enclosure).

(2) General: The employer shall include the following provisions in the fit test procedures. These provisions apply to both qualitative fit testing (QLFT) and quantitative fit testing (QNFT) permissible for compliance with WAC 296-155-17613 (3)(b). All testing shall be conducted annually.

(a) The test subject shall be allowed to pick the most comfortable respirator from a selection including respirators of various sizes from different manufacturers. The selection shall include at least three sizes of elastomeric facepieces of the type of respirator that is to be tested, i.e., three sizes of half mask; or three sizes of full facepiece. Respirators of each size must be provided from at least two manufacturers.

(b) Prior to the selection process, the test subject shall be shown how to put on a respirator, how it should be positioned on the face, how to set strap tension and how to determine a comfortable fit. A mirror shall be available to assist the subject in evaluating the fit and positioning the respirator. This instruction may not constitute the subject's formal training on respirator use, as it is only a review.

(c) The test subject shall be informed they are being asked to select the respirator which provides the most comfortable fit. Each respirator represents a different size and shape, and if fitted, maintained and used properly, will provide adequate protection.

(d) The test subject shall be instructed to hold each facepiece up to the face and eliminate those which obviously do not give a comfortable fit.

(e) The more comfortable facepieces are noted; the most comfortable mask is donned and worn at least five minutes to assess comfort. Assistance in assessing comfort can be given by discussing the points in item 6 below. If the test subject is not familiar with using a particular respirator, the test subject shall be directed to don the mask several times

and to adjust the straps each time to become adept at setting proper tension on the straps.

(f) Assessment of comfort shall include reviewing the following points with the test subject and allowing the test subject adequate time to determine the comfort of the respirator:

(i) Position of the mask on the nose;

(ii) Room for eye protection;

(iii) Room to talk; and

(iv) Position of mask on face and cheeks.

(g) The following criteria shall be used to help determine the adequacy of the respirator fit:

(i) Chin properly placed;

(ii) Adequate strap tension, not overly tightened;

(iii) Fit across nose bridge;

(iv) Respirator of proper size to span distance from nose to chin;

(v) Tendency of respirator to slip; and

(vi) Self-observation in mirror to evaluate fit and respirator position.

(h) The test subject shall conduct the negative and positive pressure fit checks as described below or in ANSI Z88.2-1980. Before conducting the negative or positive pressure test, the subject shall be told to seat the mask on the face by moving the head from side-to-side and up and down slowly while taking in a few slow deep breaths. Another facepiece shall be selected and retested if the test subject fails the fit check tests.

(i) Positive pressure check. Close off the exhalation valve and exhale gently into the facepiece. The face fit is considered satisfactory if a slight positive pressure can be built up inside the facepiece without any evidence of outward leakage of air at the seal. For most respirators this method of leak testing requires the wearer to first remove the exhalation valve cover before closing off the exhalation valve and then carefully replacing it after the test.

(ii) Negative pressure check. Close off the inlet opening of the canister or cartridge(s) by covering with the palm of the hand(s) or by replacing the filter seal(s), inhale gently so that the facepiece collapses slightly, and hold the breath for ten seconds. If the facepiece remains in its slightly collapsed condition and no inward leakage of air is detected, the tightness of the respirator is considered satisfactory.

(i) The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface, such as stubble beard growth, beard, or long sideburns which cross the respirator sealing surface. Any type of apparel which interferes with a satisfactory fit shall be altered or removed.

(j) If a test subject exhibits difficulty in breathing during the tests, they shall be referred to a physician to determine whether the test subject can wear a respirator while performing their duties.

(k) If at any time within the first two week of use the respirator becomes uncomfortable, the test subject shall be given the opportunity to select a different facepiece and to be retested.

(l) The employer shall maintain a record of the fit test administered to an employee. The record shall contain at least the following information:

(i) Name of employee;

(ii) Type of respirator;

(iii) Brand, size of respirator;

(iv) Date of test;

(v) Where QNFT is used: The fit factor, strip chart recording or other recording of the results of the test. The record shall be maintained until the next fit test is administered.

(m) Exercise regimen. Prior to the commencement of the fit test, the test subject shall be given a description of the fit test and the test subject's responsibilities during the test procedure. The description of the process shall include a description of the test exercises that the subject will be performing. The respirator to be tested shall be worn for at least 5 minutes before the start of the fit test.

(n) Test Exercises. The test subject shall perform exercises, in the test environment, in the manner described below:

(i) Normal breathing. In a normal standing position, without talking, the subject shall breathe normally.

(ii) Deep breathing. In a normal standing position, the subject shall breathe slowly and deeply, taking caution so as to not hyperventilate.

(iii) Turning head side to side. Standing in place, the subject shall slowly turn their head from side to side between the extreme positions on each side. The head shall be held at each extreme momentarily so the subject can inhale at each side.

(iv) Moving head up and down. Standing in place, the subject shall slowly move their head up and down. The subject shall be instructed to inhale in the up position (i.e., when looking toward the ceiling).

(v) Talking. The subject shall talk out loud slowly and loud enough so as to be heard clearly by the test conductor. The subject can read from a prepared text such as the Rainbow Passage (see below), count backward from 100, or recite a memorized poem or song.

Rainbow Passage.

When the sunlight strikes raindrops in the air, they act like a prism and form a rainbow. The rainbow is a division of white light into many beautiful colors. These take the shape of a long round arch, with its path high above, and its two ends apparently beyond the horizon. There is, according to legend, a boiling pot of gold at one end. People look, but no one ever finds it. When a man looks for something beyond reach, his friends say he is looking for the pot of gold at the end of the rainbow.

(vi) Grimace. The test subject shall grimace by smiling or frowning.

(vii) Bending over. The test subject shall bend at the waist as if they were to touch their toes. Jogging in place shall be substituted for this exercise in those test environments such as shroud type QNFT units which prohibit bending at the waist.

(viii) Normal breathing. Same as exercise 1. Each test exercise shall be performed for one minute except for the grimace exercise which shall be performed for 15 seconds. The test subject shall be questioned by the test conductor regarding the comfort of the respirator upon completion of the protocol. If it has become uncomfortable, another model of respirator shall be tried.

(3) Qualitative Fit Test (QLFT) Protocols.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator qualitative fit test program.

(ii) The employer shall ensure that persons administering QLFT are able to prepare test solutions, calibrate equipment and perform tests properly, recognize invalid tests, and assure that test equipment is in proper working order.

(iii) The employer shall assure that QLFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Isoamyl Acetate Protocol.

(i) Odor threshold screening. The odor threshold screening test, performed without wearing a respirator, is intended to determine if the individual tested can detect the odor of isoamyl acetate.

(A) Three 1 liter glass jars with metal lids are required.

(B) Odor free water (e.g., distilled or spring water) at approximately 25 degrees C shall be used for the solutions.

(C) The isoamyl acetate (IAA) (also known as isopentyl acetate) stock solution is prepared by adding 1 cc of pure IAA to 800 cc of odor free water in a 1 liter jar and shaking for 30 seconds. A new solution shall be prepared at least weekly.

(D) The screening test shall be conducted in a room separate from the room used for actual fit testing. The two rooms shall be well ventilated but shall not be connected to the same recirculating ventilation system.

(E) The odor test solution is prepared in a second jar by placing 0.4 cc of the stock solution into 500 cc of odor free water using a clean dropper or pipette. The solution shall be shaken for 30 seconds and allowed to stand for two to three minutes so that the IAA concentration above the liquid may reach equilibrium. This solution shall be used for only one day.

(F) A test blank shall be prepared in a third jar by adding 500 cc of odor free water.

(G) The odor test and test blank jars shall be labeled 1 and 2 for jar identification. Labels shall be placed on the lids so they can be periodically peeled, dried off and switched to maintain the integrity of the test.

(H) The following instruction shall be typed on a card and placed on the table in front of the two test jars (i.e., 1 and 2): "The purpose of this test is to determine if you can smell banana oil at a low concentration. The two bottles in front of you contain water. One of these bottles also contains a small amount of banana oil. Be sure the covers are on tight, then shake each bottle for two seconds. Unscrew the lid of each bottle, one at a time, and sniff at the mouth of the bottle. Indicate to the test conductor which bottle contains banana oil."

(I) The mixtures used in the IAA odor detection test shall be prepared in an area separate from where the test is performed, in order to prevent olfactory fatigue in the subject.

(J) If the test subject is unable to correctly identify the jar containing the odor test solution, the IAA qualitative fit test shall not be performed.

(K) If the test subject correctly identifies the jar containing the odor test solution, the test subject may proceed to respirator selection and fit testing.

(ii) Isoamyl acetate fit test.

(A) The fit test chamber shall be similar to a clear 55-gallon drum liner suspended inverted over a 2-foot diameter frame so that the top of the chamber is about 6 inches above the test subject's head. The inside top center of the chamber shall have a small hook attached.

(B) Each respirator used for the fitting and fit testing shall be equipped with organic vapor cartridges or offer protection against organic vapors. The cartridges or masks shall be changed at least weekly.

(C) After selecting, donning, and properly adjusting a respirator, the test subject shall wear it to the fit testing room. This room shall be separate from the room used for odor threshold screening and respirator selection, and shall be well ventilated, as by an exhaust fan or lab hood, to prevent general room contamination.

(D) A copy of the test exercises and any prepared text from which the subject is to read shall be taped to the inside of the test chamber.

(E) Upon entering the test chamber, the test subject shall be given a 6-inch by 5-inch piece of paper towel, or other porous, absorbent, single-ply material, folded in half and wetted with 0.75 cc of pure IAA. The test subject shall hang the wet towel on the hook at the top of the chamber.

(F) Allow two minutes for the IAA test concentration to stabilize before starting the fit test exercises. This would be an appropriate time to talk with the test subject; to explain the fit test, the importance of their cooperation, and the purpose for the head exercises; or to demonstrate some of the exercises.

(G) If at any time during the test, the subject detects the banana like odor of IAA, the test has failed. The subject shall quickly exit from the test chamber and leave the test area to avoid olfactory fatigue.

(H) If the test has failed, the subject shall return to the selection room and remove the respirator, repeat the odor sensitivity test, select and put on another respirator, return to the test chamber and again begin the procedure described in subitems (A) through (G) of this item. The process continues until a respirator that fits well has been found. Should the odor sensitivity test be failed, the subject shall wait about 5 minutes before retesting. Odor sensitivity will usually have returned by this time.

(I) When a respirator is found that passes the test, its efficiency shall be demonstrated for the subject by having the subject break the face seal and take a breath before exiting the chamber.

(J) When the test subject leaves the chamber, the subject shall remove the saturated towel and return it to the person conducting the test. To keep the test area from becoming contaminated, the used towels shall be kept in a self sealing bag so there is no significant IAA concentration build-up in the test chamber during subsequent tests.

(c) Saccharin Solution Aerosol Protocol. The entire screening and testing procedure shall be explained to the test subject prior to the conduct of the screening test.

(i) Taste threshold screening. The saccharin taste threshold screening, performed without wearing a respirator, is intended to determine whether the individual being tested can detect the taste of saccharin.

(A) During threshold screening as well as during fit testing, subjects shall wear an enclosure about the head and shoulders that is approximately 12 inches in diameter by 14

inches tall with at least the front portion clear and that allows free movements of the head when a respirator is worn. An enclosure substantially similar to the 3M hood assembly, parts (R) FT 14 and (R) FT 15 combined, is adequate.

(B) The test enclosure shall have a 3/4 inch hole in front of the test subject's nose and mouth area to accommodate the nebulizer nozzle.

(C) The test subject shall don the test enclosure. Throughout the threshold screening test, the test subject shall breathe through their wide open mouth with tongue extended.

(D) Using a DeVilbiss Model 40 Inhalation Medication Nebulizer the test conductor shall spray the threshold check solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the fit test solution nebulizer.

(E) The threshold check solution consists of 0.83 grams of sodium saccharin USP in 100 cc of warm water. It can be prepared by putting 1 cc of the fit test solution (see (ii)(E) below) in 100 cc of distilled water.

(F) To produce the aerosol, the nebulizer bulb is firmly squeezed so that it collapses completely, then released and allowed to fully expand.

(G) Ten squeezes are repeated rapidly and then the test subject is asked whether the saccharin can be tasted.

(H) If the first response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(I) If the second response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(J) The test conductor will take note of the number of squeezes required to solicit a taste response.

(K) If the saccharin is not tasted after 30 squeezes (step 10), the test subject may not perform the saccharin fit test.

(L) If a taste response is elicited, the test subject shall be asked to take note of the taste for reference in the fit test.

(M) Correct use of the nebulizer means that approximately 1 cc of liquid is used at a time in the nebulizer body.

(N) The nebulizer shall be thoroughly rinsed in water, shaken dry, and refilled at least each morning and afternoon or at least every four hours.

(ii) Saccharin solution aerosol fit test procedure.

(A) The test subject may not eat, drink (except plain water), or chew gum for 15 minutes before the test.

(B) The fit test uses the same enclosure described in subdivision (c)(i) of this subsection.

(C) The test subject shall don the enclosure while wearing the respirator selected in subdivision (c)(i) of this subsection. The respirator shall be properly adjusted and equipped with a particulate filter(s).

(D) A second DeVilbiss Model 40 Inhalation Medication Nebulizer is used to spray the fit test solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the screening test solution nebulizer.

(E) The fit test solution is prepared by adding 83 grams of sodium saccharin to 100 cc of warm water.

(F) As before, the test subject shall breathe through the wide open mouth with tongue extended.

(G) The nebulizer is inserted into the hole in the front of the enclosure and the fit test solution is sprayed into the

enclosure using the same number of squeezes required to elicit a taste response in the screening test.

(H) After generating the aerosol the test subject shall be instructed to perform the exercises in subsection (2)(n) of this section.

(I) Every 30 seconds the aerosol concentration shall be replenished using one half the number of squeezes as initially.

(J) The test subject shall indicate to the test conductor if at any time during the fit test the taste of saccharin is detected.

(K) If the taste of saccharin is detected, the fit is deemed unsatisfactory and a different respirator shall be tried.

(L) Successful completion of the test protocol shall allow the use of the tested respirator in contaminated atmospheres up to 10 times the PEL. In other words, this protocol may be used for assigned protection factors no higher than 10.

(d) Irritant Fume Protocol.

(i) The respirator to be tested shall be equipped with high-efficiency particulate air (HEPA) filters.

(ii) The test subject shall be allowed to smell a weak concentration of the irritant smoke before the respirator is donned to become familiar with its characteristic odor.

(iii) Break both ends of a ventilation smoke tube containing stannic oxychloride, such as the MSA part No. 5645, or equivalent. Attach one end of the smoke tube to a low flow air pump set to deliver 200 milliliters per minute.

(iv) Advise the test subject that the smoke can be irritating to the eyes and instruct the subject to keep their eyes closed while the test is performed.

(v) The test conductor shall direct the stream of irritant smoke from the smoke tube towards the face seal area of the test subject. They shall begin at least 12 inches from the facepiece and gradually move to within one inch, moving around the whole perimeter of the mask.

(vi) The exercises identified in subsection (2)(n) of this section above shall be performed by the test subject while the respirator seal is being challenged by the smoke.

(vii) Each test subject passing the smoke test without evidence of a response shall be given a sensitivity check of the smoke from the same tube once the respirator has been removed to determine whether their reactions to the smoke. Failure to evoke a response shall void the fit test.

(viii) The fit test shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the test agent.

(4) Quantitative Fit Test (QNFT) Protocol.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator quantitative fit test program.

(ii) The employer shall ensure that persons administering QNFT are able to calibrate equipment and perform tests properly, recognize invalid tests, calculate fit factors properly and assure that test equipment is in proper working order.

(iii) The employer shall assure that QNFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Apparatus.

(i) Instrumentation. Aerosol generation, dilution, and measurement systems using corn oil or sodium chloride as test aerosols shall be used for quantitative fit testing.

(ii) Test chamber. The test chamber shall be large enough to permit all test subjects to perform freely all required exercises without disturbing the challenge agent concentration or the measurement apparatus. The test chamber shall be equipped and constructed so that the challenge agent is effectively isolated from the ambient air, yet uniform in concentration throughout the chamber.

(iii) When testing air-purifying respirators, the normal filter or cartridge element shall be replaced with a high-efficiency particulate filter supplied by the same manufacturer.

(iv) The sampling instrument shall be selected so that a strip chart record may be made of the test showing the rise and fall of the challenge agent concentration with each inspiration and expiration at fit factors of at least 2,000. Integrators or computers which integrate the amount of test agent penetration leakage into the respirator for each exercise may be used provided a record of the readings is made.

(v) The combination of substitute air-purifying elements, challenge agent and challenge agent concentration in the test chamber shall be such that the test subject is not exposed in excess of an established exposure limit for the challenge agent at any time during the testing process.

(vi) The sampling port on the test specimen respirator shall be placed and constructed so that no leakage occurs around the port (e.g., where the respirator is probed), a free air flow is allowed into the sampling line at all times and so that there is no interference with the fit or performance of the respirator.

(vii) The test chamber and test set up shall permit the person administering the test to observe the test subject inside the chamber during the test.

(viii) The equipment generating the challenge atmosphere shall maintain the concentration of challenge agent inside the test chamber constant to within a 10 percent variation for the duration of the test.

(ix) The time lag (interval between an event and the recording of the event on the strip chart or computer or integrator) shall be kept to a minimum. There shall be a clear association between the occurrence of an event inside the test chamber and its being recorded.

(x) The sampling line tubing for the test chamber atmosphere and for the respirator sampling port shall be of equal diameter and of the same material. The length of the two lines shall be equal.

(xi) The exhaust flow from the test chamber shall pass through a high-efficiency filter before release.

(xii) When sodium chloride aerosol is used, the relative humidity inside the test chamber shall not exceed 50 percent.

(xiii) The limitations of instrument detection shall be taken into account when determining the fit factor.

(xiv) Test respirators shall be maintained in proper working order and inspected for deficiencies such as cracks, missing valves and gaskets, etc.

(c) Procedural Requirements.

(i) When performing the initial positive or negative pressure test the sampling line shall be crimped closed in order to avoid air pressure leakage during either of these tests.

(ii) An abbreviated screening isoamyl acetate test or irritant fume test may be utilized in order to quickly identify poor fitting respirators which passed the positive and/or negative pressure test and thus reduce the amount of QNFT time. When performing a screening isoamyl acetate test, combination high-efficiency organic vapor cartridges/canisters shall be used.

(iii) A reasonably stable challenge agent concentration shall be measured in the test chamber prior to testing. For canopy or shower curtain type of test units the determination of the challenge agent stability may be established after the test subject has entered the test environment.

(iv) Immediately after the subject enters the test chamber, the challenge agent concentration inside the respirator shall be measured to ensure that the peak penetration does not exceed 5 percent for a half mask or 1 percent for a full facepiece respirator.

(v) A stable challenge concentration shall be obtained prior to the actual start of testing.

(vi) Respirator restraining straps shall not be overtightened for testing. The straps shall be adjusted by the wearer without assistance from other persons to give a reasonable comfortable fit typical of normal use.

(vii) The test shall be terminated whenever any single peak penetration exceeds 5 percent for half masks and 1 percent for full facepiece respirators. The test subject shall be refitted and retested. If two of the three required tests are terminated, the fit shall be deemed inadequate.

(viii) In order to successfully complete a QNFT, three successful fit tests are required. The results of each of the three independent fit tests must exceed the minimum fit factor needed for the class of respirator (e.g., half mask respirator, full facepiece respirator).

(ix) Calculation of fit factors.

(A) The fit factor shall be determined for the quantitative fit test by taking the ratio of the average chamber concentration to the concentration inside the respirator.

(B) The average test chamber concentration is the arithmetic average of the test chamber concentration at the beginning and of the end of the test.

(C) The concentration of the challenge agent inside the respirator shall be determined by one of the following methods:

(I) Average peak concentration.

(II) Maximum peak concentration.

(III) Integration by calculation of the area under the individual peak for each exercise. This includes computerized integration.

(x) Interpretation of test results. The fit factor established by the quantitative fit testing shall be the lowest of the three fit factor values calculated from the three required fit tests.

(xi) The test subject shall not be permitted to wear a half mask, or full facepiece respirator unless a minimum fit factor equivalent to at least 10 times the hazardous exposure level is obtained.

(xii) Filters used for quantitative fit testing shall be replaced at least weekly, or whenever increased breathing resistance is encountered, or when the test agent has altered the integrity of the filter media. Organic vapor cartridges/canisters shall be replaced daily (when used) or

sooner if there is any indication of breakthrough by a test agent.

WSR 93-17-107

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed August 18, 1993, 11:20 a.m.]

Original Notice.

Title of Rule: Amending WAC 390-05-190 Agent—Definition; 390-05-235 Definition—Fair market value; 390-16-207 In-kind contributions and expenditures—Reporting; 390-16-230 Surplus campaign funds—Use in future; and 390-17-070 Trade association—Definition.

Purpose: WAC 390-05-190 Agent—Definition, provide definition of agent; 390-05-235 Definition—Fair market value, provides guidance on valuing in-kind contributions given to candidates and political committees; 390-16-207 In-kind contributions and expenditures—Reporting, amend the rule dealing with in-kind contributions; 390-16-230 Surplus campaign funds—Use in future, amend the rule dealing with how surplus funds can be used; and 390-17-070 Trade association—Definition, defines trade association for purposes of RCW 42.17.660.

Statutory Authority for Adoption: RCW 42.17.370.

Summary: WAC 390-05-190 defines agent as used in chapter 42.17 RCW; 390-05-235 regarding in-kind contributions to political campaigns, specifies the conditions under which donors and buyers of donated items are making campaign contributions and the value of such contributions; 390-16-207 defines when use of facilities is and is not an in-kind contribution. Provides the reporting criteria if the activity is an in-kind contribution; 390-16-230 limits expenditure of surplus funds for a new candidacy only if seeking the same office last sought. Refines application of surplus funds for candidates defined in RCW 42.17.630(3); and 390-17-070 broadly defines the term trade association in order that both labor and business associations are included in the term.

Reasons Supporting Proposal: Implement Initiative 134.

Name of Agency Personnel Responsible for Drafting: Roselyn Marcus, Attorney General, Olympia, 586-1913; Implementation and Enforcement: David R. Clark, Public Disclosure Commission, Olympia, 753-1111.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 390-05-190, provides a definition of agent as used in chapter 42.17 RCW; WAC 390-05-235, clarifies application of legal requirement to value and report in-kind contributions. Is designed to reduce confusion and simplify campaign disclosure reporting; WAC 390-16-207, if facilities are made available for volunteer activities, no in-kind contribution is made if the activity does not exceed one hour per week or four hours per month. If the activity exceeds these term [term] periods, it is an in-kind contribution, the fair market value of which must be reported. Provides certain activities which are not considered volunteer activity and would, therefore, be an in-kind contribution; WAC 390-

16-230, adds requirement that surplus funds can only be used for a new candidacy if seeking the same office last sought. For candidates regulated by Initiative 134, surplus can be transferred to the new candidacy in a lump sum and so reported. However, all contributions and expenditures received after the last day of the election cycle must be separately reported and will be allocated to the contributor's limit for the candidates next election. Avoid circumventing contribution limits in Initiative 134; and WAC 390-17-070, a broad definition of trade association potentially subjects labor and business associations to sharing one contribution limit with entities with which they are affiliated.

Proposal Changes the Following Existing Rules: WAC 390-05-235, provides more precise direction; and WAC 390-16-230, repeals the section which allowed surplus funds to be retained and used to support or oppose another candidate or ballot proposition. This is no longer allowed under the changes made to RCW 42.17.095 by Initiative 134.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA, on September 28, 1993, at 9 a.m.

Submit Written Comments to: Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, by September 15, 1993.

Date of Intended Adoption: September 28, 1993.

August 18, 1993

David R. Clark

Assistant Director

for Graham E. Johnson

Executive Director

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93)

WAC 390-05-190 Agent—Definition. "Agent", as that term is used in chapter 42.17 RCW, means a person, whether the authority or consent is direct or indirect, express or implied, oral or written, who:

- (1) is authorized by another to act on his or her behalf; or
- (2) ((who)) represents and acts for another with the authority or consent of the person represented; or
- (3) acts for or in place of another by authority from him or her.

NEW SECTION

WAC 390-17-070 Trade association—Definition. "Trade Association," as that term is used in RCW 42.17.660, means a membership organization of persons engaging in a similar or related line of commerce, organized to promote and improve business conditions in that line of commerce and not to engage in a regular business of a kind ordinarily carried on for profit and for which no part of net earnings inures to the benefit of any member.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 79-03, filed 7/19/79)

WAC 390-05-235 Definition—Fair market value. (1) "Fair market value" or "value" when used in the act or rules is the amount in cash which a well-informed buyer or lessee, willing but not obligated to buy or lease that property, would pay, and which a well-informed seller, or lessor, willing buyer not obligated to sell or lease it, would accept, taking into consideration all uses to which the property is adapted and might in reason be applied.

(2)(a) Any person who donates an item for sale, raffle, auction or awarding at a fund raising event is making a contribution to the recipient candidate or political committee in an amount equal to the fair market value of the item donated.

(b) Any person who buys a donated item makes a contribution equal in value to the difference between the purchase or auction price and the fair market value of the donated item.

(c) If the purchase or auction price is the same as the fair market value, the buyer's contribution is zero. If the purchase or auction price is less than the fair market value, the buyer's contribution is zero and the donor's contribution is reduced to the amount of the sale or auction price.

(3) The value of any in-kind contribution donated to any candidate or political committee subject to contribution limits pursuant to RCW 42.17.640 shall not, when combined with other contributions to that candidate or political committee, exceed the donor's applicable contribution limit as set forth in RCW 42.17.640. The value of an in-kind contribution donated as an exempt contribution to a bona fide political party committee or other political committee eligible to receive exempt funds is only subject to the limit imposed by 42.17.105(8).

(4)(a) Except as provided in WAC 390-16-207, if a person permits a candidate, a candidate's authorized committee or a political committee to use the telephones of a business, union, organization or other entity without charge for the purpose of making local campaign-related calls, the telephone usage is an in-kind contribution and shall be valued at its fair market value or, if no fair market value is ascertainable, \$1 per telephone per calendar day or part thereof.

(b) If toll calls are permitted, the toll charges are also an in-kind contribution unless the candidate, the candidate's authorized committee or the political committee reimburses the person in full within 30 days of making the toll calls.

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 WSR 93-16-064, filed 7/30/93)

WAC 390-16-207 In-kind contributions and expenditures—Reporting. (1) Whenever a candidate or a political committee makes one or more in-kind expenditures which (i) directly or indirectly, in whole or in part, benefit another identifiable candidate or political committee and (ii) in the aggregate amount to a value of fifty dollars or more in the

reporting period, then, for the purpose of complying with the provisions of RCW 42.17.090 (1)(f);

(a) Such candidate or political committee shall identify the candidate or political committee benefitted by such expenditure and state the value thereof; and

(b) The candidate or political committee that receives benefit of such expenditure or expenditures shall report a corresponding amount as a contribution received and as an expenditure made by such candidate or political committee.

(2) Whenever a candidate or political committee makes an in-kind expenditure which supports or opposes more than one candidate or ballot proposition, the person making such expenditure shall identify each candidate or ballot proposition to which such support or opposition is directed and, if the aggregate expenditure amounts to fifty dollars or more, shall state the prorated amount of the expenditure or expenditures properly attributable to each such candidate or ballot proposition.

(3) Whenever a candidate or political committee provides its equipment, property or other facilities owned, retained, leased or controlled by it to another candidate or political committee, the fair market value of the use of such equipment, property or other facilities, if it amounts to fifty dollars or more, shall be reported as follows:

(a) By the candidate or political committee providing the equipment, property or other facilities, by attaching to its form C-4, Schedule B, a statement setting forth the name of the candidate or political committee benefitted and the date, description and value of the in-kind contribution made by it;

(b) By the candidate or political committee benefitting from the use of such equipment, property or other facilities, by reporting the value of such use in its form C-4, Schedule B, both as a contribution and as an expenditure.

(4) Corporations, unions and other entities not prohibited from making contributions by RCW 42.17.640(10) may make available their facilities for volunteer services such as telephone banks without incurring an in-kind contribution so long as the activity service does not exceed four hours per month in the aggregate for all recipient candidates and political committees. More frequent use of such facilities will constitute an in-kind contribution which must be valued at the fair market value of comparable facilities. "Volunteer services" does not include the production of political advertising, holding fundraising events or providing transportation to candidates or campaign workers of candidates, political parties or caucus committees.

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 93-16-064, filed 7/30/93)

WAC 390-16-230 Surplus campaign funds—Use in future. (1) If at any time in the future or after the last day of the election cycle for candidates as defined in RCW 42.17.630(3) any contribution ~~((or expenditure))~~ is received ~~((by))~~ or an expenditure is made from (such) surplus ((fund or) funds for any purpose which would qualify the ~~((holder or) recipient or person who made the expenditure~~ as a candidate or political committee, it will be presumed the ~~((holder)) recipient or person who made the expenditure of~~

such funds has initiated a new candidacy or committee. Surplus funds may only be expended for a new candidacy if the candidate is seeking the same office sought at his or her last election. Within fourteen days of the day such contribution ~~or expenditure~~ is received or expenditure is made, such candidate or political committee shall file (a) a final report for the previous campaign as provided in RCW 42.17.080 and 42.17.090 and (b) a statement of organization and initial report for the new campaign as provided by RCW 42.17.040, 42.17.080 and 42.17.090. The surplus funds may be carried forward to the new campaign, reported as one sum and listed as a contribution identified as "funds from previous campaign~~((s))~~." ~~((provided that))~~ All augmentations to and all expenditures made from the retained surplus funds ((from the initial date of retention are)) after the last day of the election cycle shall be reported in detail as to source, recipient, purpose, amount and date of each transaction.

(2) For candidates as defined in RCW 42.17.630(3), if at any time after the last day of the election cycle, any contribution ~~((or expenditure))~~ is received ~~((by))~~ or expenditure is made from such surplus ~~((fund or))~~ funds for any purpose which would qualify the ~~((holder)) recipient or person who made the expenditure~~ as a candidate or ~~((political)) authorized committee~~, it will be presumed the ~~((holder)) recipient or person who made the expenditure~~ of such funds has initiated a new candidacy or committee. Surplus funds may only be expended for a new candidacy if the candidate is seeking the same office sought at his or her last election. Within fourteen days of the day such contribution ~~((or expenditure))~~ is received or expenditure is made, such candidate or ~~((political)) authorized committee~~ shall file (a) a final report for the previous campaign as provided in RCW 42.17.080 and 42.17.090 and (b) a statement of organization and initial report for the new campaign as provided by RCW 42.17.040, 42.17.080 and 42.17.090. The surplus funds as of the last day of the election cycle may be carried forward to the new campaign, reported as one sum and listed as a contribution identified as "funds from previous campaign." All contributions received after the last day of the election cycle shall be reported on the initial report clearly showing the source and amount of the contributions. All such contributions will be applied to the contribution limit of the contributor for the candidate's next election campaign pursuant to RCW 42.17.640.

~~(3) ((All contributions received after the last day of the election cycle shall be reported on the initial report clearly showing the source and amount of the contributions. All such contributions will be applied to the contribution limit of the contributor for the candidate's next election campaign pursuant to RCW 42.17.640.~~

~~(4))~~ A political committee formed to support or oppose a particular ballot proposition or particular candidates which retains surplus funds to use in support or opposition of other candidates or of other ballot propositions has become a continuing political committee and must thereafter register and report ((as such)) in accordance with Chapter 42.17 RCW.

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.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 93-17-109
PREPROPOSAL COMMENTS
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed August 18, 1993, 11:26 a.m.]

Subject of Possible Rule Making: Chapter 296-62 WAC, General occupational health standards; and chapter 296-155 WAC, Safety standards for construction work.

Persons may Comment on this Subject in the Following Ways: Comments on the preproposed rules will be taken at the public hearing listed below, both orally and in writing. Comments will also be accepted by "voicemail" by calling (206) 956-5522 or FAX to (206) 956-5529. Written comments can be mailed to Suzanne L. Mager, Interim Assistant Director, Division of Industrial Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620.

Where and When: Department of Labor and Industries, First Floor Auditorium, 7273 Linderson Way, Tumwater, WA, on September 28, 1993, commencing at 9:30 a.m. or mailed to the P.O. Box address noted above.

Other Information or Comments by Agency at this Time, if any: This is an advanced notice of proposed rulemaking to amend the Labor and Industries Standards for Occupational Health and Environmental Controls protecting employees from exposure to lead. These provisions would add requirements to Chapter 296-62 WAC, "Occupational Health Standard" and Chapter 296-155 WAC, "Safety Standards for Construction" which are more stringent than Federal OSHA's requirements.

The contemplated amendments would contain rules addressing: medical surveillance, employer response to results of medical monitoring, and medical removal protection. A requirement would be established that employers with employees performing specified lead-exposure tasks offer lead-exposed employees medical surveillance. Employers would be required to take corrective action if necessary in response to the results of medical surveillance. The medical removal protection requirements would be changed in a phased manner so that employees with blood lead levels now known to be associated with health effects would be protected.

Beginning in the second year of this contemplated rule, the level for medical removal protection would be lowered by 5 µg/dl each year through the fifth year of the standard. In the fifth year of the standard and thereafter, the level of 30 µg/dl would be the level for medical removal protection.

The specific contemplated changes are as follows:

WAC 296-155-17605, Definitions.

(5) Lead-exposed employee means an employee whose job tasks involve working with or in close proximity to lead containing materials more than 30 days in any consecutive 12 months.

WAC 296-155-17621, Medical Surveillance. (1) General.

(c) Any employer whose lead-exposed employees would not be required to be in a medical surveillance program according to subdivision (b) of this subsection, but who employees at least one person to perform any of the following tasks more than 30 days in any consecutive 12 months, must offer blood lead level determination to all potentially lead-exposed employees according to the schedule and provisions in subsection (2)(a)(iv):

(i) Any operation involving lead-containing solder in a manner producing molten solder or airborne particulate solder, including manufacture or repair of motor vehicle radiators or sanding or grinding lead-containing solder; or

(ii) Applying or heating lead-containing glazing of ceramics; or

(iii) Breaking, recycling or manufacture of lead-containing batteries; or

(iv) Casting objects using lead, brass, or lead-containing alloys; or

(v) Where lead containing coatings or paint are present; abrasive blasting, welding, cutting, torch burning, manual demolition of structures (e.g., dry wall), manual scraping, manual sanding, heat gun applications, power tool cleaning, rivet busting, cleanup activities where dry expendable abrasives are used, abrasive blasting enclosure movement and removal; or

(vi) Spray painting with lead-containing paint; or

(vii) Using lead-containing mortar; or

(viii) Lead burning; or

(ix) Operation or cleaning of shooting facilities where lead bullets are used; or

(x) Formulation or processing of lead-containing pigments or paints; or

(xi) Cutting, burning, or melting of lead-containing materials; or

(xii) Other operations for which the employer has reason to believe employees have exposures to lead which may result in whole blood levels greater than 25 µg/dl.

(2) Biological monitoring

(a) Blood lead and ZPP level sampling and analysis.

(iv) For each potentially lead-exposed employee covered under subsection (1)(c) of this section, at least every 12 months. If the employer has reason to believe that lead exposures vary during the year, then biological monitoring must be conducted during a period expected to have the greatest exposure. If an employer finds all employees' blood lead levels are less than 25 µg/dl whole blood for two consecutive years, the testing may be reduced to at least once every 24 months, during a period of peak lead exposure. If an employer finds all employees' blood lead levels are less than 15 µg/dl whole blood for two consecutive years, the biological monitoring program may be suspended. Whenever there has been a change of equipment, control, personnel, or a new task has been initiated that may result in employees being overexposed to lead, the employer shall re-initiate annual biological monitoring as specified in this paragraph.

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.

WAC 296-155-17619 Hygiene facilities and practices.

(5) Actions triggered by medical examinations and biological monitoring.

(a) Whenever

(i) The results of biological monitoring carried out in accordance with this section indicate a blood level requiring temporary medical removal, or

(ii) The physician's written opinion indicates a detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead or which indicates any recommended special protective measures to be provided to the employee or limitations to be placed upon the employee's exposure to lead, or

(iii) The results of a medical examination carried out in accordance with this section indicate any laboratory or clinical finding consistent with lead toxicity.

(b) The employer shall take the following corrective actions:

(i) The employer, within 30 days, shall assess the maintenance and effectiveness of the relevant engineering controls, the hygiene facilities, the respiratory protection program, the employee's work practices and personal hygiene, and the employee's respirator use, if any, and

(ii) Within 30 days of the assessment, the employer shall take all reasonable steps to correct the deficiencies found in the assessment that may be responsible for the employee's medical examination and test results.

WAC 296-155-17623 Medical removal protection. (1) Temporary medical removal and return of an employee

(a) Temporary removal due to elevated blood lead levels.

(i) First year of standard (12/10/93 through 12/10/94). During the first year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead or as specified in WAC 296-155-17621 (1)(c) on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead is at or above 50 µg/dl whole blood;

(ii) Second year of standard (12/11/94 through 12/10/95). During the second year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead or as specified in WAC 296-155-17621 (1)(c) on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead is at or above 45 µg/dl whole blood;

(iii) Third year of standard (12/11/95 through 12/10/96). During the third year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead or as specified in WAC 296-155-17621 (1)(c) on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead is at or above 40 µg/dl whole blood;

(iv) Fourth year of standard (12/11/96 through 12/10/97). During the fourth year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead or as specified in

WAC 296-155-17621 (1)(c) on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead is at or above 35 µg/dl whole blood;

(v) Fifth year of standard (12/11/97) and thereafter. During the fifth year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead or as specified in WAC 296-155-17621 (1)(c) on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead is at or above 30 µg/dl whole blood.

(c) Return of the employee to former job status.

(i) The employer shall return an employee to their former job status:

(A) For an employee removed due to a blood lead level at or above 50µg/100g, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 40µg/100g whole blood;

(B) For an employee removed due to a blood lead level at or above 45µg/100g, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 35µg/100g whole blood;

(C) For an employee removed due to a blood lead level at or above 40µg/100g, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 30µg/100g whole blood;

(D) For an employee removed due to a blood lead level at or above 35µg/100g, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 25µg/100g whole blood;

(E) For an employee removed due to a blood lead level at or above 30µg/100g, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 25µg/100g whole blood;

WAC 296-155-17652 Appendix B to WAC 296-155-176—Employee Standard Summary. This appendix summarizes key provisions of the standard for lead in construction that you as a worker should become familiar with.

(8) Medical Surveillance—WAC 296-155-17621

The medical surveillance program is part of the standard's comprehensive approach to the prevention of lead-related disease. Its purpose is to supplement the main thrust of the standard which is aimed at minimizing airborne concentrations of lead and sources of ingestion. Only medical surveillance can determine if the other provisions of the standard have affectively protected you as an individual. Compliance with the standard's provision will protect most workers from the adverse effects of lead exposure, but may not be satisfactory to protect individual workers

- ◆ who have high body burdens of lead acquired over past years,
- ◆ who have additional uncontrolled sources of non-occupational lead exposure,
- ◆ who exhibit unusual variations in lead absorption rates, or

♦ who have specific non-work related medical conditions which could be aggravated by lead exposure (e.g., renal disease, anemia).

In addition, control systems may fail, or hygiene and respirator programs may be inadequate. Periodic medical surveillance of individual workers will help detect those failures. Medical surveillance will also be important to protect your reproductive ability—regardless of whether you are a man or woman.

All medical surveillance required by the standard must be performed by or under the supervision of a licensed physician. The employer must provide required medical surveillance without cost to employees and at a reasonable time and place. The standard's medical surveillance program has two parts—periodic biological monitoring and medical examinations. Your employer's obligation to offer you medical surveillance is triggered by the results of the air monitoring program. Full medical surveillance must be made available to all employees who are or may be exposed to lead in excess of the action level for more than 30 days a year and whose blood lead level exceeds 40 µg/dl. Initial medical surveillance consisting of blood sampling and analysis for lead and zinc protoporphyrin must be provided to all employees exposed at any time (1 day) above the action level. Additionally, lead-exposed employees that would not be required to be in a medical surveillance program according to WAC 296-155-17621 (1)(b) are required to be offered a blood lead level and ZPP determination to all potentially exposed workers performing tasks outlined in WAC 296-155-17621 (1)(c) for more than 30 days in any consecutive 12 months. This includes (1) any operation involving lead-containing solder in a manner producing molten solder or airborne particulate solder, including manufacture or repair of motor vehicle radiators or sanding or grinding lead-containing solder, or (2) applying or heating lead-containing solder, or (3) breaking, recycling or manufacture of lead containing batteries, or (4) casting objects using lead, brass, or lead-containing alloys, or (5) where lead-containing coatings or paint are present: abrasive blasting, welding, cutting, torch burning, manual demolition of structures, manual scraping, manual sanding, heat gun applications, power tool cleaning, rivet busting, cleanup activities where dry expendable abrasives are used; or (6) spray painting with lead-containing paint; or (7) using lead-containing mortar, or (9) lead burning, or (10) operation or cleaning of shooting facilities where lead bullets are used; or (11) formulation or processing of lead containing pigments or paints, or (12) cutting, burning, or melting of lead-containing materials, and (13) any other operation for which the employer has reason to believe employees have exposure to lead which may result in whole blood levels greater than 25µg/dl.

Biological monitoring under the standard must be provided at least every 2 months for the first 6 months and every 6 months thereafter until your blood lead level is below 40 µg/dl. A zinc protoporphyrin (ZPP) test is a very useful blood test which measures an adverse metabolic effect of lead on your body and is therefore an indicator of lead toxicity.

If your BLL exceeds 40 µg/dl the monitoring frequency must be increased from every 6 months to at least every 2 months and not reduced until two consecutive BLLs indicate

a blood lead level below 40 µg/dl. Each time your BLL is determined to be over 40 µg/dl, your employer must notify you of this in writing within five working days of their receipt of the test results. The employer must also inform you that the standard requires temporary medical removal with economic protection when your BLL exceeds 50 µg/dl. (See Discussion of Medical Removal Protection-WAC 296-155-17623.) During the first year of the standard, this removal criterion is 50 µg/dl. Anytime your BLL exceeds 50 µg/dl your employer must make available to you within two weeks of receipt of these test results a second follow-up BLL test to confirm your BLL. If the two tests both exceed 50 µg/dl, and you are temporarily removed, then your employer must make successive BLL tests available to you on a monthly basis during the period of your removal.

WAC 296-155-17654 Appendix C to WAC 296-155-176—Medical Surveillance Guidelines. (1) Introduction.

The primary purpose of the Washington Industrial Safety and Health Act of 1973 is to assure, so far as possible, safe and healthful working conditions for every working man and woman. The occupational health standard for lead in construction is designed to protect workers exposed to inorganic lead including metallic lead, all inorganic lead compounds and organic lead soaps.

Under this standard occupational exposure to inorganic lead is to be limited to 50 µg/m³ (micrograms per cubic meter) based on an 8 hour time-weighted average (TWA). This permissible exposure limit (PEL) must be achieved through a combination of engineering, work practice and administrative controls to the extent feasible. Where these controls are in place but are found not to reduce employee exposures to or below the PEL, they must be used nonetheless, and supplemented with respirators to meet the 50 µg/m³ exposure limit.

The standard also provides for a program of biological monitoring for employees exposed to lead above the action level at any time, and additional medical surveillance for all employees exposed to levels of inorganic lead above 30 µg/m³ (TWA) for more than 30 days per year and whose BLL exceeds 40 µg/dl. In addition, a program of biological monitoring is to be made available to all potentially lead-exposed employees performing tasks more than 30 days in any consecutive 12 months as outlined in WAC 296-155-17621 (1)(c).

(2) Medical Surveillance and Monitoring Requirements for Workers Exposed to Inorganic Lead.

Under the standard for inorganic lead in the construction industry, initial medical surveillance consisting of biological monitoring to include blood lead and ZPP level determination shall be provided to employees exposed to lead at or above the action level on any one day, or to all potentially lead-exposed employees performing tasks as outlined in WAC 296-155-17621 (1)(c). In addition, a program of biological monitoring is to be made available to all employees exposed above the action level at any time and additional medical surveillance is to be made available to all employees exposed to lead above 30 µg/m³ TWA for more than 30 days each year and whose BLL exceeds 40 µg/dl. This program consists of periodic blood sampling and medical evaluation to be performed on a schedule which is defined by previous

laboratory results, worker complaints or concerns, and the clinical assessment of the examining physician.

Under this program, the blood lead level (BLL) of all employees who are exposed to lead above 30 µg/m³ for more than 30 days per year or whose blood lead is above 40 µg/dl but exposed for no more than 30 days per year is to be determined at least every two months for the first six months of exposure and every six months thereafter. The frequency is increased to every two months for employees whose last blood lead level was 40 µg/dl or above. For employees who are removed from exposure to lead due to an elevated blood lead, a new blood lead level must be measured monthly. A zinc protoporphyrin (ZPP) measurement is strongly recommended on each occasion that a blood lead level measurement is made. An annual medical examination and consultation performed under the guidelines discussed in subsection (4) is to be made available to each employee exposed above 30 µg/m³ for more than 30 days per year for whom a blood test conducted at any time during the preceding 12 months indicated a blood lead level at or above 40 µg/dl. Also, an examination is to be given to all employees prior to their assignment to an area in which airborne lead concentrations reach or exceed the 30 µg/m³ for more than 30 days per year. In addition, a medical examination must be provided as soon as possible after notification by an employee that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice regarding lead exposure and the ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during respirator use. An examination is also to be made available to each employee removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited or specially protected pursuant to medical recommendations.

Results of biological monitoring or the recommendations of an examining physician may necessitate removal of an employee from further lead exposure pursuant to the standard's medical removal protection (MRP) program. The object of the MRP program is to provide temporary medical removal to workers either with substantially elevated blood lead levels or otherwise at risk of sustaining material health impairment from continued substantial exposure to lead.

Under the standard's ultimate worker removal criteria, a worker is to be removed from any work having an eight hour TWA exposure to lead of 30 µg/m³ when their blood lead level reaches 50 µg/dl and is confirmed by a second follow-up blood lead level performed within two weeks after the employer receives the results of the first blood sampling test. Under the standard's ultimate worker removal criteria, potentially exposed workers performing tasks outlined in WAC 296-155-17621 (1)(c), or workers having an eight hour TWA exposure to lead of 30 µg/m³ shall be removed from any work when their blood lead level reaches 25 µg/dl and is confirmed by a second follow-up blood lead level performed within two weeks after the employer receives the results of the first blood sampling test.

WAC 296-62-07521, Lead. (1) Scope and application.

(a) This section applies to all occupational exposure to lead, except as provided in subdivision (1)(b).

(b) This section does not apply to the construction industry ((or to agricultural operations covered by)), chapter ((296-306)) 296-155 WAC.

(2) Definitions as applicable to this part.

(a) "Action level" - employee exposure, without regard to the use of respirators, to an airborne concentration of lead of thirty micrograms per cubic meter of air (30 µg/m³) averaged over an eight-hour period.

(b) "Director" - the director of the department of labor and industries.

(c) "Lead" - metallic lead, all inorganic lead compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(d) "Lead-exposed employee" means an employee whose job tasks involve working with or in close proximity to lead-containing materials more than 30 days in any consecutive 12 months.

(6) Methods of compliance.

(a) Engineering and work practice controls.

(i) Where any employee is exposed to lead above the permissible exposure limit for more than thirty days per year, the employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure ((to lead in accordance with the implementation schedule in Table I below)) at or below 50 µg/m³, except to the extent that the employer can demonstrate that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest feasible level and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (7) of this section.

(ii) Where any employee is exposed to lead above the permissible exposure limit, but for thirty days or less per year, the employer shall implement engineering controls to reduce exposures to 200 µg/m³, but thereafter may implement any combination of engineering, work practice (including administrative controls), and respiratory controls to reduce and maintain employee exposure to lead to or below 50 µg/m³.

((TABLE I
IMPLEMENTATION SCHEDULE

Industry [†]	Compliance Dates ²		
	200 µg/m ³	100 µg/m ³	50 µg/m ³
Primary lead production	(³)	² June 29, 1984	² June 29, 1991.
Secondary lead production	(³)	² June 29, 1984	² June 29, 1986.
Lead acid battery			
— manufacturing	(³)	² June 29, 1983	² June 29, 1986.
Automobile manufacture/ — solder grinding	(³)	N/A	² June 29, 1986.
Electronics, gray iron found- — ries, ink manufacture, — paints and coatings man- — ufacture, wall paper man- — ufacture, can manufac- — ture, and printing	(³)	N/A	² June 29, 1982.

Brass and bronze ingot — manufacture, lead — chemical manufacture, — and secondary copper smelting	(3)	N/A	4.5 years.
Nonferrous foundries	(3)	N/A	4.5 years.
All other industries	(3)	N/A	2 1/2 years.

- Note: ¹ Includes ancillary activities located on the same worksite.
- ² This date is calculated by counting, from June 29, 1981, (the date when the United States Supreme Court denied certiorari and lifted the stay on the implementation of paragraph (6)(a)), the number of years specified for the particular industry in the original lead standard for compliance with the given airborne exposure level. The denial of certiorari followed a decision of the United States Court of Appeals for the District of Columbia Circuit finding compliance with paragraph (6)(a) to be feasible for the relevant industries.
- ³ On effective date. This continues an obligation from WAC 296-62-07515 Table 1 which had been in effect since 1973.
- ⁴ Expressed as the number of years from the date on which the court lifts the stay on the implementation of paragraph (6)(a) for the particular industry.
- ⁵ Large nonferrous foundries (20 or more employees) are required to achieve 50 µg/m³ by means of engineering and work practice controls. Small nonferrous foundries (fewer than 20 employees), however, are only required to achieve 75 µg/m³ by such controls. All foundries are required to comply within five years.)

(b) Respiratory protection. Where engineering and work practice controls do not reduce employee exposure to or below the 50 µg/m³ permissible exposure limit, the employer shall supplement these controls with respirators in accordance with subsection (7).

(c) Compliance program.

(i) Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, ~~((and interim levels if applicable,))~~ solely by means of engineering and work practice controls in accordance with the implementation schedule in subdivision (6)(a).

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which lead is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under subsections (8), (9) and (10) of this regulation;

(G) An administrative control schedule required by subdivision (6)(f), if applicable; and

(H) Other relevant information.

(iii) Written programs shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) Written programs shall be revised and updated at least every six months to reflect the current status of the program.

~~(d) ((Bypass of interim level. Where an employer's compliance plan provides for a reduction of employee exposures to or below the PEL solely by means of engineering and work practice controls in accordance with the implementation schedule in Table I, and the employer has determined that compliance with the 100 µg/m³ interim level would divert resources to the extent that it clearly precludes compliance, otherwise attainable, with the PEL by the required time, the employer may proceed with the plan to comply with the PEL in lieu of compliance with the interim level if:~~

~~(i) The compliance plan clearly documents the basis of the determination;~~

~~(ii) The employer takes all feasible steps to provide maximum protection for employees until the PEL is met; and~~

~~(iii) The employer notifies the director in writing within ten working days of the completion or revision of the compliance plan reflecting the determination.~~

~~(e)) Mechanical ventilation.~~

~~(i) When ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made at least every three months. Measurements of the system's effectiveness in controlling exposure shall be made within five days of any change in production, process, or control which might result in a change in employee exposure to lead.~~

~~(ii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the employer shall assure that (A) the system has a high efficiency filter with reliable back-up filter; and (B) controls to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails are installed, operating, and maintained.~~

~~((f)) (e) Administrative controls. If administrative controls are used as a means of reducing employees TWA exposure to lead, the employer shall establish and implement a job rotation schedule which includes:~~

~~(i) Name or identification number of each affected employee;~~

~~(ii) Duration and exposure levels at each job or work station where each affected employee is located; and~~

~~(iii) Any other information which may be useful in assessing the reliability of administrative controls to reduce exposure to lead.~~

~~(7) Respiratory protection.~~

~~(a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection. Respirators shall be used in the following circumstances:~~

~~(i) During the time period necessary to install or implement engineering or work practice controls, ((except that after the dates for compliance with the interim levels in~~

Table I,) no employer shall require an employee to wear a negative pressure respirator longer than 4.4 hours per day;

(ii) In work situations in which engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit; and

(iii) Whenever an employee requests a respirator.

(b) Respirator selection.

(i) Where respirators are required under this section the employer shall select the appropriate respirator or combination of respirators from Table ((H)) I.

TABLE ((H)) I
RESPIRATORY PROTECTION FOR LEAD AEROSOLS

Airborne Concentration of Lead or Condition of Use	Required Respirator ¹
Not in excess of 0.5 mg/m ³ (10X PEL).	Half-mask, air-purifying respirator equipped with high efficiency filters. ^{2,3}
Not in excess of 2.5 mg/m ³ (50X PEL).	Full facepiece, air-purifying respirator with high efficiency filters. ³
Not in excess of 50 mg/m ³ (1000X PEL).	(1) Any powered, air-purifying respirator with high efficiency filters ³ ; or (2) Half-mask supplied air respirator operated in positive-pressure mode. ²
Not in excess of 100 mg/m ³ (2000X PEL).	Supplied-air respirators with full facepiece, hood, helmet, or suit, operated in positive pressure mode.
Greater than 100 mg/m ³ , unknown concentration or fire fighting.	Full facepiece, self-contained breathing apparatus operated in positive-pressure mode.

(11) Medical surveillance.

Delete the lined out requirements and add the underline requirements.

(a) General.

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed above the action level for more than thirty days per year.

(ii) Any employer whose lead-exposed employees would not be required to be in a medical surveillance program according to item (i) of this subdivision, but who employs at least one person to perform any of the following tasks more than 30 days in any consecutive 12 months, must offer blood lead level determination to all potentially lead-exposed employees according to the schedule and provisions in subdivision (b)(i)(D) of this subsection:

(A) Any operation involving lead-containing solder in a manner producing molten solder or airborne particulate solder, including manufacture or repair of motor vehicle radiators or sanding or grinding lead-containing solder; or

(B) Applying or heating lead-containing glazing of ceramics; or

(C) Breaking, recycling or manufacture of lead-containing batteries; or

(D) Casting objects using lead, brass, or lead-containing alloys; or

(E) Where lead containing coatings or paint are present: Abrasive blasting, welding, cutting, torch burning, manual demolition of structures (e.g., dry wall), manual scraping,

manual sanding, heat gun applications, power tool cleaning, rivet busting, cleanup activities where dry expendable abrasives are used, abrasive blasting enclosure movement and removal; or

(F) Spray painting with lead-containing paint; or

(G) Using lead-containing mortar; or

(H) Lead burning; or

(I) Operation or cleaning of shooting facilities where lead bullets are used; or

(J) Formulation or processing of lead-containing pigments or paints; or

(K) Cutting, burning, or melting of lead-containing materials; or

(L) Other operations for which the employer has reason to believe employees have exposures to lead which may result in whole blood lead levels greater than 25 µg/dl.

(iii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

~~((iii))~~ (iv) The employer shall provide the required medical surveillance including multiple physician review under item (11)(c)(iii) without cost to employees and at a reasonable time and place.

(b) Biological monitoring.

(i) Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee covered under item (11)(a)(i) and (ii) of this section on the following schedule:

(A) At least every six months to each employee covered under item (11)(a)(i) of this section;

(B) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level at or above 40 µg/100g of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below 40 µg/100g of whole blood; and

(C) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

(D) For each potentially lead-exposed employee covered under subdivision (a)(ii) of this subsection at least every 12 months. If the employer has reason to believe that lead exposures vary during the year, then biological monitoring must be conducted during a period expected to have the greatest exposure. If an employer finds all employees' blood lead levels are less than 25 µg/dl whole blood for two consecutive years, the testing may be reduced to at least once every 24 months, during a period of peak lead exposure. If an employer finds all employees' blood lead levels are less than 15 µg/dl whole blood for two consecutive years, the biological monitoring program may be suspended. Whenever there has been a change of equipment, control, personnel, or a new task has been initiated that may result in employees being overexposed to lead, the employer shall reinstate annual biological monitoring as specified in this paragraph.

(d) Chelation.

(i) The employer shall assure that any person whom ~~((he))~~ they retain((s)), employ((s)), supervise((s)) or con-

tol(~~s~~) does not engage in prophylactic chelation of any employee at any time.

(ii) If therapeutic or diagnostic chelation is to be performed by any person in item (11)(d)(i), the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

(e) Actions triggered by medical examinations and biological monitoring.

(i) The employer shall take the corrective actions specified in item (ii) of this subdivision whenever any of the following conditions occur:

(A) The results of biological monitoring carried out in accordance with this section indicate a blood lead level requiring temporary medical removal; or

(B) The physician's written opinion indicates a detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead or which indicates any recommended special protective measures to be provided to the employee or limitations to be placed upon the employee's exposure to lead; or

(C) The results of a medical examination carried out in accordance with this section indicate any laboratory or clinical finding consistent with lead toxicity.

(ii) The employer shall take the following corrective actions:

(A) The employer, within thirty days, shall assess the maintenance and effectiveness of the relevant engineering controls; the hygiene facilities; the respiratory protection program; the employee's work practices and personal hygiene; and the employee's respirator use, if any; and

(B) Within thirty days of the assessment, the employer shall take all reasonable steps to correct the deficiencies found in the assessment that may be responsible for the employee's medical examination and test results.

(12) Medical removal protection.

(a) Temporary medical removal and return of an employee.

(i) Temporary removal due to elevated blood lead levels.

(A) First year of the standard (12/10/93 through 12/10/94). During the first year following the effective date of the standard, the employer shall remove an employee from work having (~~a daily eight hour TWA~~) an exposure to lead (~~(at)~~) or (~~above 100 µg/m³~~) as specified in subsection (11)(a)(ii) of this section on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above (~~(80)~~) 50 µg/((100g)) dl of whole blood;

(B) Second year of the standard (12/11/94 through 12/10/95). During the second year following the effective date of the standard, the employer shall remove an employee from work having (~~a daily eight hour TWA~~) an exposure to lead (~~(at)~~) or (~~above 50 µg/m³~~) as specified in subsection (11)(a)(ii) of this section on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above (~~(70)~~) 45 µg/((100-g)) dl of whole blood;

(C) Third year of the standard(~~, and thereafter~~) (12/11/95 through 12/10/96). (~~Beginning with~~) During the

third year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead (~~(at)~~) or (~~above the action level~~) as specified in subsection (11)(a)(ii) of this section on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above (~~(60)~~) 40 µg/((100 g)) dl of whole blood; and

(D) (~~Fifth~~) Fourth year of the standard(~~, and thereafter~~) (12/11/96 through 12/10/97). (~~Beginning with~~) During the (~~fifth~~) fourth year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead (~~(at)~~) or (~~above the action level~~) as specified in subsection (11)(a)(ii) of this section on each occasion that (~~the average of the last three~~) a periodic and a follow-up blood sampling tests conducted pursuant to this section (~~(or the average of all blood sampling tests conducted over the previous six months, whichever is longer)~~) indicate(~~s~~) that the employee's blood lead level is at or above (~~(50)~~) 35 µg/((100-g)) dl of whole blood; (~~provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level at or below 40 µg/100 g of whole blood~~)

(E) Fifth year of standard (12/11/97) and thereafter. During the fifth year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead or as specified in subsection (11)(a)(ii) of this section on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead is at or above 30 micro-g/dl whole blood.

(ii) Temporary removal due to a final medical determination.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination, or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the phrase "final medical determination" (~~shall~~) means the written medical opinion on the employees' health status by the examining physician or, where relevant, the outcome of the multiple physician review mechanism or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section.

(C) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to lead, the employer shall implement and act consistent with the recommendation.

(iii) Return of the employee to former job status.

(A) The employer shall return an employee to his or her former job status:

(I) For an employee removed due to a blood lead level at or above (~~(80)~~) 50 µg/100 g, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below (~~(60)~~) 40 µg/100 g of whole blood;

(II) For an employee removed due to a blood lead level at or above (~~(70)~~) 45 µg/100 g, when two consecutive blood

sampling tests indicate that the employee's blood lead level is at or below ~~((50))~~ 35 $\mu\text{g}/100\text{ g}$ of whole blood;

(III) For an employee removed due to a blood lead level at or above ~~((60))~~ 40 $\mu\text{g}/100\text{ g}$, ~~((or due to an average blood lead level at or above 50 $\mu\text{g}/100\text{ g}$))~~ when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below ~~((40))~~ 30 $\mu\text{g}/100\text{ g}$ of whole blood;

(IV) For an employee removed due to a blood lead level at or above 35 $\mu\text{g}/100\text{g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 25 $\mu\text{g}/100\text{g}$ whole blood;

(V) For an employee removed due to a blood lead level at or above 30 $\mu\text{g}/100\text{g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 25 $\mu\text{g}/100\text{g}$ whole blood;

~~(17) ((Effective date. The effective date of this standard is September 6, 1980.~~

~~(18) Startup dates. All obligations of this standard commence on the effective date except as follows:~~

~~(a) The initial determination under subdivision (5)(b) shall be made as soon as possible but no later than thirty days from the effective date.~~

~~(b) Initial monitoring under subdivision (5)(d) shall be completed as soon as possible but no later than ninety days from the effective date.~~

~~(c) Initial biological monitoring and medical examinations under subsection (11) shall be completed as soon as possible but no later than one hundred eighty days from the effective date. Priority for biological monitoring and medical examinations shall be given to employees whom the employer believes to be at greatest risk from continued exposure.~~

~~(d) Initial training and education shall be completed as soon as possible but no later than one hundred eighty days from the effective date.~~

~~(e) Hygiene and lunchroom facilities under subsection (10) shall be in operation as soon as possible but no later than one year from the effective year.~~

~~(f) Respiratory protection required by subsection (7) shall be provided as soon as possible but no later than the following schedule:~~

~~(i) Employees whose eight hour TWA exposure exceeds 200 $\mu\text{g}/\text{m}^3$ on the effective date.~~

~~(ii) Employees whose eight hour TWA exposure exceeds the PEL but is less than 200 $\mu\text{g}/\text{m}^3$ one hundred fifty days from the effective date.~~

~~(iii) Powered, air-purifying respirators provided under (7)(b)(ii) - two hundred ten days from the effective date.~~

~~(iv) Quantitative fit testing required under item (7)(c)(ii) - one year from effective date. Qualitative fit testing is required in the interim.~~

~~(g) Written compliance plans required by subdivision (6)(c) shall be completed and available for inspection and copying as soon as possible but no later than the following schedule:~~

~~(i) Employers for whom compliance with the PEL or interim level is required within one year from the effective date - six months from the effective date.~~

~~(ii) Employers in secondary lead smelting and refining and in lead storage battery manufacturing—one year from the effective date.~~

(iii) Employers in primary smelting and refining industry - one year from the effective date from the interim level; five years from the effective date for PEL.

(iv) Plans for construction of hygiene facilities, if required - six months from the effective date.

(v) All other industries—one year from the date on which the court lifts the stay on the implementation of paragraph (6)(a) for the particular industry.

(h) The permissible exposure limit in subsection (4) shall become effective one hundred fifty days from the effective date.

(19))) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

(a) Appendix A. Substance Data Sheet for Occupational Exposure to Lead.

Delete the lined out requirements and add the underlined requirements

(vii) Hygiene facilities and practices.

(A) The standard requires that change rooms, showers and filtered air lunchrooms be constructed and made available to workers exposed to lead above the PEL. When the PEL is exceeded, the employer must assure that food and beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in these facilities. Change rooms, showers and lunchrooms, must be used by workers exposed in excess of the PEL. After showering, no clothing or equipment worn during the shift may be worn home and this includes shoes and underwear. ~~((Your own clothing worn during the shift should be carried home and cleaned carefully so that it does not contaminate your home.))~~ Lunchrooms may not be entered with protective clothing or equipment unless surface dust has been removed by vacuuming, downdraft booth or other cleaning methods. Finally, workers exposed above the PEL must wash both their hands and faces prior to eating, drinking, smoking or applying cosmetics.

(IV) who have specific nonwork related medical conditions which could be aggravated by lead exposure (e.g., renal disease, anemia). In addition, control systems may fail, or hygiene and respirator programs may be inadequate. Periodic medical surveillance of individual workers will help detect those failures. Medical surveillance will also be important to protect your reproductive ability - regardless of whether you are a man or a woman.

(B) All medical surveillance required by the standard must be performed by or under the supervision of a licensed physician. The employer must provide required medical surveillance without cost to employees and at a reasonable time and place. The standard's medical surveillance program has two parts - periodic biological monitoring, and medical examinations.

(C) Your employer's obligation to offer medical surveillance is triggered by the results of the air monitoring program. Medical surveillance must be made available to all employees who are exposed in excess of the action level for more than 30 days a year. The initial phase of the medical surveillance program, which included blood lead level tests and medical examinations, must be completed for all covered employees no later than 180 days from the effective date of

this standard. Priority within this first round of medical surveillance must be given to employees whom the employer believes to be at greatest risk from continued exposure (for example, those with the longest prior exposure to lead, or those with the highest current exposure). Thereafter, the employer must periodically make medical surveillance - both biological monitoring and medical examinations - available to all covered employees. Additionally, employers must offer blood lead and ZPP level sampling and analysis to all potentially lead exposed employees in accordance with subsection (11)(a)(ii) of this section.

(D) Biological monitoring under the standard consists of blood lead level (PbB) and zinc protoporphyrin tests at least every six months after the initial PbB test. A zinc protoporphyrin (ZPP) test is a very useful blood test which measures an effect of lead on your body. If a worker's PbB exceeds 40 µg/100g, the monitoring frequency must be increased from every six months to at least every two months and not reduced until two consecutive PbBs indicate a blood lead level below 40 µg/100g. Each time your PbB is determined to be over ~~((40))~~ 25 µg/100g, your employer must notify you of this in writing within five working days of the receipt of the test results. The employer must also inform you that the standard requires temporary medical removal with economic protection when your PbB exceeds certain criteria (see Discussion of Medical Removal Protection - subsection (12)). ~~((During the first year of the standard,))~~ This removal criterion is ~~((80))~~ 50 µg/100g. Anytime your PbB exceeds ~~((80))~~ 50 µg/100g your employer must make available to you a prompt follow-up PbB test to ascertain your PbB. If the two tests both exceed ~~((80))~~ 50 µg/100g and you are temporarily removed, then your employer must make successive PbB tests available to you on a monthly basis during the period of your removal.

(N) In cases where the examining physician determines that chelation is appropriate, you must be notified in writing of this fact before such treatment. This will inform you of a potentially harmful treatment, and allow you to obtain a second opinion.

(O) The employer shall assess and correct deficiencies in engineering controls, hygiene facilities, respirator protection, work practices and personal hygiene, and respirator use within thirty days whenever there is a blood lead level requiring temporary medical removal or the physician's written opinion indicates increased risk from exposure or there are laboratory or clinical findings consistent with lead toxicity.

(ix) Medical removal protection.

(A) Excessive lead absorption subjects you to increased risk of disease. Medical removal protection (MRP) is a means of protecting you when for whatever reasons, other methods, such as engineering controls, work practices, and respirators, have failed to provide the protection you need. MRP involves the temporary removal of a worker from his or her regular job to a place of significantly lower exposure without any loss of earnings, seniority, or other employment rights of benefits. The purpose of this program is to cease further lead absorption and allow your body to naturally excrete lead which has previously been absorbed. Temporary medical removal can result from an elevated blood lead level, or a medical opinion. Up to eighteen months of protection is provided as a result of either form of removal.

The vast majority of removed workers, however, will return to their former jobs long before this eighteen month period expires. The standard contains special provisions to deal with the extraordinary but possible case where a long-term worker's blood lead level does not adequately decline during eighteen months of removal.

(B) ~~((During the first year of the standard,))~~ If your blood lead level is ~~((80))~~ 50 µg/100g or above you must be removed from any exposure where your air lead level without a respirator would be ~~((100))~~ 30 µg/m³ or above. If you are removed from your normal job you may not be returned until your blood lead level declines to at least ~~((60))~~ 40 µg/100g. These criteria for removal and return will change according to the following schedule:

TABLE 1

Effective Date	Removal Blood Level (µg/100g)	Air Lead (µg/m ³)	Return Blood Lead (µg/100g)
((9/6/81))	At or above 70	50 or above	At or below 50
9/6/82	At or above 60	30 or above	At or below 40
9/6/84	At or above 50	30 or above	At or below 40
	averaged over six months))		
12/10/93	At or above 50	30 or above	At or below 40
12/11/94	At or above 45	30 or above	At or below 35
12/11/95	At or above 40	30 or above	At or below 30
12/11/96	At or above 35	30 or above	At or below 25
12/11/97	At or above 30	30 or above	At or below 25

~~((1) Airborne levels to be achieved without reliance or respirator protection through a combination of engineering and work practice or other administrative controls are illustrated in the following table:~~

Industry	Permissible Lead Level/Compliance Date		
	200µg/m ³	100µg/m ³	50µg/m ³
Primary Lead Production	1973	06/29/84	06/29/91
Secondary Lead Production	1973	06/29/84	06/29/91
Lead Acid Battery Manufacturing	1973	06/29/83	06/29/91
Automobile Mfg./Solder Grinding	1973	N/A	03/08/97
Electronics, Gray Iron Foundries, Ink Mfg., Paints and Coatings Mfg., Can Mfg., Wallpaper Mfg., and Printing	1973	N/A	06/29/91
Lead Chemical Mfg., Nonferrous Foundries, Leaded Steel Mfg., Battery Breaking in the Collection and Processing of Scrap (when not a part of secondary lead smelter), Secondary Copper Smelter, Brass and Bronze Ingot Production	1973	N/A	N/A ^{±*}
All Other Industries	1973	N/A	09/08/92

* Feasibility of achieving the PEL by engineering and work practice controls for these industries has yet to be resolved in court, therefore no date has been scheduled.)

(ii) Medical surveillance and monitoring requirements for workers exposed to inorganic lead.

(A) Under the occupational health standard for inorganic lead, a program of biological monitoring and medical surveillance is to be made available to all employees exposed to lead above the action level of 30 $\mu\text{g}/\text{m}^3$ TWA for more than thirty days each year. This program consists of periodic blood sampling and medical evaluation to be performed on a schedule which is defined by previous laboratory results, worker complaints or concerns, and the clinical assessment of the examining physician. Additionally, employers must offer blood lead and ZPP level sampling and analysis to all potentially lead-exposed employees in accordance with subsection (11)(a)(ii) of this section.

(B) Under this program, the blood lead level of all employees who are exposed to lead above the action level of 30 $\mu\text{g}/\text{m}^3$ is to be determined at least every six months. The frequency is increased to every two months for employees whose last blood lead level was between 40 $\mu\text{g}/100\text{g}$ whole blood and the level requiring employee medical removal to be discussed below. For employees who are removed from exposure to lead due to an elevated blood lead, a new blood lead level must be measured monthly. Zinc protoporphyrin (ZPP) measurement is strongly recommended on each occasion that a blood lead level measurement is made.

(C) An annual medical examination and consultation performed under the guidelines discussed in item (iv) is to be made available to each employee for whom a blood test conducted at any time during the preceding twelve months indicated a blood lead level at or above 40 $\mu\text{g}/100\text{g}$. Also, an examination is to be given to all employees prior to their assignment to an area in which airborne lead concentrations reach or exceed the action level. In addition, a medical examination must be provided as soon as possible after notification by an employee that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice regarding lead exposure and the ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during respirator use. An examination is also to be made available to each employee removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited or specially protected pursuant to medical recommendations.

(D) Results of biological monitoring or the recommendations of an examining physician may necessitate removal of an employee from further lead exposure pursuant to the standard's medical removal program (MRP). The object of the MRP program is to provide temporary medical removals to workers either with substantially elevated blood lead levels or otherwise at risk of sustaining material health impairment from continued substantial exposure to lead. ~~((The following guidelines which are summarized in Table 10 were created under the standard for the temporary removal of an exposed employee and his or her subsequent return to work in an exposure area.~~

296-62-07521, Table 10)

(E) Under the standard's ultimate worker removal criteria, a worker is to be removed from any work having any eight-hour TWA exposure to lead of 30 $\mu\text{g}/\text{m}^3$ or more ~~((whenever either of the following circumstances apply)).~~ ~~((4))~~ Beginning December 11, 1997, a blood lead level of ~~((60))~~ 30 $\mu\text{g}/100\text{g}$ or greater is obtained and confirmed by a

~~second follow-up blood lead level performed within two weeks after the employer receives the results of the first blood sample test((, or (II) the average of the previous three blood lead determinations or the average of all blood lead determinations conducted during the previous six months, whichever encompasses the longest time period, equals or exceeds 50 $\mu\text{g}/100\text{g}$, unless the last blood sample indicates a blood lead level at or below 40 $\mu\text{g}/100\text{g}$, in which case the employee need not be removed. Medical removal is to continue until two consecutive blood lead levels are 40 $\mu\text{g}/100\text{g}$ or less)).~~

~~(F) ((During the first two years that the ultimate removal criteria are being phased in, the return criteria have been set to assure that a worker's blood lead level has substantially declined during the period of removal. From March 1, 1979, to March 1, 1980, the blood lead level requiring employee medical removal is 80 $\mu\text{g}/100\text{g}$. Workers found to have a confirmed blood lead at this level or greater need only be removed from work having a daily eight hour TWA exposure to lead at or above 100 $\mu\text{g}/\text{m}^3$. Workers so removed are to be returned to work when their blood lead levels are at or below 60 $\mu\text{g}/100\text{g}$ of whole blood. From March 1, 1980, to March 1, 1981, the blood lead level requiring medical removal is 70 $\mu\text{g}/100\text{g}$. During this period workers need only be removed from jobs having a daily eight hour TWA exposure to lead at or above 50 $\mu\text{g}/\text{m}^3$ and are to be returned to work when a level of 50 $\mu\text{g}/100\text{g}$ is achieved. Beginning March 1, 1981, return depends on the worker's blood lead level declining to 40 $\mu\text{g}/100\text{g}$ of whole blood.)) From December 10, 1993, through December 10, 1994, the blood lead level requiring employee medical removal is 50 $\mu\text{g}/100\text{g}$. Workers found to have a confirmed blood lead level at this level or greater need to be removed from work having exposures to lead. Workers so removed are to return to work when their blood lead levels are at or below 40 $\mu\text{g}/100\text{g}$ whole blood. From December 11, 1994, through December 10, 1995, the blood lead level requiring medical removal is 45 $\mu\text{g}/100\text{g}$. During this period workers need to be removed from jobs having exposures to lead and are returned to work when a level of 35 $\mu\text{g}/100\text{g}$ is achieved. From December 11, 1995, through December 10, 1996, the blood lead level requiring medical removal is 40 $\mu\text{g}/100\text{g}$. During this period workers need to be removed from jobs having exposures to lead and are returned to work when a level of 30 $\mu\text{g}/100\text{g}$ is achieved. From December 11, 1996, through December 10, 1997, the blood lead level requiring medical removal is 35 $\mu\text{g}/100\text{g}$. During this period workers need to be removed from jobs having exposures to lead and are returned to work when a level of 25 $\mu\text{g}/100\text{g}$ is achieved. Beginning December 11, 1997, the blood lead level requiring medical removal is 30 $\mu\text{g}/100\text{g}$ for a worker exposed to lead and returned to work when a level of 25 $\mu\text{g}/100\text{g}$ is reached.~~

(G) As part of the standard, the employer is required to notify in writing each employee whose whole blood lead level exceeds ~~((40 μg))~~ 25 $\mu\text{g}/100\text{g}$. In addition, each such employee is to be informed that the standard requires medical removal with MRP benefits, discussed below, when an employee's blood lead level exceeds the above defined limits.

(R) In addition, the standard requires that the employer inform all workers exposed to lead at or above the action level of the provisions of the standard and all its appendices,

the purpose and description of medical surveillance and provisions for medical removal protection if temporary removal is required. An understanding of the potential health effects of lead exposure by all exposed employees along with full understanding of their rights under the lead standard is essential for an effective monitoring program.

(S) The employer shall assess and correct deficiencies in engineering controls, hygiene facilities, respirator protection, work practices and personal hygiene, and respirator use within thirty days whenever there is a blood lead level requiring temporary medical removal or the physician's written opinion indicates increased risk from exposure or there are laboratory or clinical findings consistent with lead toxicity.

(iii) Adverse health effects of inorganic lead.

(A) Although the toxicity of lead has been known for 2,000 years, the knowledge of the complex relationship between lead exposure and human response is still being refined. Significant research into the toxic properties of lead continues throughout the world, and it should be anticipated that our understanding of thresholds of effects and margins of safety will be improved in future years. The provisions of the lead standard are founded on two prime medical judgments; first, the prevention of adverse health effects from exposure to lead throughout a working lifetime requires that worker blood lead levels be maintained at or below ~~((40))~~ 25 µg/100g, and second, the blood lead levels of workers, male or female, who intend to parent in the near future should be maintained below ~~((30))~~ 25 µg/100g to minimize adverse reproduction health effects to the parent and developing fetus. The adverse effects of lead on reproduction are being actively researched and WISHA encourages the physician to remain abreast of recent developments in the area to best advise pregnant workers or workers planning to conceive children.

f) There is little direct data on damage to the fetus from exposure to lead but it is generally assumed that the fetus and newborn would be at least as susceptible to neurological damage as young children. Blood lead levels of ~~((50-60))~~ 25-40 µg/100g in children can cause ~~((significant))~~ measurable neurobehavioral impairments, and there is evidence of ~~((hyperactivity))~~ abnormal cognitive development and behavior at blood levels as low as ~~((25))~~ 10 µg/100g. Given the overall body of literature concerning the adverse health effects of lead in children, WISHA feels that the blood lead level in children should be maintained below ~~((30))~~ 10 µg/100g ~~((with a population mean of 15 µg/100g))~~. Blood lead levels in the fetus and newborn likewise should not exceed ~~((30))~~ 10 µg/100g.

g) Because of lead's ability to pass through the placental barrier and also because of the demonstrated adverse effects of lead on reproductive function in both males and females as well as the risk of genetic damage of lead on both the ovum and sperm, WISHA recommends a ~~((30))~~ 25 µg/100g maximum permissible blood lead level in both males and females who wish to bear children.

August 8, 1993
Mark O. Brown
Director

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 93-17-110
PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE
[Filed August 18, 1993, 11:35 a.m.]

Subject of Possible Rule Making: The Department of Revenue establishes stumpage values as WAC rules under RCW 84.33.091. The department is considering changing how it analyzes data used to establish stumpage values.

Persons may comment on this subject by written or oral presentation. Written presentations may be submitted prior to the meetings. The meetings will be committee format with free and open discussion of all proposals. Mailing address: Department of Revenue, Special Programs Division, P.O. Box 47472, Olympia, WA 98504-7472, at Spokane, Spokane Community College, Apprentice-Journeyman Training Center, North 2110 Fancher; or Olympia, Target Place Plaza, 2735 Harrison Avenue N.W.; Department of Revenue conference room, on September 7, 1993, 10:00 a.m. in Spokane or September 9, 1993, 10:00 a.m. in Olympia.

Other Information or Comments by Agency at this Time, if any: The Department of Revenue is seeking public input on the attached proposed changes in definitions and quality classes. Items to be discussed include but are not limited to: Grade definitions for areas not using scaling bureau grades; new quality class definitions in Stumpage Value Areas 6 and 7; changing utility from a species to a grade and adding a pole grade; and adding a quality class for hardwoods in Stumpage Value Areas 1 through 5 and 10.

August 18, 1993
Steve D. Vermillion
for Gary K. O'Neil
Assistant Director
Special Programs

WAC 458-40-610 Timber excise tax—Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply to WAC 458-40-600 through 458-40-690.

(1) **Codominant trees.** Trees whose crowns form the general level of the crown cover and receive full light from above, but comparatively little light from the sides.

(2) **Competitive sales.** The offering for sale of timber which is advertised to the general public for sale at public auction under terms wherein all qualified potential buyers have an equal opportunity to bid on the sale, and the sale is awarded to the highest qualified bidder. The term "competitive sales" includes making available to the general public permits for the removal of forest products.

(3) **Department.** The department of revenue of the state of Washington.

(4) **Dominant trees.** Trees whose crowns are higher than the general level of the canopy and which receive full light from the sides as well as from above.

(5) Grade. Grouping of logs as defined in the "Official Log Scaling and Grading Rules" as developed and authored by the Northwest Log Rules Advisory Group. In addition the following are defined as grades for the purpose of harvest classification used in the stumpage value tables:

(a) Fiber. In areas of the state of Washington which do not use the "Official Log Scaling and Grading Rules" a fiber grade log is a log which does not meet the sawlog grade defined herein, but has a NET scale of not less than 33 1/3% of the GROSS scale not less than 10 board feet.

(b) Pole. Long logs which will be used as poles are pole grade which is a grade better than number two sawmill grade.

(c) Sawlog. In areas of the state of Washington which do not use the "Official Log Scaling and Grading Rules" a sawlog grade log is a log having a NET scale of not less than 33 1/3% of the GROSS scale and meets the following minimum exterior characteristics; Gross Diameter—6 inches, Gross Length—12 feet, Minimum Volume—50 board feet NET scale.

~~((5))~~ 6) Harvest unit. An area of timber harvest having the same forest excise tax permit number, stumpage value are, hauling distance zone, harvest adjustments, and harvester. It may include more than one section: *Provided*, A harvest unit may not overlap a county boundary.

~~((6))~~ 7) Hauling distance zone. An area with specified boundaries as shown on the state-wide stumpage value area and hauling distance zone maps contained in WAC 458-40-640, having similar accessibility to timber markets.

~~((7))~~ 8) Lump sum sale. Also known as a cash sale or an installment sale, it is a sale of timber wherein the total sale price is dependent upon an estimate of the total volume of timber in the sale rather than the actual volume harvested.

~~((8))~~ 9) MBF. One thousand board feet measured in Scribner Decimal C Log Scale Rule.

~~((9))~~ 10) Noncompetitive sales. Sales of timber in which the purchaser has a preferential right to purchase the timber or a right of first refusal.

~~((10))~~ 11) Other consideration. Value given in lieu of cash as payment for stumpage, such as improvements to the land that are of a permanent nature. It may include, but is not limited to, the construction of permanent roads and the installation of permanent bridges.

~~((11))~~ 12) Permanent Road. A road built as part of the harvesting operation which is intended to have a useful life subsequent to the completion of the harvest.

~~((12))~~ 13) Private timber. All timber harvested from privately owned lands, including timber on reclassified reforestation land under chapters 84.28 and 84.33 RCW.

~~((13))~~ 14) Public timber. Timber harvested from federal, state, county, municipal, or other government owned lands.

~~((14))~~ 15) Remote island. An area of land which is totally surrounded by water at normal high tide and which has no bridge or causeway connecting it to the mainland.

~~((15))~~ 16) Sale price. The amount paid for timber in cash or other consideration.

~~((16))~~ 17) Scale sale. A sale of timber in which the sale price is the product of the actual volume harvested and the unit price at the time of harvest.

~~((17))~~ 18) Species. A grouping of timber based on biological or physical characteristics. In addition to the

designations of species or subclassifications defined in Agriculture Handbook No. 451 Checklist of United States Trees (native and naturalized) found in the state of Washington, the following shall be considered separate species for purpose of harvest classification used in the stumpage value tables:

(a) Other conifer. All conifers not separately designated in the stumpage value tables. See WAC 458-40-660.

(b) Other hardwood. All hardwoods not separately designated.

~~((c) Conifer utility. All conifer logs graded as utility.~~
~~((d) Hardwood utility. All hardwood logs graded as utility or number four sawmill as defined by the current edition of the "Official Log Scaling and Grading Rules" as developed and authored by the Northwest Log Rules Advisory Group.)~~

~~((e))~~ c) Special forest products. The following are considered to be separate species of special forest products: Christmas trees (various species), posts (various species), western redcedar flatsawn and shingle blocks, western redcedar shake blocks and boards.

~~((18))~~ 19) Stumpage. Standing or fallen trees, live or dead, having commercial value which have not been severed from the stump.

~~((19))~~ 20) Stumpage value area (SVA). An area with specified boundaries which contains timber having similar growing, harvesting and marketing conditions.

~~((20))~~ 21) Thinning. Timber removed from a harvest unit meeting all the following conditions:

(a) Located in Western Washington;
 (b) The total volume removed is less than forty percent of the total merchantable volume of the harvest unit prior to harvest;

(c) Not more than forty percent of the total volume removed is from the dominant and codominant trees;

(d) The trees removed in the harvest operation shall be distributed over the entire harvest unit.

~~((21))~~ 22) Timber. Forest trees, standing or down, on privately or publicly owned land, and except as provided in RCW 84.33.170, includes Christmas trees.

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.

WAC 458-40-650 Timber excise tax—Timber quality codes defined. The timber quality code numbers for each species of timber shown in the stumpage value tables contained in this chapter are defined as follows:

**TABLE 1—Timber Quality Code Table
 Stumpage Value Areas 1, 2, 3, 4, 5, and 10**

Species	Timber Quality Code Number	Log grade specifications
Douglas-fir	1	Over 50% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill and better log grade.

Douglas-fir	2	Over 50% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill and better log grade.
Douglas-fir	3	25-50% inclusive No. 2 Sawmill and better log grade.
Douglas-fir	4	Less than 25% No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	1	Over 30% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, and better log grade.
Western Redcedar and Alaska-cedar	2	Over 30% No. 2 sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill and better log grade.
Western Redcedar Alaska Cedar	3	5-30% inclusive No. 2 Sawmill and better log grade.
Western Redcedar Alaska Cedar	4	Less than 5% No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	1	Over 50% No. 2 Sawmill and better log grade, and 5% and over Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	2	Over 50% No. 2 Sawmill and better log grade, and less than 5% Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	3	25-50% inclusive No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	4	Less than 25% No. 2 Sawmill and better log grade.
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale <u>and 25% or more sawlogs as defined in WAC 458-40-610.</u>
Ponderosa Pine	3	<u>Less than 25% sawlogs as defined in WAC 458-40-641.</u>
Lodgepole Pine	1	All log grades.
Lodgepole Pine	1	<u>25% or more sawlogs as defined in WAC 458-40-610.</u>
Lodgepole Pine	2	<u>Less than 25% sawlogs as defined in WAC 458-40-610.</u>
((Hardwoods	1	All No. 2 Sawmill logs and better log grades.
Hardwood	1	All hardwood logs graded as No. 4 Utility
Utility	1	Sawmill log grade and all hardwood logs graded as utility
Conifer	1	All conifer logs graded as utility
Utility	1	log grade-))
Hardwoods	1	<u>25% or more No. 3 Sawmill logs and better log grades.</u>
Hardwoods	2	<u>Less than 25% No. 3 Sawmill logs and better log grades.</u>

¹ For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

WAC 458-40-650 Timber excise tax—Timber quality codes defined. The timber quality code numbers for each species of timber shown in the stumpage value tables contained in this chapter are defined as follows:

**TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7**

Species	Quality Code Number	Log grade specifications
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale <u>and 25% or more sawlogs as defined in WAC 458-40-610.</u>
Ponderosa Pine	3	<u>Less than 25% sawlogs as defined in WAC 458-40-641.</u>
((All conifers other than Ponderosa Pine))	1	All log sizes
All Conifers other than Ponderosa Pine	1	<u>25% or more sawlogs as defined in WAC 458-40-610.</u>
All Conifers other than Ponderosa Pine	2	<u>Less than 25% sawlogs as defined in WAC 458-40-610.</u>
Hardwoods	1	Sawlogs only
((Utility	1	All logs graded as utility))

**WSR 93-17-111
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF WILDLIFE**

[Filed August 18, 1993, 11:44 a.m.]

The proposed rules adopting WAC 232-28-61936, 1992-94 Washington game fish seasons and catch limits—Wannacut Lake and Katey Lake (Region Two) filed on July 7, 1993, WSR 93-14-134, is hereby withdrawn.

Curt Smitch, Director
for Rich Poelker
Administrative Regulations Officer

**WSR 93-17-112
PROPOSED RULES
DEPARTMENT OF WILDLIFE**

[Filed August 18, 1993, 11:46 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-28-022 Game management units (GMUs)—Special game areas—Boundary descriptions.

Purpose: To amend WAC 232-28-022 Game management units (GMUs)—Special game areas—Boundary descriptions.

Statutory Authority for Adoption: RCW 77.12.040.
Statute Being Implemented: RCW 77.12.040.

Summary: This amendment will modify boundary descriptions of game management units and special game areas.

Reasons Supporting Proposal: Advises hunters of proper area for hunting.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Tony de la Torre, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This rule will take effect on October 2, 1993, upon a special finding.

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: Amends boundary descriptions for hunting seasons.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Nendels Inn, 15901 West Valley Highway, Tukwila, WA 98188, on October 1-2, 1993, at 8:00 a.m.

Submit Written Comments to: Rich Poelker, 600 Capitol Way North, Olympia, WA 98501-1091, by September 21, 1993.

Date of Intended Adoption: October 2, 1993.

August 18, 1993

Curt Smitch, Director
for Richard J. Poelker

Administrative Regulations Officer

AMENDATORY SECTION (Amending Order 610, filed 6/15/93, effective 7/16/93)

WAC 232-28-022 Game management units (GMUs)—Special game areas—Boundary descriptions.

REGION ONE

GMU 100-Curlew (Ferry and Okanogan counties): Beginning at Republic; then south along Highway 21 to the northern boundary of the Colville Indian Reservation; then east along the Reservation boundary to the Stall Creek Road, USFS #310; then north on #310 to USFS Road #250; then north to the Kettle Crest Trail #13; then north on Trail #13 to the Deer Creek-Boulder Creek Road; then west on the Deer Creek-Boulder Creek Road to the Kettle River at Curlew; then north along the Kettle River to the Canadian Border near Danville; then west along the border to the Kettle river near the Ferry Customs Office; then south along the Kettle River to the mouth of Toroda Creek and the Toroda Creek Road; then southwest along the Toroda Creek Road to Wauconda and Highway 20; then southeast on Highway 20 to Republic to the point of beginning. (See Colville National Forest map)

GMU 103-Boulder (Ferry County): Beginning at Lake Roosevelt at the mouth of the Kettle River; then south along Lake Roosevelt to the north boundary of the Colville Indian Reservation; then west along the Reservation boundary to the Stall Creek Road, USFS Road #310; then north on #310 to USFS Road #250; then north on #250 to the Kettle Crest Trail #13; then north on Trail #13 to the Deer Creek Boulder Creek Road; then west on the Deer Creek-Boulder Creek

Road to the Kettle River at Curlew; then north along the Kettle River to the Canadian Border near Danville; then east along the border to the Kettle River near Laurier then south along the Kettle River to its mouth to the point of beginning. (See Colville National Forest map)

GMU 105-Kelly Hill (Stevens County): Beginning at the Kettle River on the Canadian border near Laurier; then south along the Kettle River to its mouth at Lake Roosevelt; then northeast along Lake Roosevelt to the Canadian border; then west along the border to the Kettle River near Laurier to the point of beginning. (See Washington Atlas and Gazetteer)

GMU 108-Douglas (Stevens County): Beginning at the bridge over Lake Roosevelt near Northport; then southwest along Lake Roosevelt to the bridge over Lake Roosevelt near Kettle Falls (Highway 395); then south east on Highway 395 into Colville and Highway 20; then east on Highway 20 the edge of town and the Colville-Aladdin-Northport Road; then north and west on the Colville-Aladdin-Northport Road to the town of Northport and Highway 25; then through town to the Lake Roosevelt bridge to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 111-Aladdin (Stevens and Pend Oreille counties): Beginning at Lake Roosevelt at the Canadian Border; then south along Lake Roosevelt to the bridge over the lake near Northport (Highway 25); then into Northport on Highway 25 to the Colville-Aladdin-Northport Road; then east and south along the Colville-Aladdin-Northport Road to Highway 20 near Colville; then east on Highway 20 to the Pend Oreille River near Tiger; then north along the Pend Oreille river to the Canadian border; then west along the border to Lake Roosevelt to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 113-Selkirk (Pend Oreille County): Beginning on the Pend Oreille River at the Canadian border; then south along the Pend Oreille River to the Idaho border near Newport; then north along the Idaho-Washington border to the Canadian border; then west along the Canadian border to the Pend Oreille River to the point of beginning. (See Washington Atlas & Gazetteer or Colville National Forest map)

GMU 118-Chewelah (Stevens and Pend Oreille counties): Beginning at Colville; then east on Highway 20 to the Pend Oreille River near Tiger; then south along the Pend Oreille River to the bridge over the river at Usk; then west on the McKenzie Road to the West Side Calispell Road and the Flowery Trail Road; then west on the Flowery Trail Road to Chewelah and Highway 395; then north on Highway 395 to Colville to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 119-Boyer (Stevens and Pend Oreille counties): Beginning on the Pend Oreille River at the bridge near Usk; then west on the McKenzie Road to the Westside Calispell Road and the Flowery Trail Road; then west on the Flowery Trail Road to Chewelah and Highway 395; then south on Highway 395 to Highway 231; then south on Highway 231 to Springdale; then east on Highway 292 to Highway 395 at Loon Lake; then south on Highway 395 to Deer Park; then east on the Deer Park-Milan Road to Highway 2, then northeast on Highway 2 to the Idaho border at Newport; then

north along the Idaho border to the Pend Oreille River; then north along the Pend Oreille River to the bridge at Usk and point of beginning. (See Washington Atlas & Gazetteer)

GMU 121-Huckleberry (Stevens County): Beginning at the bridge over Lake Roosevelt near Kettle Falls; then south on Highway 395 to Highway 231; then south on Highway 231 to the northeast corner of the Spokane Indian Reservation; then west along the north boundary of the Reservation to Lake Roosevelt; then north along Lake Roosevelt to the Highway 395 bridge near Kettle Falls to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 124-Mount Spokane (Spokane, Stevens and Pend Oreille counties): Beginning at the Idaho-Washington border at Newport; then south on Highway 2 to the Deer Park-Milan Road; then west on the Deer Park-Milan Road to Deer Park and Highway 395; then north on Highway 395 to Highway 292 at Loon Lake; then west on Highway 292 to Springdale and Highway 231; then south on Highway 231 to the northeast boundary of the Spokane Indian Reservation; then south along the east boundary of the Indian Reservation (Chamokane Creek) to the Spokane River; then east along the Spokane River to the Washington-Idaho border; then north along the border to Newport and point of beginning. (See Washington Atlas & Gazetteer)

GMU 127-Mica Peak (Spokane County): Beginning at Spokane; then south along State Highway 195 to the Spokane-Whitman County line; then east along Spokane-Whitman County line to the Washington-Idaho line; then north along the Washington-Idaho line to the Spokane River; then west along the Spokane River to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 130-Cheney (Spokane and Lincoln counties): Beginning at Spokane; then south along State Highway 195 to the Spokane-Whitman County line; then west along the north boundary of Whitman and Adams counties to U.S. Highway No. 395; then northeast along U.S. Highway 395 to Sprague; then north along State Highway No. 231 to its junction with U.S. Highway No. 2; then east along U.S. Highway No. 2 to Reardan; then north along state Highway No. 231 to the Spokane River; then up the Spokane River to Spokane to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 133-Roosevelt (Lincoln County): Beginning at Reardan; then north along State Highway 231 to the Spokane River; then west along the Spokane River to Lake Roosevelt; then west along Lake Roosevelt to Coulee Dam; then southeast on State Highway 174 to Wilbur and U.S. Highway 2; then east along Highway 2 to Reardan and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 136-Harrington (Lincoln County): Beginning at the town of Grand Coulee; then southeast along State Highway No. 174 to its junction with U.S. Highway No. 2 at Wilbur; then east along U.S. Highway No. 2 to its junction with U.S. Highway No. 231 three miles west of Reardan; then south along Highway No. 231 to its junction with U.S. Highway No. 395; then southwest along U.S. Highway No. 395 to the Adams County line at Sprague Lake; then west along the Adams-Lincoln County line to the Grant County line; then north along the Grant-Lincoln County line to Grand Coulee

and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 139-Steptoe (Whitman County): Beginning at Colfax; then west along State Highway 127 to Dusty and continuing west along State Highway No. 26 through LaCrosse to the west Whitman County line (Palouse River); then north along the west Whitman County line, east along the north Whitman County line and south along the east Whitman County line to the Moscow-Pullman Highway; then west along the Moscow-Pullman-Colfax Highway to Colfax and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 142-Almota (Whitman County): Beginning at Clarkston; then down the Snake River to the mouth of the Palouse River; then up the Palouse River to the Washtucna-LaCrosse Highway (State Highway No. 26); then east along the highway through LaCrosse to State Highway 127 to Dusty; then continuing east along State Highway 127 to Colfax; then southeast along the Colfax-Pullman-Moscow Highway to the Washington-Idaho line; then south along the state line to Clarkston and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 145-Mayview (Garfield and Asotin counties): Beginning at the mouth of Alpowa Creek and its junction with U.S. Highway No. 12; then west along U.S. Highway No. 12 to its junction with State Highway 127 (Central Ferry Highway); then north along the Highway to the Snake River; then east up the Snake River to the mouth of Alpowa Creek and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 148-Starbuck (Walla Walla, Columbia, and Garfield counties): Beginning at Central Ferry; then south along State Highway No. 127 to Dodge Junction; then southwest along U.S. Highway No. 12 to the town of Waitsburg and the Touchet River; then west along the river to its junction with the Ayer Road at Harsha; then north along the Ayer Road to the Snake River at Ayer; then east along the Snake River to Central Ferry and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 151-Eureka (Walla Walla County): Beginning at the Washington-Oregon State line on the Columbia River (near Wallula Junction); then north up the Columbia River to the Snake River; then northeast up the Snake River to Ayer; then south along the Ayer Road to State Highway No. 124 and the Touchet River at Harsha; then east up the river to Waitsburg and U.S. Highway 12; then southwest along Highway 12 to Walla Walla and State Highway No. 125; then south along State Highway No. 125 to the Washington-Oregon State line; then west along the state line to the Columbia River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 154-Blue Creek (Walla Walla and Columbia counties): Beginning at the Washington-Oregon State line on State Highway No. 125 (south of Walla Walla); then north along State Highway No. 125 to U.S. Highway No. 12; then northeast along Highway 12 to the Payne Hollow Road at Long Station; then south along the Payne Hollow-Jasper Mountain-Mt. Pleasant Road to the Lewis Peak Road; then south along the Lewis Peak Road to its termination at the

Mill Creek Watershed Intake Trail; then southwest along the trail to the Washington-Oregon State line; then west along the state line to State Highway No. 125 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 157-Watershed, Mill Creek Watershed area (Walla Walla, Columbia counties): Starting at the Mill Creek Watershed Intake Trail (No. 3211) on the Washington-Oregon State line; then northeast along the Intake Trail to the Skyline Drive Road (No. 64); then south along the road to the Washington-Oregon State line; then due west to the point of beginning. (See Umatilla Forest map)

GMU 160-Touchet (Walla Walla, and Columbia counties): Beginning at Dayton; then south along the North Touchet River Road to its junction with the Skyline Drive Road at Manila Springs; then southwest along the Skyline Drive Road to its junction with the Mill Creek Watershed Intake Trail (No. 3211); then west along the Intake Trail to the Lewis Peak Road; then north along the Lewis Peak-Mt. Pleasant-Jasper Mountain-Payne Hollow Road to U.S. Highway 12 at Long Station; then north along said highway to Dayton and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 161-Eckler (Columbia County): Beginning at Dayton; then east along the Patit Creek Road to its junction with the Hartsock-Maloney Mountain Road; then south and west along the Maloney Mountain Road (No. 4625) to the Skyline Drive Road (No. 46); then south along the Skyline Drive Road to its junction with the North Touchet River Road at Manila Springs; then north along the North Touchet River Road to Dayton and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 163-Marengo (Columbia, and Garfield counties): Beginning at Dayton; then east along the Main Patit Road to its junction with the Hartsock-Maloney Mountain Road; then north down the Hartsock Grade Road to the Tucannon Road; then south along the Tucannon Road to the Blind Grade Road; then east up the Blind Grade Road to the Linville Gulch Road; then north down the Linville Gulch Road to U.S. Highway No. 12; then west and south along Highway 12 to Dayton and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 166-Tucannon (Columbia, and Garfield counties): Beginning on the Tucannon River Road at its junction with the Hartsock Grade Road; then south up the Hartsock Grade Road to its junction with the Maloney Mountain Road; then southwest along the Maloney Mountain Road (No. 4625) to the Skyline Drive Road (No. 46); then south along the Skyline Drive Road to its junction with the Teepee Road (No. 4608); then east along the Teepee Road to Teepee Camp; then east along the Teepee Oregon Butte-Bullfrog Springs Diamond Peak Trail to Diamond Peak; then east along the Diamond Peak Road (No. 4030) to the Mountain Road (No. 40); then north along the Mountain Road to its junction with the elk drift fence at the Forest Boundary; then north and west along the fence to the Tucannon Road; then north along the Tucannon Road to the Hartsock Grade Road and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 169-Wenaha (Columbia, Garfield and Asotin counties): Beginning on the Skyline Drive Road at the Washington-Oregon State line; then north along the road to Godman Springs and the Teepee Road (No. 4608); then east along the Teepee Road to Teepee Camp; then east along the Teepee Oregon Butte-Bullfrog Springs Diamond Peak Trail to Diamond Peak; then east on the Diamond Peak Road (No. 4030) to the Mountain Road (No. 40); then south along the Mountain Road to the South Boundary Road (No. 4039); then west along the road to the Three Forks Trail (No. 3133); then west down said trail to Crooked Creek; then south on Crooked Creek to the Washington-Oregon State line; then due west along the line to Skyline Road and the point of beginning. (See Umatilla National Forest map)

GMU 172-Mountview (Garfield and Asotin counties): Beginning at the junction of State Highway 129 and Mill Road at Anatone; then southwest on the Mill Road & Bennett Ridge Road-West Mountain Road (No. 1290) to the Big Butte-Mt. Misery Road (No. 4304); then west along the road to the Mountain Road (No. 40); then south on the road to the South Boundary Road (No. 4039); west along the South Boundary Road to the Three Forks Trail (No. 3133); then down said trail to Crooked Creek; then down the creek to the Washington-Oregon State line; then east along the line to State Highway No. 129; then north on Highway 129 to Anatone and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 175-Lick Creek (Garfield and Asotin counties): Beginning at the junction of the Mountain Road (No. 40) and National Forest Boundary (south of Pomeroy); then south along the Mountain Road to its junction with the Wenatchee Guard Station-Anatone Road; then east along the road to the National Forest Boundary at Big Butte; then northwest along the boundary fence to the Cloverland-Wenatchee Guard Station Road; then northeast along the Cloverland Road to the Campbell Grade Road; then down the Campbell Grade Road to the South Fork Asotin Creek Road; then down South Fork Asotin Creek Road to Asotin Creek; then down Asotin Creek to Charley Creek; then up Charley Creek to the elk drift fence; then west along the elk fence to its junction with the Mountain Road (No. 40) and the point of beginning. (See Umatilla National Forest map)

GMU 178-Peola (Garfield and Asotin counties): Beginning on the Snake River at the mouth of Asotin Creek; then up Asotin Creek to Charley Creek; then up Charley Creek to the elk drift fence; then northwest along the fence to the Tucannon Road; then down the Tucannon Road to the Blind Grade Road; then up Blind Grade to the Linville Gulch Road; then down the Linville Gulch Road to U.S. Highway No. 12; then east along Highway 12 to the mouth of Alpowa Creek on the Snake River; then up the Snake River to the mouth of Asotin Creek and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 181-Couse (Asotin County): Beginning at the mouth of Asotin Creek on the Snake River; then south along the Snake River to the Grande Ronde River; then west up the Grande Ronde River to State Highway No. 129; then northeast along Highway 129 to Anatone; then west and south along the Mill Road-Bennett Ridge Road-West Mountain Road to the National Forest Boundary at Big Butte

(Road No. 4304); then northwest along the Forest Boundary fence to the Cloverland Road; then northeast on that road to the Campbell Grade Road; then down that road to the South Fork Asotin Creek Road; then down that road to Asotin Creek; then down Asotin Creek to the Snake River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 184-Joseph (Asotin County): Beginning at the mouth of the Grande Ronde River; then west along the river to the mouth of Joseph Creek; then south up Joseph Creek to the first Joseph Creek bridge and the Joseph Creek Road; then south up said road to the Washington-Oregon state line; then east along the line to the Snake River; then north down the Snake River to the Grande Ronde River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 185-Black Butte (Asotin County): Beginning at State Highway No. 129 on the Washington-Oregon State line; then north along Highway 129 to the Grande Ronde River; then east down the river to the mouth of Joseph Creek; then south up Joseph Creek to the first Joseph Creek bridge and the Joseph Creek Road; then south up said road to the Washington-Oregon state line; then west along the line to State Highway No. 129 and the point of beginning. (See Washington Atlas & Gazetteer)

REGION TWO

GMU 200-Tunk (Okanogan and Ferry counties): Beginning at Tonasket, then south along the Okanogan River to the north boundary of the Colville Indian Reservation, then east along the Reservation boundary to State Route 21 south of Republic, then north along State Route 21 to Republic and State Route 20, then west along State Route 20 to Tonasket to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 203-Pasayten (Okanogan and Whatcom counties): Beginning at the eastern boundary of the Pasayten Wilderness and its junction with the Canadian border, then south along the wilderness boundary to Trail #341, then west along Trail #341 to the Iron Gate Road and Trail #343, then west along Trail #343 to its junction with the Pasayten Wilderness boundary, then west along the wilderness boundary to the Hidden Lakes Trail (#477) then west along Hidden Lakes Trail to Drake Creek, then southwest down Drake Creek and the Lost River to the Pasayten Wilderness boundary and the Robinson Creek Trail #478, then north up the Robinson Creek Trail to the junction of the Ferguson Lake Trail, then west to Silver Lake, then west to the West Fork Trail crossing of the West Fork of the Pasayten River, then west to Oregon Basin and the Pasayten Wilderness boundary, then west and north along the boundary to the Canadian border, then east along the border to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 206-Bonaparte (Okanogan and Ferry counties): Beginning at the town of Tonasket, then north along the Okanogan River and the east shore of Osoyoos Lake to the Canadian border, then east along the Canadian border to the Kettle River near the Ferry Customs office, then south along the Kettle River to the mouth of Toroda Creek, then southwest along Toroda Creek to Toroda Creek Road (#502 and #9495), then southwest along Toroda Creek Road to its

junction with State Route 20 at Wauconda, then west along State Route 20 to Tonasket and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 209-Wannacut (Okanogan County): Beginning at the Canadian border on Lake Osoyoos, then south along the west shore of Lake Osoyoos and the Okanogan River to the bridge at Tonasket, then south on County Road #7 (#9437) to the North Pine Creek-Aeneas Lake Road (#9400) junction, then southwest on that road to the Horse Springs Coulee Road (#4371) junction, then northwest on that road to the Loomis-Nighthawk Highway (#9425) junction near Spectacle Lake, then west on Loomis-Nighthawk Highway to Loomis, then north on the Loomis-Nighthawk Highway (#9425) past Palmer Lake to the Canadian border station near Nighthawk, then east on the U.S.-Canada boundary to Lake Osoyoos and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 215-Sinlahekin (Okanogan County): Beginning at the Canadian border station near Nighthawk, then south through Nighthawk and past Palmer Lake on the Nighthawk-Loomis Highway (#9425) to Loomis, then east on the Loomis-Tonasket Highway (#9425) to the Horse Springs Coulee Road (#4371) junction near Spectacle Lake, then south on that road to the North Pine Creek-Aeneas Lake Road (#9400), then east on that road to the Okanogan River, then south along the Okanogan River to the town of Riverside, then north on U.S. Highway 97 to its junction with the South Pine Creek Road (#9410), then west on South Pine Creek Road to its junction with the Conconully-Loomis Road (#4015), then south on Road #4015 to Conconully, then north on the North Fork Salmon Creek Road (#2361, Road 38 and 2820) over Lone Frank Pass to the junction with Road #39, then north on Road #39 to Long Swamp, then east along the Middle Fork Toats Coulee Road (#39) to the junction with the Iron Gate Road (#500), then northwest along the Iron Gate Road to its end, then north and east along trails #533 and #341 to the Pasayten Wilderness boundary, then north along that boundary to the Canadian border, then east along the border to the Nighthawk border station and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 218-Chewuch (Okanogan County): Beginning at the junction of the Iron Gate Road (#500) and the Pasayten Wilderness boundary, then southeast on the Iron Gate Road to the Middle Fork Toats Coulee Creek Road (#39), then west and south on the Middle Fork Toats Coulee Creek Road past Long Swamp to the Boulder Creek Road (#37), then southwest down Boulder Creek Road to the East Chewuch River Road (#9137) then south to Winthrop and State Route 20, then northwest on State Route 20 to the Okanogan County line, then northwest along the Okanogan County line through Harts Pass to Oregon Basin, then east to Silver Lake, then due east to the intersection of Ferguson Lake Trail and Middle Fork Trail #478, then south on Trail #478 to the Pasayten Wilderness boundary, then northeast along that boundary to Lost River, then northeast up Lost River and Drake Creek to Hidden Lake Trail #477, then east along Trail #477 to the Pasayten Wilderness boundary at Eight-Mile Pass, then east along the wilderness boundary to its junction with Trail #342 near Hicky Hump, then north

along Trail #342 to its junction with Trail #343 at Two Bear camp, then east along Trail #343 to the Iron Gate Road to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 224-Pearrygin (Okanogan County): Beginning at the town of Conconully, then north along County Road 2361, and the N. Fork Salmon Creek Road (#38) to its junction with Road 39, SW along Road 39 to the Boulder Creek Road (#37), then southwest along the Boulder Creek Road to the East Chewuch River Road (#9137), then south down the East Chewuch River Road to Winthrop, then south and east along State Route 20 to the Loup Loup summit, then north along the North Summit Road (#42) and County Road 2017 to Conconully and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 231-Gardner (Okanogan County): Beginning at the town of Twisp, then northwest along State Route 20 to the Okanogan County line, then south along the county line to Copper Pass and the North Fork Twisp River Trail #426, then southeast along Trail #426 to the Twisp River Road, then southeast along the Twisp River Road to the town of Twisp and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 233-Pogue (Okanogan County): Beginning at the town of Riverside, then north along U.S. Highway 97 to the South Pine Creek Road (#9410), then west on South Pine Creek Road to the Conconully-Loomis Road (#4015), then south along Road #4015 to Conconully, then south along County Road 2017 and the North Summit Road (#42) to State Route 20 near Loup Loup summit, then east on State Route 20 to the town of Okanogan and the Okanogan River, then north up the Okanogan River to Riverside and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 239-Chiliwist (Okanogan County): Beginning at the town of Okanogan, then west on State Route 20 to State Route 153, then south along State Route 153 to Pateros and the Columbia River, then north up the Columbia and Okanogan rivers to Okanogan and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 242-Alta (Okanogan County): Beginning at Pateros, then northwest on State Route 153 to Twisp, then west on the Twisp River Road (County Road 9114 and Forest Road #4440) to Roads End Campground, then northwest on the North Fork Twisp River Trail #426 to Copper Pass and the Okanogan County line, then southeast along the county line to the junction of South Fork Gold Creek Road (#4330) and the South Navarre Road (#8200), then southeast along Road (#8020) to the Antoine Creek Road (#8140), then southeast along Road (#8140) to U.S. Highway 97, then north on U.S. Highway 97 to Wells Dam, then upriver to Pateros and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 248-Big Bend (Douglas and Grant counties): Beginning at Mansfield; then west along State Route 172 to Road B N.E.; then north on B N.E. and the West Foster Creek Road to State Route 17; then east along State Route 17 to the Chalk Hills Road (Road K N.W.); then north along the Chalk Hills Road (K & L N.E.) to Road 28 N.E.; then north along Road L N.E. for 4 miles to the east boundary of

Range 26 E; then north to the Columbia River; then up the Columbia River to Grand Coulee Dam; then south along the Feeder Canal and the west side of Banks Lake to a point due east from Road 9 N.E.; then west from that point and along Road 9 N.E. through Mold to State Route 17; then north along State Route 17 to Sim's Corner (Jct. State Routes 17 & 172); then west on State Route 172 to Mansfield and the point of beginning. (See official road map of Douglas County)

GMU 254-Saint Andrews (Douglas and Grant counties): Beginning at Sim's Corner (Jct. of State Routes 17 and 172); then south on State Route 17 to Road 9 N.E.; then east on Road 9 N.E. (through Mold) to a point due east on the west shore of Banks Lake; then south along the west shore of Banks Lake to State Route 2; then west along State Route 2 to State Route 172; then north and east along State Route 172 through Mansfield to Sim's Corner and the point of beginning. (See official road map of Douglas County)

GMU 260-Foster Creek (Douglas County): Beginning at Bridgeport; then down the Columbia River to Bonita Flat; then east along the Bonita Flat Road to the town site of Dyer; then south along the Dyer Hill Road and the N. Division Road to Road 20 N.E.; then east along Road 20 N.E. (Dyer Hill Rd.) to the W. Foster Creek Rd.; then north along the West Foster Creek Road to State Route 17; then east along State Route 17 to the Chalk Hills Road (K N.E.); then north along the Chalk Hills Road (K & L N.E.) to Road 28 N.E.; then north along Road L N.E. for 4 miles to the east boundary of Range 26 E; then north to the Columbia River; then down the Columbia River to Bridgeport and the point of beginning. (See official road map of Douglas County)

GMU 262-Withrow (Douglas County): Beginning at Orondo; then up the Columbia River to the Bonita Flat Road; then east along the Bonita Flat Road to the town site of Dyer; then south along the Dyer Hill Road and the N. Division Road to Road 20 N.E. (Dyer Hill Rd.); then east along Road 20 N.E. to Road B N.E. (W. Foster Ck. Rd.); then south on Road B N.E. to State Route 172; then west and south on State Route 172 to State Route 2; then west along State Route 2 to Orondo and the point of beginning. (See official road map of Douglas County)

GMU 266-Badger (Douglas County): Beginning at Orondo; then down the Columbia River to the Rock Island Grade Road (includes Turtle Rock Island); then north along the Rock Island Grade Road to the Titchenal Canyon Road; then northeast along the Titchenal Canyon Road to the Alstown Road; then east to Alstown; then north and east along the Alstown Road to Road K S.W.; then north along Road K to State Route 2; then west along State Route 2 to Orondo and the point of beginning. (See official road map of Douglas County)

GMU 269-Moses Coulee (Douglas and Grant counties): Beginning near Rock Island Dam at the junction of State Route 28 and the Rock Island Grade Road; then north along the Rock Island Grade Road to the Titchenal Canyon Road; then northeast along the Titchenal Canyon Road to the Alstown Road; then east to Alstown; then north and east along the Alstown Road to Road K S.W.; then north along

Road K to State Route 2; then east along State Route 2 to the Moses Coulee Road; then south along the Moses Coulee Road to the Grant & Douglas County line; then south along the Sagebrush Flat Road to Road J N.W.; then south along Road J N.W. to the Overen Road (Road 20 N.W.); then west along the Overen Road to the Baird Springs Road; then southwest along the Baird Springs Road across State Route 28 to the Crescent Bar Road; then south along the Crescent Bar Road to the Columbia River; then up the Columbia River to the Rock Island Grade Road and the point of beginning. (See official road maps of Douglas and Grant counties)

GMU 272-Beezley (Grant and Douglas counties): Beginning at the town of Grand Coulee, then southwest along the west shore of Banks Lake to State Route 2, then west along State Route 2 to Moses Coulee Road, then south along Moses Coulee Road to the Grant-Douglas County line; then south along the Sagebrush Flats Road to Road J N.W.; then south along Road J N.W. to the Overen Road, (Road 20 N.W.); then west along the Overen Road to the Baird Springs Road, then southwest along Baird Springs Road across State Route 28 to the Crescent Bar Road, then southwest along Crescent Bar Road to the Columbia River, then down the Columbia River to Interstate 90, then northeast along Interstate 90 to the Beverly Burke Road (Road R S.W.), then south along Beverly Burke Road to Frenchman Hills Road, then east along Frenchman Hills Road to O'Sullivan Dam Road, then east along O'Sullivan Dam Road to State Route 17, then south along State Route 17 to the Grant-Adams County line (Road 12 S.E.), then east and north along the Grant County line to the town of Grand Coulee and the point of beginning except Private Lands Wildlife Management Area 201 (Wilson Creek). (See official road maps of Grant and Douglas counties)

GMU 278-Wahluke (Grant and Adams counties): Beginning at the Columbia River at Interstate 90, then northeast along Interstate 90 to the Beverly Burke Road (Road R S.W.); then south along Beverly Burke Road to Frenchman Hills Road; then east along Frenchman Hills Road to O'Sullivan Dam Road; then east along O'Sullivan Dam Road to State Route 17, then south along State Route 17 to State Route 26; then east along State Route 26 to State Route 24 at Othello; then south and west along State Route 24 to the Columbia River at Vernita Bridge; then up the Columbia River to Interstate 90 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 281-Ringold (Franklin, Adams, and Grant counties): Beginning at the Columbia River and U.S. Highway 395 at Pasco, then up the Columbia River (including all islands) to State Route 24 at Vernita Bridge; then east and north along State Route 24 to State Route 26 at Othello; then east along State Route 26 to State Route 17; then south along State Route 17 to U.S. Highway 395; then south along U.S. Highway 395 to the Columbia River at Pasco and the point of beginning. The Hanford Nuclear Site and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry. (See Washington Atlas & Gazetteer)

GMU 284-Kahlotus (Adams and Franklin counties): Beginning at the Columbia River and U.S. Highway 395 at

Pasco; then north along U.S. Highway 395 to State Route 17; then north along State Route 17 to the Grant & Adams County line (Road 12 S.E.); then east and north along the Grant & Adams County line to the Lincoln County line; then east along the Adams-Lincoln County line to the Whitman County line; then south along the Adams-Whitman County line to the Palouse River; then down the Palouse River to the Snake River; then down the Snake River to the Columbia River; then up the Columbia River to U.S. Highway 395 and the point of beginning. (See Washington Atlas & Gazetteer)

REGION THREE

GMU 300-Manson (Chelan County): Beginning at the town of Chelan; then down the Chelan River Gorge to the Columbia River; then north along the Columbia River to Wells Dam; then southwest along Highway 97 to the Antoine Creek Road (USFS #8140); then west along Antoine Creek Road to Forest Road #8020 near Cooper Mountain; then northwest along Road #8020 to junction of Road #4330 near Fox Peak; then northwest along the ridge separating the Chelan and Methow-Twisp drainages (Sawtooth Ridge) to McAlester Mountain; then southeast along the ridge between Rainbow Creek and Boulder Creek to the Stehekin River; then south along Lake Chelan shore to the town of Chelan to the point of beginning. (See Wenatchee National Forest Recreation map and Washington Atlas and Gazetteer)

GMU 301-Clark (Chelan County): That portion of Chelan County that lies within the Glacier Peak Wilderness Area and that portion of the Lake Chelan National Recreation Area west of McAlester Mountain and running southwest along the ridge between Rainbow Creek and Boulder Creek to the Stehekin River; then continuing south along Lake Chelan to the south boundary of the National Recreation Area. (See Wenatchee National Forest Recreation map)

GMU 302-Alpine (Kittitas and Chelan counties): Those lands within Kittitas and Chelan counties east of the Pacific Crest Trail that lie within the Alpine Lakes Wilderness Area. (See Wenatchee National Forest Recreation map)

GMU 304-Chiwawa (Chelan County): Beginning at Coles Corner on Highway 2; then north along Highway 207 to Highway 209 near Lake Wenatchee; then south on Highway 209 to the Eagle Creek Road #7520; then northeast on Road #7520 to French Corral and Forest Road #5800; then east along Roads #5800 and #5700 to the Entiat River near Ardenvoir; then north along the Entiat River to the Glacier Peak Wilderness Boundary; then south and west along the Glacier Peak Wilderness Boundary to the Pacific Crest Trail; then south to Highway 2 at Stevens Pass; then east on Highway 2 to Coles Corner. (See Wenatchee National Forest Recreation map)

GMU 306-Slide Ridge (Chelan County): Beginning on the Entiat River at the Glacier Peak Wilderness Boundary (near the mouth of Larch Lakes Creek); then south along the Entiat River to the mouth of Fox Creek; then east on Fox Creek to Fourmile Ridge Trail #1445; then east on Trails #1445 and #1448 to the Slide Ridge Road #8410 at Stormy Mountain; then north on Road #8410 to Twenty-five Mile Creek; then north on Twenty-five Mile Creek to Lake Chelan; then north and west along the south shore of Lake

Chelan to the Lake Chelan National Recreation Area Boundary near Riddle Creek; then south and west along the Recreation Area and Glacier Peak Wilderness Boundaries to the Entiat River. (See Wenatchee National Forest Recreation map)

GMU 308-Entiat (Chelan County): Beginning at the mouth of the Entiat River near the town of Entiat; then northwest along the Entiat River to the mouth of Fox Creek; then east along Fox Creek to the Fourmile Ridge Trail #1445 then east along Trail #1445 and #1448 to the Slide Ridge Road #8410 at Stormy Mountain; then north along Road #8410 to Twenty-five Mile Creek; then North along Twenty-five Mile Creek to Lake Chelan; then southeast along Lake Chelan and the Chelan River Gorge to the Columbia River; then southwest along the Columbia River to the mouth of the Entiat River. (See Wenatchee National Forest Recreation map)

GMU 314-Mission (Kittitas and Chelan counties): Beginning at the mouth of the Colockum Creek on the Columbia River; then west along Colockum Creek and the Colockum Pass Road (#10) to the Naneum Ridge Road (#9); then northwest along Naneum Ridge Road and Mission Ridge to the Liberty-Beehive Road #9712; then northwest along Road #9712 to Road #9716; then north along Road #9716 to Highway 97 at Swauk Pass; then northwest along the Kittitas-Chelan County line and Trail #1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak, then north along the Alpine Lakes Wilderness Boundary to Icicle Creek near Black Pine Horse Camp; then east along Icicle Creek to the Wenatchee River; then south and east along the Wenatchee and Columbia Rivers to the mouth of Colockum Creek. (See Wenatchee National Forest Recreation map)

GMU 316-Swakane (Chelan County): Beginning at the mouth of the Wenatchee River; then north along the Columbia River to the Entiat River; then north along the Entiat River to Road #5700 near Ardenvoir; then west along Roads #5700 and #5800 to French Corral; then west along the Eagle Creek Road #7520 to Highway 209; then north along Highway 209 to Highway 207 near Lake Wenatchee; then south along Highway 209 to Highway 2 at Coles Corner; then west along Highway 2 to Stevens Pass; then south along the Chelan-King County Line to the Alpine Lakes Wilderness Boundary; then east and south along the Alpine Lakes Wilderness Boundary to Icicle Creek; then east along Icicle Creek to the Wenatchee River; then east along the Wenatchee River to its mouth on the Columbia River. (See Wenatchee National Forest Recreation map)

GMU 328-Naneum (Kittitas and Chelan counties): Beginning at the intersection of Highway 97 and Lower Green Canyon Road; then north along Lower Green Canyon Road to the East Highline Canal (T19N, R18E, S28); then east along the canal to the Colockum Pass Road #10; then northeast along the Colockum Pass Road to the Naneum Ridge Road #9; then northwest along the Naneum Ridge Road and Mission Ridge to the Liberty Beehive Road #9712; then northwest along Road #9712 to Road #9716; then north along Road #9716 to Highway 97 at Swauk Pass; then south along Highway 97 to the Lower Green Canyon Road. (See Wenatchee National Forest Recreation map & Department of Wildlife map)

GMU 329-Quilomene (Kittitas and Chelan counties): Beginning on Interstate 90 at the Columbia River near Vantage; then north along the Columbia River to the mouth of Tekieson Creek; then up Tekieson Creek to Road #14; then north along Roads 14, 14.17 and 14.14 to the top of Cape Horn cliffs; then north along the cliff top to the northern point of Cape Horn; then southwest along the stock fence to Road #14.14; then west on Road 14.14 to the switch backs in Sections 19 and 20; then north from the boundary sign on the section lines between Sections 17, 18, 19 and 20; T20N, R28 E.W.M. to the boundary sign on Road 14 in the northwest corner of Section 17; then north and west to Davies Canyon; then east along Davies Canyon to the Columbia River; then north along the Columbia River to mouth of Colockum Creek; then southwest along Colockum Creek and Colockum Road (Road #10) to the East Highline Canal (T18N, R20E, S17); then east along the canal and Interstate 90 to the Columbia River at Vantage. (See Department of Wildlife map)

GMU 330-West Bar (Kittitas County): Beginning at the mouth of Tekieson Creek on the Columbia River; then up Tekieson Creek to Road #14; then north on Road 14, 14.14 and 14.17 to the top of the Cape Horn Cliffs; then north along the cliff top to the north end of Cape Horn; then southwest along the stock fence to Road 14.14; then west on Road #14.14 to the switch backs in Sections 19 and 20; then north from the boundary sign on the section lines between Sections 17, 18, 19, and 20, T20N, R21 E.W.M. to the boundary sign on Road 14 in the northwest corner of Section 17; then north and west to Davies Canyon; then east along Davies Canyon to the Columbia River; then south along the Columbia River to the mouth of Tekieson Creek. (See Department of Wildlife map)

GMU 334-Ellensburg (Kittitas County): Beginning at the intersection of Highway 97 and Lower Green Canyon Road; then north along the Lower Green Canyon Road to the East Highline Canal (Sec. 28, Twp. 19N., R. 18E); then east and south along the canal past Interstate 90 to the pump station; then south and west along the upper most branch of the canal to Highway 821 and the Yakima River (a point about one mile south of Thrall); then north along the Yakima River to Damman Road; then south on Damman Road and Shushuskin Canyon to the South Branch Extension Canal; then west along the canal to where it crosses Manastash Road; then north along the South Branch Canal to Taneum Creek; then east along Taneum Creek to the Yakima River; then northeast along the river to Thorp Highway; then east along the Thorp Highway and Highway 10 to Highway 97; then north along Highway 97 to Lower Green Canyon Road. (See Wenatchee National Forest Recreation map & Department of Wildlife map) (This is a Kittitas County Closure area for high power rifle hunting of both deer and elk. Contact Kittitas County for more details)

GMU 335-Teaway (Kittitas County): Beginning at Swauk Pass on Highway 97; then northwest along the Kittitas-Chelan County line and Trail #1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak; then west along the Alpine Lakes Wilderness Boundary to the King-Kittitas County line at Kendal Peak; then south along the King-Kittitas County line to Interstate 90; then east along

Interstate 90 to Cle Elum; then east along Highway 10 to Highway 97; then northeast on Highway 97 to Swauk Pass. (See Wenatchee National Forest Recreation map)

GMU 336-Taneum (Kittitas County): Beginning at Cle Elum; then west along Interstate Highway 90 to the Pacific Crest Trail at Snoqualmie Pass; then southeast along the Pacific Crest Trail to Blowout Mountain; then southeast along the divide between the Naches and Yakima River drainages and Trail #1388 to Peaches Ridge and Trail #1363; then north along Trail #1363 to Trail #1367; then east along Trail #1367 to South Fork Taneum Creek; then east along Taneum Creek to the Yakima River; then north (downstream) on the Yakima River to the Thorp Highway Bridge; then northwest along the Thorp Highway, State Highway 10 and State Highway 903 to Cle Elum. (See Wenatchee National Forest Recreation map)

GMU 340-Manastash (Kittitas County): Beginning at the junction of Taneum Creek and the South Branch Highline Canal; then west up Taneum Creek and South Fork Taneum Creek to USFS Trail #1367; then west on Trail #1367 to Trail #1363 (Peaches Ridge Trail), to the Naches-Yakima River Divide; then southeast along Trail #1388 and the ridge top dividing the Manastash and Wenas-Umtanum drainages to the junction of the Observatory Road, (Twp. 17 N., R. 17 E.W.M., Section 20) then south on the Observatory Road to the Wenas-Ellensburg Road; then east on the Wenas-Ellensburg Road to Umtanum Creek; then down Umtanum Creek to the Yakima River; then up the Yakima River to the Damman Road; then south to the Wenas-Ellensburg Road; then south on the Wenas-Ellensburg Road to the South Branch Highline Canal; then along the canal to Taneum Creek and the beginning. (See Wenatchee National Forest Recreation map)

GMU 342-Umtanum (Kittitas and Yakima counties): Beginning at Yakima then north along the Yakima River to Umtanum Creek; then up Umtanum Creek to the Wenas-Ellensburg Road; then west along the Wenas-Ellensburg Road to the Observatory Road; then north along the Observatory Road to the Road junction at the top of the ridge (Section 20, T17N, R.17 E.W.M.); then west and north along the top of the ridge dividing Manastash and Umtanum-Wenas drainages to USFS Trail #1388 and Forest Road 1701; then along Road 1701 to Highway 410 to the junction of I-82 and the Yakima River. (See Wenatchee National Forest map and Washington Atlas & Gazetteer)

GMU 346-Little Naches (Yakima & Kittitas counties): Beginning at the Junction of Highway 410 and Forest Road 1701; then north on Road 1701 to Trail #1388; then northwest along Trail #1388 to the Pacific Crest Trail at Blowout Mountain; then south along the Pacific Crest Trail to State Highway 410 at Chinook Pass; then east along State Highway 410 to point of beginning. (See Wenatchee National Forest Recreation map)

GMU 352-Nile (Yakima County): Beginning at Highway 410 at its junction with Forest Road 1500 (Eagle Rock); then west along the 1500 Road to the McDaniel Lake Road (USFS Road #1502); then west along the McDaniel Lake Road to the junction of the North Fork and the South Fork of Rattlesnake Creek; then up the North Fork of Rattlesnake

Creek to Richmond Mine Trail #973; then north along Richmond Mine Trail to the Bumping Lake Road; then north along Bumping Lake Road to Highway 410; then east along Highway 410 to Eagle Rock and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 356-Bumping (Yakima County): Beginning at the intersection of Highway 12 and USFS Road #1500; then north along Road #1500 to McDaniel Lake Road (USFS Road #1502); then west on McDaniel Lake Road to the junction of North Fork and South Fork of Rattlesnake Creek; then up the North Fork of Rattlesnake Creek to Richmond Mine Trail #973; then north along Richmond Mine Trail to the Bumping Lake Road; then north along the Bumping Lake Road to Highway 410; then west along Highway 410 to the Pacific Crest Trail at Chinook Pass; then south along the Pacific Crest Trail to Highway 12 at White Pass; then east along Highway 12 to the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.) (See Wenatchee National Forest Recreation map)

GMU 360-Bethel (Yakima County): Beginning at the junction of Highway 410 and Highway #12; then west along Highway 12 to the junction with USFS Road #1500; then north and east along Road #1500 to its junction with Highway 410 at Eagle Rock; then southeast along Highway 410 to its junction with Highway 12 and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 364-Rimrock (Yakima County): Beginning at the junction of Highway 12 and Jump-off Road (USFS Road #1302); then southwest along Jump-off Road to Divide Ridge Trail #1127 at Jump-off Lookout; then southeast along Divide Ridge Trail #1127 to Strobach Springs; then west to Blue Slide Lookout; then south on jeep trail to Blue Lake; then south along jeep trail to the Darland Mountain Road and the north boundary of the Yakima Indian Reservation; then west along the reservation boundary to the Pacific Crest Trail; then north along the Pacific Crest Trail to Highway 12 at White Pass; then east along Highway 12 to the junction with Jump-off Road and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 366-Rimrock-Cowiche (Yakima County): GMUs 364 (Rimrock) and 368 (Cowiche) (See Wenatchee National Forest Recreation map)

GMU 368-Cowiche (Yakima County): Beginning at the junction of Highway 12 and Jump-off Road (USFS Road #1302); then southwest along Jump-Off Road to Divide Ridge Trail #1127 at Jump-off Lookout; then southwest along Divide Ridge Trail #1127 to Strobach Springs; then west to Blue Slide Lookout; then south on jeep trail to Blue Lake; then south along jeep trail to the Darland Mountain Road and the north boundary of the Yakima Indian Reservation; then east along the reservation boundary to the Yakima River and Highway 12; then north and west along Highway 12 to the point of beginning. (See Wenatchee National Forest Recreation map & Washington Atlas & Gazetteer)

GMU 370-Priest Rapids (Kittitas, Yakima and Benton counties): Beginning at the Interstate 90 bridge at Vantage; then west along Interstate 90 to the East Highline Canal (which is approximately 1/4 mile west of Boylston Road);

then southwest along the canal to Highway 821 and the Yakima River, at a point about one mile south of Thrall; then southeast along the Yakima River to the Mabton-Sunnyside Road; then south along the Mabton-Sunnyside Road; then south along the Yakima Indian Reservation Boundary to the Yakima-Klickitat county line; then east along the county line to the Alderdale Road; then south along the Alderdale Road to Highway 14 and the Columbia River; then upstream along the Columbia River to the point of beginning at Vantage. (See Washington Atlas & Gazetteer)

REGION FOUR

GMU 405-Chuckanut (Whatcom and Skagit counties): Beginning at the Canadian border and the Silver Lake Road; then south along the Silver Lake Road to the Mount Baker Highway; then southwest along the Mount Baker Highway to the Mosquito Lake Road; then south along the Mosquito Lake Road to Highway 9; then south along Highway 9 through Sedro Woolley to the town of Arlington and the Stillaguamish River; then down the Stillaguamish River through Stanwood and West Pass to Skagit Bay; then west and north through Skagit Bay, Deception Pass, Rosario Strait and Bellingham Channel to Samish Bay and Edison; then north along the shoreline to the Whatcom County line; then west and north along the Whatcom County line to the Canadian border; then east along the Canadian border to the point of beginning. (See Washington Atlas & Gazetteer; this description is not easily found on base maps. Contact the Mill Creek office for more information.)

GMU 410-Islands (San Juan, Island counties): All islands in San Juan County as well as Whidbey and Camano islands and Cypress and Sinclair islands in Skagit County. (See Washington Atlas & Gazetteer)

GMU 417-Bald Mountain (Whatcom and Skagit counties): Beginning at the intersection of Baker Lake Highway and Grandy Creek (Sec. 31, T35N, R8E); then west along Baker Lake Highway to SW-HO-2400 Road; then north and west along the SW-HO-2400 Road, SW-HO-2000 Road, and SW-HO-2800 Road, and SW-HO-2900 Road (Josephine Truck Trail) to the intersection with the Hamilton Mainline Road; then north along the Hamilton Mainline Road (approximately 25 miles) to the intersection with CP Road #110; then continue west and north along CP Road #110, CP Road 130, CP Road 150, and CP Road 151 to the end of CP Road 151 (Sec. 33, T37N, R5E); then continue north along a straight line to the end of Road CP 151 to the intersection of Skookum Creek and the S.F. Nooksack River; then down the S.F. Nooksack River to the mouth of Hutchinson Creek; then north up Hutchinson Creek to the Mosquito Lake Road; then continue north along Mosquito Lake Road to Porter Creek; then east to the end of Porter Creek; the east along a straight line to the intersection of Rocky Creek and Clearwater Creek; then north and east up Rocky Creek to its headwaters in Sec. 5, T38N, R7E; then north along a straight line to FR 36 Road; then east along FR 39 Road to SR 542 Road; then east and south along SR 542 Road; to its southernmost point (Sec. 30, T39N, R9E); then approximately 0.5 mile along a straight line to Swift Creek; then south down Swift Creek to Baker Lake; then south along the west shoreline of Baker

Lake and Lake Shannon to a point due east of the intersection of Baker Lake Road and Burpee Hill Road; then east along a straight line to the intersection of Baker Lake Road and Burpee Hill Road; then west along the Baker Lake Road to Grandy Creek and the point of beginning.

GMU 418-Nooksack (Whatcom and Skagit counties): Beginning at the point where Jackman Creek meets the Skagit River (east of Concrete); then northeast up Jackman Creek to the range line between Range 9 and 10E; then north along this range line to the boundary of the North Cascades National Park; then north along the North Cascades Park boundary to the Canadian border; then west along the Canadian border to the Silver Lake Road; then south along the Silver Lake Road to the Mount Baker Highway; then southwest along the Mount Baker Highway to the Mosquito Lake Road; then south along the Mosquito Lake Road to Highway 9; then south along Highway 9 to its intersection with State Highway 20 (east of Sedro Woolley); then west along State Highway 20 to its intersection with Highway 9; then south along Highway 9 to the Skagit River; then east along the main channel of the Skagit River to Jackman Creek (east of Concrete) and the point of beginning except GMU 417 (Bald Mountain) which is within GMU 418 (Nooksack). (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 426-Diablo (Skagit and Whatcom counties): The Ross Lake National Recreation Area and the adjoining corridor between the Pasayten Wilderness Area and the northeast boundary of the south segment of North Cascades National Park. (See Washington Atlas & Gazetteer)

GMU 433-Cavanaugh (Skagit and Snohomish counties): Beginning at the intersection of State Highway 9 and the Skagit River (south of Sedro Woolley); then south along State Highway 9 to Arlington; then east along the Arlington-Darrington Highway 530 to Darrington; then north along the Sauk Valley Road to the Skagit River (at Rockport); then west along the State Highway 9 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 440-Suiattle (Skagit and Snohomish counties): Beginning at the intersection of State Highway 20 and the Sauk Valley Road at Rockport; then south along the Sauk Valley Road to Darrington and the Sauk River to the Suiattle River; then along that river to the Glacier Peak Wilderness Area boundary; then north and east along that boundary to the line between Ranges 12 and 13 E.; then north on that range line to the North Cascades National Park boundary; then west and north along the North Cascades Park boundary and the Ross Lake National Recreation Area boundary to the range line between range 9 and 10 E; then south along this range line to the Jackman Creek drainage; then southwest down the Jackman Creek drainage to State Highway 20; then east along State Highway 20 to Rockport and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 442-Tulalip (Snohomish and King counties): Beginning at the mouth of the Stillaguamish River; then up the Stillaguamish River to Arlington; then northeast along the Arlington-Darrington Highway to the Trafton School at Trafton; then southeast along the Jim Creek-Trafton Road (242nd St. N.E.) to the City of Seattle power transmission

line; then southwest along the transmission line to the point where it crosses the Jordan Road in Sec. 20, T31N, R6E; then southeast along the Jordan Road to Granite Falls; then south along the Menzel Lake-Lake Roesiger Roads to the Woods Creek Road; then south on Woods Creek Road to Monroe; then south on Highway 203 to the Snoqualmie River at Duvall; then north down the Snoqualmie River to the Snohomish River and down the Snohomish River to Puget Sound; then north along the shore of Puget Sound to the mouth of the Stillaguamish River and the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 448-Stillaguamish (Snohomish and Skagit counties): Beginning at Sultan; then east along U.S. Highway 2 to Stevens Pass; then north along the Pacific Crest Trail to Henry M. Jackson Wilderness Area boundary; then north along this boundary to the North Fork Skykomish Trail No. 1051; then west on Trail No. 1051 to Forest Service Road 63, then west on Forest Service Road 63 to Quartz Creek Trail (No. 1050); then north on Trail 1050 to Curry Gap; then east on Trail 650 along the crest between Sloan Creek and the North Fork of the Skykomish River drainages to June Mountain, near the headwaters of Sloan Creek (Sec. 25, T29N, R13E); then north along the Glacier Peak Wilderness Area boundary to the Suiattle River; then west along the Suiattle River to the Sauk Valley Road (SR 530); then south on the Sauk Valley Road (SR 530) to Darrington; then west along the Darrington-Arlington Highway to the Trafton School at Trafton; then southeast along the Jim Creek-Trafton Road (242nd St. N.E.) to the City of Seattle power transmission lines; then southwest along the transmission line to the point where it crosses the Jordan Road in Sec. 20, T31N, R6E; then southeast along the Jordan Road to Granite Falls; then south along the Menzel Lake-Lake Roesiger Roads to the Woods Creek Road; then south on Woods Creek Road to Highway 2 (Skykomish-Monroe Highway); then east along Highway 2 to Sultan to the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 450-Cascade (Skagit and Snohomish counties): Beginning at the Glacier Peak Wilderness boundary and the Skagit County/Chelan County line at the headwaters of the Middle Fork Cascade River and then west and southerly along the Glacier Peak Wilderness boundary to the Skagit County/Snohomish County line. In Snohomish County, continue south along the Glacier Peak Wilderness boundary to June Mountain near the headwaters of Sloan Creek (Sec. 25, T29N, R13E); then west along the 650 trail along the crest between Sloan Creek and the North Fork of the Skykomish River drainages to Curry Gap; then south along the Quartz Creek Trail (No. 1050) to Forest Service Road 63; then east on Road 63 to its end at the 1051 Trail and east up Trail 1051 to the Henry M. Jackson Wilderness boundary; then south and east along that boundary to the Snohomish/Chelan County line; then north along the Snohomish/Chelan County line to the Skagit County line; then north along the Skagit/Chelan County line to the point of beginning. (See Washington Atlas & Gazetteer and Mt. Baker/Snoqualmie National Forest map)

GMU 454-Issaquah (King and Snohomish counties): Beginning at the mouth of the Snohomish River near Everett; then southeast up the Snohomish River to Duvall; then south along State Highway 203 to Fall City; then southwest along the Fall City-Preston Road to Interstate 90; then east on Interstate 90 to State Highway 18; then southwest along State Highway 18 to its intersection with the Raging River; then south up that river to its junction with the posted boundary of the City of Seattle Cedar River Watershed; then along that posted boundary to its junction with the boundary of the City of Tacoma Green River Watershed (CTGRW); then south along the CTGRW posted boundary to Weyerhaeuser Road 5200 near Lynn Lake; then down the 5200 Road for approximately 7.6 miles to its junction with U.S. Highway 410; then west along U.S. Highway 410 and State Highway Nos. 164 and 18 through Auburn to U.S. Highway 99; then north along Highway 99 to the Redondo Beach junction; then due west to Puget Sound; then north along Puget Sound to the mouth of the Snohomish River and the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 460-Snoqualmie (King and Snohomish Counties): Beginning at the intersection of State Highway 203 and U.S. Highway 2; then east along U.S. Highway 2 to Stevens Pass and the Pacific Crest Trail; then south along the Pacific Crest Trail to its junction with the City of Seattle Cedar River Watershed posted boundary; then west along the posted boundary to its intersection with the headwaters of the Raging River; then down the Raging River to its intersection with State Highway 18; then along State Highway 18 to its junction with Interstate Highway 90 (I-90); then west along I-90 to its junction with the Preston-Fall City Road; then north along the Preston-Fall City Road to State Highway 203; then north on State Highway 203 to the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 466-Stampede (King County): Beginning at intersection of the Pacific Crest Trail (USFS Trail 2000) and the posted boundary for the City of Seattle Cedar River Watershed; then south along the Pacific Crest Trail to USFS Road 7035, north of Pyramid Peak; then west on this road to USFS Road 7032 to USFS Trail 1172 and its intersection with USFS Road 7012 (Champion Creek Rd.); then down Road 7012 to the posted boundary of the City of Tacoma Green River Watershed; then east and north along that boundary and the City of Seattle Cedar River Watershed posted boundary to the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 472-White River (King and Pierce counties): Beginning at the junction of State Highway 410 and the north boundary of Mount Rainier National Park; then west along the north park boundary to the Carbon River; then down the Carbon River to its intersection with the Bonneville Power Transmission line; then up the powerline to South Prairie Creek; then up South Prairie Creek to New Pond Creek; then up New Pond Creek to its intersection with Champion 923 Road.; then north on Champion 923 Road to Champion 92 Road; then east on Champion 92 Road to

Champion 93 Road; then northwest on Champion 93 Road to Champion 931 Road; then east on Champion 931 Road to Champion 9 Road; then northeast on Champion 9 Road to Champion 96 Road; then east on Champion 96 Road to Champion 9601 Road; then east on Champion 9601 Road to Old Pond Creek to the White River; then down White River to the first set of Bonneville Power Transmission lines; then up the powerline to where it intersects State Highway 410; then east along State Highway 410 to Weyerhaeuser Road 5200; then up that road for approximately 7.6 miles to its junction with the City of Tacoma Green River Watershed posted boundary; then east along that posted boundary and USFS Trail 1172 to USFS Road 7032; then east along this road to USFS Road 7035; then east along this road to the Pacific Crest Trail (USFS Trail 2000) north of Pyramid Peak; then south along the Pacific Crest Trail to the Mount Rainier National Park boundary near Sourdough Gap; then north and west along the park boundary to the point of beginning except Private Lands Wildlife Management Area 401 (Champion). Boundaries of PLWMA 401 are clearly marked. (See Washington Atlas & Gazetteer and Mt. Baker/Snoqualmie National Forest map)

GMU 478-Mashel (Pierce County): Beginning at the Puyallup River Bridge where the Bonneville Power Transmission line crosses the Orville Road; then north along the Bonneville Power Transmission line to the Brooks Road BPA Transmission Line; then south on the Brooks Road BPA Transmission Line to Fisk Road; then north on Fisk Road to Champion 12 Road; then northeast on Champion 12 Road to the Carbonado/Electron powerline; then northeast on the Carbonado/Electron powerline to the Carbon River; then along the Carbon River to the west boundary of Mt. Rainier National Park; then south along the park boundary to the Nisqually River; then west down the Nisqually River to Alder Lake; then continuing west down Alder Lake and the Nisqually River to the Weyerhaeuser 1000 (Main) Line (Vail-Eatonville Truck Trail) Bridge; then east on the 1000 line to its junctions with Highway 7 (Mountain Highway) and Highway 161 (Eatonville-LaGrande Road); then east and north along Highway 161 through Eatonville to its junction with Orville Road E. (Kapowsin-Eatonville Road); then north along that road through Kapowsin to the point of beginning at the junction of the Bonneville Power Transmission line and the Orville Road except Private Lands Wildlife Management Area 401 (Champion). Boundaries of PLWMA 401 are clearly marked. (See Mt. Baker/Snoqualmie National Forest map or Washington Atlas & Gazetteer)

GMU 480-South Islands (Pierce County): Anderson and Ketron islands. (See Washington Atlas & Gazetteer)

GMU 484-Puyallup (Pierce and King counties): Beginning at the mouth of the Nisqually River; then up the Nisqually River to its junction with the Weyerhaeuser 1000 line, then east along the Weyerhaeuser 1000 line to its intersection with State Highways 7 and 161; then north along State Highway 161 to its intersection with the Orville Road; then north along the Orville Road to the Puyallup River Bridge where it intersects the Bonneville Power Transmission line; then northeast up the powerline to the Brooks Road BPA powerline; then south down the powerline to Fisk Road; then north on Fisk Road to Champion 12 Road; then

northeast on Champion 12 Road to the Carbonado/Electron powerline; then northeast on the powerline to Carbonado and the Carbon River; then northwest up the Carbon River to the BPA powerline; then northeast on the BPA powerline to South Prairie Creek; then up South Prairie Creek to New Pond Creek; then up New Pond Creek to its intersection with Champion 923 Road; then north on Champion 923 Road to Champion 92 Road; then east on Champion 92 Road to Champion 93 Road; then northwest on Champion 93 Road to Champion 931 Road; then east on Champion 931 Road to Champion 9 Road; then northeast on Champion 9 Road to Champion 96 Road; then east on Champion 96 Road to Champion 9601 Road; then east on Champion 9601 Road to Old Pond Creek; then down Old Pond Creek to the White River; then down White River to the first set of Bonneville Power Transmission lines; then up the powerline to where it intersects State Highway 410; then west along State Highway 410 to where it intersects State Highway 164; then west along State Highway 164 through Auburn to Old Highway 99; then north along Old Highway 99 to Redondo Junction; then due west to Puget Sound; then south along the shoreline of Puget Sound to the mouth of the Nisqually River and the point of beginning except Private Lands Wildlife Management Area 401 (Champion). Boundaries of PLWMA 401 are clearly marked. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 485-Green River (King County): Beginning at the junction of the Green River and the west boundary of the Tacoma Watershed; then south and east along the watershed boundary to the USFS 7012 Road (Champion Creek Road); then northwest along that road and the posted GMU 485 boundary to where it meets USFS Road 5063; then east, then north along that road to its junction with the USFS 5060 Road near the headwaters of Friday Creek; then north along that road to the Tacoma Watershed boundary; then west along the Tacoma Watershed boundary to the Green River and the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 490-Cedar River (King County): Beginning at the junction of the Cedar River and the western posted boundary of the City of Seattle Cedar River Watershed; then north and east along said posted boundary to Yakima Pass; then continue south and west along that posted boundary and to the point of beginning. Note that the City of Seattle enforces trespass on lands owned or controlled by the city. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

REGION FIVE

GMU 501-Lincoln (Lewis, Thurston, Pacific and Grays Harbor counties): Beginning at the intersection of Interstate 5 and State Highway 6, then west on State Highway 6 to the Stevens Road, then northwest on Stevens Road to Elk Creek Road (Doty), then west on Elk Creek Road to the 7000 Road, then west on the 7000 Rd. to the 7800 Rd., then west on the 7800 Rd. to the 720 Rd., then northeast on the 720 Rd. to Garrard Creek Road, then northeast on the Garrard Creek Road to Oakville and U.S. Highway 12, then east on U.S. 12 to Interstate 5, then south on Interstate 5 to

State Highway 6 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 504-Stella (Cowlitz County): Beginning at the mouth of the Cowlitz River at the Columbia River, then west down the Columbia to the mouth of Germany Creek, then north up Germany Creek to State Highway 4, then east on Highway 4 to Germany Creek Road, then north on Germany Creek Road to IP 1000 Road, then north on IP 1000 to the IP 1050 Road, then east on IP 1050 Road to the 2200 Rd., then east and south to the 2000 Rd., then south on the 2000 Rd. to the Delameter Road (Woodside Road), then east on Delameter Road to State Highway 411, then north on Highway 411 to PH 10 Road (Four Corners), then east to Cowlitz River, then south down the Cowlitz River to the Columbia River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 505-Mossyrock (Lewis County): Beginning on Interstate 5 and the Cowlitz River, then northeast up the Cowlitz River to Mayfield Lake and the U.S. Highway 12 bridge, then east on Highway 12 to Winston Creek Road, then south and east to Longbell Road and Perkins Road, then northeast on Perkins Road to Swofford Road, then north on Swofford Road to Ajlune Road, then east on Ajlune Road to Riffe Lake, then east along the south shore to the Cowlitz River and up the Cowlitz River to the USFS 23 Road (Cispus Road) Bridge, then south and east to the C Line Road, then east to the Bennet Road, then east to U.S. Highway 12, then west on Highway 12 to State Highway 7 (Morton), then north on State Highway 7 to State Highway 508, then west on Highway 508 to Centralia/Alpha Road, then west and north on Centralia/Alpha Road to Salzer Valley Road, then west to Summa Street and Kresky Road, then north on Kresky Road to Tower Street, then on Tower Street to State Highway 507, then west on Highway 507 Cherry, Alder and Mellen streets to Interstate 5, then south on Interstate 5 to the Cowlitz River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 506-Willapa Hills (Wahkiakum, Pacific, and Lewis counties): Beginning at PeEll and the Muller Road; then south on the Muller Road to the 1000 Road; then south on the 1000 Road to the 1800 Road; then south on the 1800 Road to the 500 Road; then southeast on the 500 Road to State Highway 407; then south on State Highway 407 (Elochoman Valley Road) to State Highway 4; then east on State Highway 4 to State Highway 409; then south on State Highway 409 to the Columbia River/Puget Island Bridge; then west along Columbia River to the mouth of the Deep River; then north along the Deep River to State Highway 4; then northwest on State Highway 4 to the Salmon Creek Road; then north on the Salmon Creek Road to the Bonneville Powerline Road; then north on the Bonneville Powerline Road to State Highway 6; then east on State Highway 6 to the town of PeEll and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection Map "Willapa Hills")

GMU 510-Stormking (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek Bridge; then north up Silver Creek to Silverbrook Road, then east to USFS 47 Rd., then north on USFS 47 to USFS 85, then west on USFS 85 to Silver Creek, then southwest on Silver Creek to Lynx Creek,

then north on Lynx Creek and its northern most tributary to USFS 85 Rd., then northwest on the USFS 85 Rd. to Catt Creek, then north on Catt Creek to the Nisqually River, then west down the Nisqually River to State Highway 7, then south on Highway 7 to U.S. Highway 12 (Morton), then east on Highway 12 to Silver Creek and point of beginning. (See Gifford Pinchot National Forest map)

GMU 512-Sawtooth (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek bridge, then north up Silver Creek to Silverbrook Road, then east to USFS 47 Rd., then north on USFS 47 Rd. to USFS 85 Rd., then west on USFS 85 to Silver Creek, then southwest on Silver Creek to Lynx Creek, then north on Lynx Creek and its northern most tributary to USFS 85 Rd., then north on 85 Rd. to Catt Creek, then northwest down Catt Creek to the Nisqually River, then east up the Nisqually River to Horse Creek, then east up Horse Creek to USFS 52 Rd. (Skate Creek Road), then southeast on USFS 52 to the Cowlitz River, then southwest down the Cowlitz River to Smith Creek, then up Smith Creek to U.S. Highway 12, then west on U.S. Highway 12 to Silver Creek and point of beginning. (See Gifford Pinchot National Forest map and/or Washington Atlas & Gazetteer)

GMU 514-Tatoosh (Lewis County): Beginning at USFS 52 Rd. (Skate Creek) and the Cowlitz River (at Packwood), then northwest on USFS 52 Rd. to Horse Creek, then down Horse Creek to the Nisqually River and the southern boundary of Mt. Rainier National Park, then north and east along the Nisqually River and south park boundary to the Cascade Crest Trail, then south along the Cascade Crest Trail to U.S. Highway 12, then northwest and southwest on Highway 12 To USFS 1270 Rd., then north on USFS 1270 to the Cowlitz River, then southwest down the Cowlitz River to the USFS 52 Rd. and point of beginning. (See Gifford Pinchot National Forest map)

GMU 516-Packwood (Lewis and Skamania counties): Beginning at the mouth of Cispus River, then east up the Cispus River to the USFS 56 Rd. (Midway G.S. Road), then east on the USFS 56 Rd. to the USFS 5603 Rd., then east on the USFS 5603 to the Yakima Indian Reservation boundary and the Cascade Crest; then north along the Reservation boundary to Cispus Pass and the Cascade Crest Trail, then north along the Cascade Crest Trail to the U.S. Highway 12 (White Pass), then northwest and southwest on Highway 12 to USFS 1270 Rd. (Sec. 31, T14N, R10E), then north on USFS 1270 to the Cowlitz River, then southwest down the Cowlitz River to the mouth of Smith Creek, then south up Smith Creek to U.S. Highway 12, then southwest down Highway 12 to Bennet Road, then west on the Bennet Road to the C Line Road, then west to the USFS 23 Rd. (Cispus Road), then west and north to the Cowlitz River, then west down the Cowlitz River to the mouth of the Cispus River and point of beginning. (See Gifford Pinchot National Forest map)

GMU 520-Winston (Cowlitz, Lewis and Skamania counties): Beginning at the intersection of Interstate 5 and the Cowlitz River, then south down the Cowlitz River to the Toutle River, then east up the Toutle River to the North Fork Toutle River, then up the North Fork Toutle River to the Green River, then east up the Green River to USFS 2612

Rd., then east on 2612 to USFS 26 Rd. (Ryan Lake Road), then north on USFS 26 Rd. to the Cispus River, then west down the Cispus to the Cowlitz River, then west down the Cowlitz River to Riffe Lake, then west along the south shore to Ajlune Road, then west to Swofford Road, then south on Swofford Road to Perkins Road, then southwest and northwest on Perkins Road and Longbell Road to Winston Creek Road, then northwest on Winston Creek Road to State Highway 12, then west on State Highway 12 to the Mayfield Lake bridge, then southwest down Mayfield Lake and the Cowlitz River to Interstate 5 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 522-Loo-wit (Cowlitz and Skamania counties): Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek, then southeast up the North Fork Toutle River to the Weyerhaeuser 3001 Rd., then southeast along the 3001, 3000, and 3090 roads to the headwaters of the South Fork Castle Creek, then due south to the South Fork Toutle River, then east along South Fork Toutle to its headwaters and Mount St. Helens crater edge; then east along the crater edge to the headwaters of Ape Canyon, then down Ape Canyon Creek to the USFS Smith Creek Trail then north up USFS Smith Creek Trail to USFS 99 Rd., then north along USFS 99 to USFS 26, then north to Strawberry Lake Creek, then west down Strawberry Lake Creek to the Green River, then across the Green River to Grizzly Creek, then up Grizzly Creek to Grizzly Lake, then west up the western inlet to its headwaters, then west to the headwaters of Coldwater Creek, then west down Coldwater Creek to Coldwater Lake, then southwest along the northwest shore to the old Weyerhaeuser 3500 Rd., then west along the 3500, 3530, 3540, 3130, 3120 roads to the intersection with Hoffstadt Creek, then down Hoffstadt Creek to the North Fork Toutle River and point of beginning. (See Gifford Pinchot National Forest map)

GMU 524-Margaret (Cowlitz, Skamania and Lewis counties): Beginning on the North Fork Toutle River at the mouth of the Green River, then southeast up the North Fork Toutle River to the mouth of Hoffstadt Creek, then up Hoffstadt Creek to the 3120 Rd., then east along the 3120, 3130, 3540, 3530 and 3500 roads to Coldwater Lake, then northeast along the northwest shoreline to Coldwater Creek, then up Coldwater Creek to its headwaters and east to the headwaters of Grizzly Lake, then east down the west inlet creek to Grizzly Lake, then down Grizzly Creek to the Green River and the mouth of Strawberry Lake Creek, then up Strawberry Lake Creek to the USFS 26 Rd. (Ryan Lake Road), then north on the USFS 26 Rd. to the USFS 2612 Rd., then west on USFS 2612 Rd. to the Green River, then down the Green River to its mouth and point of beginning. (See Gifford Pinchot National Forest map)

GMU 530-Ryderwood (Cowlitz, Lewis, Wahkiakum counties): Beginning south of the town of Doty on State Highway 6; then east on State Highway 6 to Chehalis and Interstate 5; then south on Interstate 5 to the Cowlitz River; then south along the Cowlitz River to Castle Rock and the PH 10 Road (Four Corners); then west on the PH 10 Road to State Highway 411; then south on State Highway 411 to Delameter Road (Woodside Drive); then southwest on Delameter Road to the 2000 Road; then west on the 2000

Road to the 2200 Road; then north and west on the 2200 Road to the IP 1050 Road; then west on the IP 1050 Road to the IP 1000 Road; then south on the IP 1000 Road to the Germany Creek Road; then south on the Germany Creek Road to State Highway 4; then west on State Highway 4 to Germany Creek; then south along Germany Creek to its mouth at the Columbia River; then west along the Columbia River and the Cathlamet Channel to the Puget Island Bridge on State Highway 409; then north on State Highway 409 to State Highway 4; then west on State Highway 4 to State Highway 407 (Elochoman Valley Road); then northwest on State Highway 407 (Elochoman Valley Road) to the 500 Road; then west on the 500 Road to the 1800 Road; then north on the 1800 Road to the 1000 Road; then north on the 1000 Road to the Muller Road; then north on Muller Road to PeEll and State Highway 6; then north on State Highway 6 to south of Doty and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection Map "Willapa Hills")

GMU 550-Coweeman (Cowlitz County): Beginning at the mouth of the Cowlitz River, then north to the Toutle River, then east along the Toutle River to the South Fork Toutle River, then up the South Fork Toutle to the 4950 Rd., then south and east on the 4950 Rd. to the 235 Rd., then south on the 235, 200, 245, 134, 133, 130 and 1680 roads to the 1600 Rd., then southeast along the 1600 and 1400 roads to the Kalama/Coweeman summit, then south along the 1420 Rd. to the 1425 Rd., then southwest along the 1425 Rd. to the 6400 Rd., then southwest down the 6400 Rd. to the 6000 Rd., then east to the 6450 Rd., then southeast approximately one mile on the 6450 Rd. to the Arnold Creek Road, then southeast on Arnold Creek Road to Dubois Road, then to State Highway 503, then west on State Highway 503 to Cape Horn Creek, then down Cape Horn Creek to Merwin Reservoir and the Lewis River, then down the Lewis River to the Columbia River, then down the Columbia River to the mouth of the Cowlitz River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 554-Yale (Cowlitz County): Beginning on State Highway 503 at its crossing of Cape Horn Creek, then east on Highway 503 to 6690 Rd. (Rock Creek Road), then northeast on the 6690 and 6696 roads to West Fork Speelyai Creek, then down Speelyai Creek to State Highway 503, then northeast on Highway 503 to Dog Creek, then down Dog Creek to Yale Reservoir, then south and west down Yale Reservoir, Lewis River, and Merwin Reservoir to Cape Horn Creek, then up Cape Horn Creek to State Highway 503 and point of beginning.

GMU 556-Toutle (Cowlitz County): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Rd. (Merrill Lake Road) intersection, then north on USFS 81 Rd. to Weyerhaeuser 7200 Rd., then northeast on the 7200 Rd. to the 7400 Rd., then northwest on the 7400 Rd. to the 5500 Rd., then east and north on the 5500 and 5670 roads to the South Fork Toutle River, then east up the South Fork Toutle River to a point due south of the headwaters of the South Fork Castle Creek (Sec. 1, TWP 8N R4E), then north to the headwaters of South Fork Castle Creek, then down South Fork Castle Creek to Weyerhaeuser 3092 Rd., then west on the 3092 Rd. to 3090 Rd., then northwest on the 3090, 3000

and 3001 roads to the North Fork Toutle River, then down the North Fork Toutle River to the South Fork Toutle River, then south-east up the South Fork Toutle River to the 4950 Rd., then south on the 4950, 235, 200, 245, 243A, 134, 133, 130, and 1680 roads to the 1600 road, then southeast on the 1600 and 1400 roads to the Kalama/Coweeman summit, then south on the 1420 Rd. to the 1425 Rd., then southwest along the 12425 Rd. to the 6400 Rd., then southwest on the 6400 Rd. to the 6000 Rd., then east up the 6000 Rd. to the 6450 Rd., then southwest on the 6450 Rd. approximately one mile to the Arnold Creek Road, then southeast on Arnold Creek and Dubois roads to State Highway 503, then east on State Highway 503 to the 6690 Rd. (Rock Creek Road); then northeast on the 6690 and 6696 roads to the West Fork Speelyai Creek, then down Speelyai Creek to State Highway 503, then northeast on State Highway 503 to USFS 81 Rd. and point of beginning. (See Washington Atlas & Gazetteer)

GMU 558-Marble (Cowlitz and Skamania counties): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Rd. intersection, then north on USFS 81 Rd. to Weyerhaeuser 7200 Rd., then northeast on the 7200 Rd. to the 7400 Rd., then northwest on the 7400 Rd. to the 5500 Rd., then east and north on the 5500 and 5670 roads to the South Fork Toutle River, then east up the South Fork Toutle River to Mount St. Helens crater and along crater to headwaters of Ape Canyon, then east down Ape Canyon Creek to Smith Creek Trail then north up USFS Smith Creek Trail to USFS 99 Rd., then northeast on USFS 99 Rd. to USFS 25 Rd., then south on USFS 25 Rd. to the Muddy River, then south down the Muddy River to the North Fork Lewis River, then west down the North Fork Lewis River, Swift Reservoir to Yale Reservoir and Dog Creek, then north up Dog Creek to State Highway 503, then southwest to USFS 81 Rd. and point of beginning. (See Gifford Pinchot National Forest map)

GMU 560-Lewis River (Skamania, Klickitat, Yakima and Lewis counties): Beginning at Trout Lake, north to the USFS 80 Rd., then north to USFS 17 Road (Mt. Adams Recreational Road), then northeast to USFS 82 Road, then northeast on the USFS 82 Rd. to the Yakima Indian Reservation boundary (Sec. 16, T7N, R11E), then north along Reservation boundary (Cascade Crest) to USFS 5603 Rd., then west to the USFS 56 Rd., then west to the Cispus River, then northwest down the Cispus River to the USFS 26 Rd. (Ryan Lake Road), then west and south on the USFS 26 Rd. to USFS 99 Rd., then northeast to the USFS 25 Rd., then south to Muddy River, then south down the Muddy River to the North Fork Lewis River, then west to the USFS 90 Rd. bridge (Eagle Cliff), then east on USFS 90 Rd. to USFS 51 Rd., then southeast to USFS 30 Rd., then northeast on the USFS 30 Rd. to USFS 24 Rd., then southeast to the State Highway 141, then northeast on State Highway 141 to Trout Lake and point of beginning. (See Gifford Pinchot National Forest map)

GMU 564-Battle Ground (Clark and Skamania counties): Beginning on the Interstate 5 at the Lewis River Bridge and the Lewis River; then northeast along the Lewis River (Cowlitz-Clark County line) to the Merwin Dam; then on a southeast line to the transmission line; then south on the transmission line to the County Road 20; then southeast on

County Road 20 to the Pup Creek Road; then southeast on Pup Creek Road to County Road 16; then southeast on County Road 16 through Yacolt to County Road 12; then southeast on County Road 12 to Dole Valley Road; then south on the Dole Valley Road to Rock Creek Road; then southeast and south on the DNR 1000 Road to DNR 1500 Road; then east on DNR 1500 Road to N.E. 412 Ave.; then south on N.E. 412th Ave. to Skye Road; then east and south on the Skye Road to Washougal River Road; then south on Washougal River Road to State Highway 140; then southeast on State Highway 140 to Cape Horn Road; then south on Cape Horn Road to the Columbia River; then west down the Columbia River (including islands in Washington) to the Lewis River; then north along the Lewis River to the Interstate 5 Bridge and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection Map "St. Helens West")

GMU 568-Washougal (Clark and Skamania counties): Beginning at Merwin Dam on the Lewis River and Lake Merwin; then northeast along Lake Merwin (Cowlitz-Clark County line) to Canyon Creek; then southeast along Canyon Creek to N.E. Healy Road; then east on N.E. Healy Road to USFS Road 54; then east on USFS Road 54 to USFS Road 37; then northwest on USFS Road 37 to USFS Road 53; then south on USFS Road 53 to USFS Road 4205 (Gumboat Road); then south on USFS Road 4205 to USFS Road 42 (Green Fork Road); then southwest on USFS Road 42 to USFS Road 41 (Sunset Hemlock Road) at Sunset Falls; then east on USFS Road 41 to USFS Road 406 at Lookout Mountain; then southeast on USFS Road 406 to the boundary of the Gifford Pinchot National Forest; then due east on the National Forest boundary to Rock Creek; then southeast along Rock Creek to Stevenson and the Columbia River; then west down the Columbia River (including the islands in Washington) to the Cape Horn Road; then north on the Cape Horn Road to State Highway 140; then west on State Highway 140 to the Washougal River Road; then northwest on the Washougal River Road to the Skye Road; then northwest on the Skye Road to N.E. 412th Ave.; then northwest on DNR 1500 Road to DNR 1000 Road; then north and west on DNR 1000 Road to Dole Valley Road; then north on the Dole Valley Road to County Road 12; then northwest on County Road 12 to Moulton and County Road 16; then northwest on County Road 16 through Yacolt and Amboy to the Pup Creek Road; then northwest on the Pup Creek Road to County Road 20; then north on County Road 20 to the transmission line; then north on the transmission line to Merwin Dam on the Lewis River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 572-Siouxon (Skamania and Clark counties): Beginning at the Yale Dam and Yale Lake; then north along Yale Lake (Cowlitz-Clark County line) to the North Fork Lewis River and Lewis River (old river bed); then northeast along the Lewis River to the Swift Creek Reservoir; then east along the Swift Creek Reservoir to Eagle Cliff Bridge and USFS Road 90; then east on USFS Road 90 to USFS 51 (Curly Creek Road); then southeast on USFS Road 51 to USFS Road 30; then north on USFS Road 30 to USFS Road 24 (Twin Butte Road); then south on USFS Road 24 to USFS Road 60 (Carson Guler Road); then southwest on USFS Road 60 to USFS Road 65 (Panther Creek Road);

then southwest on USFS Road 65 to the Wind River Highway; then northwest on the Wind River Highway to Stabler; then west on Hemlock Road to USFS Road 41 (Sunset-Hemlock Road); then west on the USFS Road 41 to Sunset Falls and USFS Road 42 (Green Fork Road); then northeast on USFS Road 42 to USFS Road 4205 (Gunboat Road); then north on USFS Road 4205 to USFS Road 53; then northwest on USFS Road 53 to USFS Road 54 (N.E. Healy Road); then west on USFS Road 54 to Canyon Creek; then north along Canyon Creek to the Lewis River; then northeast along the Lewis River to the Yale Dam and the point of beginning. (See Gifford Pinchot National Forest map, and Forest Protection Map "St. Helens West")

GMU 574-Wind River (Skamania County): Beginning at Little Lookout Mountain on USFS Road 41 (Sunset-Mowich Butte); then east on USFS Road 41 to Stabler; then east on the Hemlock Road to the Wind River Road; then southeast on the Wind River Road to USFS Road 65 (Panther Creek Road); then north on USFS Road 65 to Old State Road; then east to the USFS Road 60 (Carson-Guler Road); then northeast on USFS Road 60 to USFS Road 24 and State Highway 141 to USFS Road 86; then south on USFS Road 86 to USFS Road 1840; then south on USFS Road 1840 to USFS Road 18 (Oklahoma Road); then south on USFS Road 18 to Willard and the Little White Salmon River; then south on the Little White Salmon River to the Columbia River; then west along the Columbia River to the mouth of Rock Creek; then northwest along Rock Creek through Stevenson to the south boundary of Gifford Pinchot National Forest; then on the south boundary of Gifford Pinchot National Forest due west to USFS Road 4100-406; then northwest on USFS Road 4100-406 to USFS Road 41 and the point of beginning. (See Washington Atlas & Gazetteer, Gifford Pinchot National Forest map)

GMU 576-White Salmon (Klickitat, Yakima, and Skamania counties): Beginning at the mouth of the Klickitat River (Lyle) to the Fisher Hill Bridge, then north along the Fisher Hill Road (P-2000) to the Gravel Pit Road, then west to the B-Z Corners-Glenwood Road, then southwest to Highway 141 (B-Z Corners), then north to Trout Lake, then west on Highway 141 to USFS 86 Rd., then south to the USFS 1840 Rd., then south on the USFS 1840 Rd. to the USFS 18 Rd. (Oklahoma Road), then south on the 18 Rd. to Willard and the Little White Salmon River, then south down the Little White Salmon River to the Columbia River, then east up the Columbia River to the Klickitat River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 580-Sixprong (Klickitat and Yakima counties): Beginning on State Highway 14 at Sundale, then east to the Goldendale-Goodnoe Hills Road; then northwest along Goldendale-Goodnoe Hills Road to Dot Road; then north along the Dot Road to Cleveland; then along the Goldendale-Bickleton Road to the Yakima County line; then east along the Yakima County line to Alderdale Road; then southeast along the Alderdale Road to State Highway 14 and Columbia River; then west along the state line to Sundale and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 584-Goodnoe (Klickitat County): Beginning at the U.S. Highway 97 bridge on the Columbia River (Maryhill), then north on Highway 97 to Satus Pass and the Yakima

Indian Reservation, then east along south Reservation boundary to the Yakima County line, then east to Goldendale/Bickleton Road, then southwest to Cleveland and Dot Road, then south to Goldendale/Goodnoe Hills Road, then southeast to State Highway 14, then west to Sundale and mouth of Chapman Creek, then west down the Columbia River to U.S. Highway 97 bridge and point of beginning. (See Washington Atlas & Gazetteer)

GMU 586-Glenwood (Klickitat County): Beginning at B-Z Corners and State Highway 141, then north on State Highway 141 to Trout Lake and the USFS 80 Rd., then north to the USFS 17 Rd., then northeast to USFS 82 Rd., then northeast on USFS 82 Rd. to the Yakima Indian Reservation boundary (Sec. 16, T7N, R11E, then south along the Reservation boundary to King Mountain and the southwest corner of the reservation (Sec. 27, T7N, R11E.), then east along boundary (approximately one mile) to the end of King Mountain Road, then north to the northern boundary of the Reservation at Sec. 2, T7N, R11E, then east to the northeastern corner of section 4, T7N, R12E, then southeasterly along boundary to Summit Creek Primary Road, then south to the Glenwood/Goldendale Road, then northwest on the Glenwood/Goldendale Road to the Gravel Pit Road, then south on the Lakeside Road to the B-Z Corners/Glenwood Road, then southwest to B-Z Corners and point of beginning. (See Washington Atlas & Gazetteer and DNR Mt. Adams Quadrangle map)

GMU 588-Grayback (Klickitat County): Beginning at Highway 97 bridge across Columbia River (Maryhill), then west down the Columbia River to Lyle and the mouth of the Klickitat River, then up the Klickitat River to the Fisher Hill Bridge, then north along the Fisher Hill Road (P-2000) to the Lakeside Road, then north on the Lakeside Road to the Gravel Pit Road, then northwest to the Glenwood/Goldendale Road, then east and southeast on the Glenwood/Goldendale Road to the Summit Creek Primary Road, then northeast to the Yakima Indian Reservation boundary, then east along the southern boundary of the Reservation to Highway 97 (Satus Pass Highway), then south on Highway 97 to Maryhill and point of beginning. (See Washington Atlas & Gazetteer)

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GMU 601-Hoko (Clallam County): Beginning at the mouth of the Hoko River, then up the river to State Highway 112; then southeast along State Highway 112 to its junction with the Hoko-Ozette Road; then southeast along the Hoko-Ozette Road to the Olympic National Park boundary; then north along the Olympic National Park boundary to the Makah Indian Reservation boundary; then east and north along the Makah Indian Reservation boundary to the Strait of Juan de Fuca; then southeast along the shore of the Strait of Juan de Fuca to the mouth of the Hoko River and the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 602-Dickey (Clallam County): Beginning at the mouth of the Clallam River, then up the river to State Highway 112; then south along State Highway 112 to its junction with the Burnt Mountain Road; then southwest

along the Burnt Mountain Road to its junction with U.S. Highway 101; then southwest along U.S. Highway 101 to the junction with the LaPush Road; then southwest along LaPush Road to the Olympic National Park boundary; then north along the Olympic National Park boundary to the Hoko-Ozette Road; then northeast along the Hoko-Ozette Road to its junction with State Highway 112; then northwest along State Highway 112 to the Hoko River; then down the Hoko River to its mouth and the Strait of Juan de Fuca; then east along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River and the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 603-Pysht (Clallam County): Beginning at the mouth of the Clallam River; then up the river to the State Highway 112; then south along State Highway 112 to its junction with the Burnt Mountain Road; then southwest along the Burnt Mountain Road to its junction with U.S. Highway 101; then east along U.S. Highway 101 to the point where the highway enters the Olympic National Park, about one mile west of Lake Crescent; then north and east along the Olympic National Park boundary to the Elwha River; then north down the Elwha River to its mouth and the Strait of Juan de Fuca; then west along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River and the point of beginning. **EXCEPT** that part of the Lower Elwha Indian Reservation within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 607-Soleduck (Clallam County): Beginning at Forks, then south along U.S. Highway 101 to the Bogachiel River; then east up the Bogachiel River to the Olympic National Park boundary; then north and east along the Olympic National Park boundary to its intersection with U.S. Highway 101; then west and south along U.S. Highway 101 to Forks to the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 612-Goodman (Jefferson and Clallam counties): Beginning at LaPush on the Pacific Ocean, then east along the LaPush Road to its junction with U.S. Highway 101 north of Forks; then south along U.S. Highway 101 to the Pacific Ocean below the mouth of the Hoh River; then north along the Pacific Ocean to LaPush and the point of beginning; **EXCEPT** that part of the Hoh Indian Reservation and the Olympic National Park within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 615-Clearwater (Jefferson County): Beginning at the junction of Bogachiel River and U.S. Highway 101, then east up the Bogachiel River to the Olympic National Park boundary; then south, east and west along the Olympic National Park boundary to where it meets the boundary of the Quinault Indian Reservation; then west along the Quinault Indian Reservation boundary to U.S. Highway 101; then north and east along U.S. Highway 101 to the Bogachiel River and point of beginning; **EXCEPT** that part of the Olympic National Park within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 618-Matheny (Jefferson and Grays Harbor counties): Those lands between the Queets and Quinault Rivers that are outside the Olympic National Park and outside the Quinault Indian Reservation. (See Olympic National Forest map)

GMU 621-Olympic (Jefferson, Clallam and Mason counties): Beginning at the junction of U.S. Highway 101 and the Elwha River, then south up the Elwha River to the Olympic National Park boundary; then east and south along Olympic National Park boundary to the North Fork of the Skokomish River; then south down the North Fork of the Skokomish River to Lake Cushman; then southeast along the west shore of Lake Cushman to Cushman Upper Dam; then east along the Power Dam Road to its intersection with Lake Cushman-Hoodsport Road; then southeast on Lake Cushman-Hoodsport Road to U.S. Highway 101 and Hood Canal; then north along Hood Canal to Dabob Bay and Quilcene Bay to East Quilcene Road at the north end of Quilcene Bay; then west along East Quilcene Road to its junction with Chimacum Center Road; then south along Chimacum Center Road to Quilcene and U.S. Highway 101; then north and west along U.S. Highway 101 to the Elwha River and the point of beginning. **EXCEPT** that part of the Lower Elwha Indian Reservation within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 624-Coyle (Clallam and Jefferson counties): Beginning at the mouth of the Elwha River, then south up the Elwha River to U.S. Highway 101; then east and south along U.S. Highway 101 to Quilcene; then north on the Chimacum Center Road to its junction with East Quilcene Road; then east on the East Quilcene Road to Quilcene Bay; then south along the east shore of Quilcene Bay to Dabob Bay and Hood Canal; then north along the shore of Hood Canal to Puget Sound; then north through Admiralty Inlet to Port Townsend and Juan de Fuca Straits (including Marrowstone Island); then west along the south shore line of Juan de Fuca Straits to the mouth of the Elwha River and the point of beginning; **EXCEPT** all of Indian Island in Jefferson County. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 625-Indian Island (Jefferson County): Indian Island in Jefferson County. (See Washington Atlas & Gazetteer)

GMU 627-Kitsap (Kitsap, Mason, Pierce and King counties): Beginning at the town of Allyn on State Highway 3; then north along Highway 3 to Belfair; then north up the "Old Belfair Highway" to its junction with the Bear Creek-Dewatto Road; then west on Bear Creek-Dewatto Road to the Mason-Kitsap County line; then west along the Mason-Kitsap county line to Hood Canal; then north along the shoreline of Hood Canal to Puget Sound at Hansville; then south through Puget Sound to Nisqually Reach and Case Inlet; then north up Case Inlet to the town of Allyn and the point of beginning; also Vashon Island. (See Washington Atlas & Gazetteer)

GMU 633-Mason (Mason County): Beginning at the Mason-Thurston County Line on U.S. Highway 101 at Oyster Bay; then north and east through Oyster Bay, Totten

Inlet-Dana Passage and Case Inlet to the town of Allyn on State Highway 3; then north along Highway 3 to Belfair; then north up the "Old Belfair Highway" to its junction with the Bear Creek-Dewatto Road; then west on the Bear Creek-Dewatto Road to its junction with the Dewatto-Holly Road; then west along the Mason-Kitsap County Line to Hood Canal; then south through Hood Canal to Hoodspport and U.S. Highway 101; then south along Highway 101 to the Mason-Thurston County Line and the point of beginning. (See the Washington Atlas & Gazetteer)

GMU 636-Skokomish (Grays Harbor and Mason counties): Beginning at the junction of the Lake Cushman-Hoodspport Road and U.S. Highway 101 at Hoodspport; then south down U.S. Highway 101 to its junction with the Shelton Dayton-Matlock Road (County Road 9010); then west to the town of Matlock; then west on the Matlock-Deckerville Road and Middle Satsop Road to the Kelly Road (C-500 Line); then north on the Kelly Road to its junction with the L-600 Line (Canyon River Road, Road 2260); then west on the L-600 line to USFS Road 22 (Montesano-Gridale Road); then north on USFS Road 22 through Gridale; then west and south on USFS Road 22 to where it crosses the East Fork of the Humptulips River; then upstream on the East Fork Humptulips River to the most northern point crossed by the range line 7W.W.M. and 8W.W.M., then north on this range line to its junction with Road 2302 (USFS Road 2204-200); then east and north on Road 2302 to the Olympic National Park Boundary; then east along the Olympic Park boundary to the North Fork of the Skokomish River; then south down the North Fork of the Skokomish River to Lake Cushman; then southeast along the west shore of Lake Cushman to Cushman Upper Dam; then east along the Power Dam Road to its intersection with Lake Cushman-Hoodspport Road; then southeast on Lake Cushman-Hoodspport Road to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 638-Quinault Ridge (Grays Harbor and Jefferson counties): Beginning at the Olympic National Park boundary at the northwest corner of Lake Quinault; then southwest along the south shore of Lake Quinault to the boundary of the Quinault Indian Reservation; then southwest along this boundary to U.S. Highway 101; then south along U.S. Highway 101 to Quinault Ridge Road (Forest Service Road #2258); then northeast along the Quinault Ridge Road to the Forest Service Road #2280; then east along Forest Service Road #2280 to the Forest Service Road #2220; then north and south along that road to the Forest Service Road #2204; then northeast along Forest Service Road #2204 to the 2204-200 Spur Road; then north along this spur road to the boundary of the Olympic National Park; then west along the Olympic National Park Boundary to Lake Quinault and the point of beginning. (See Olympic National Forest map)

GMU 639-Humptulips (Grays Harbor County): Beginning at the junction of U.S. Highway 101 and the Quinault Ridge Road (Forest Service Road #2258); then northeast along Quinault Ridge Road to the Forest Service Road #2280; then east along Forest Service Road #2280 to the Forest Service Road #2220; then north and south along Forest Service Road #2220 to the Forest Service Road #2204; then northeast along Forest Service Road #2204 and

the 2204-200 Spur Road to a point crossed by the range line between range 7W.W.M. and 8W.W.M.; then south on this range line to the most northern point crossed by the East Fork of the Humptulips River; then downstream on the East Fork of the Humptulips to the USFS 22 Road; then west and south along USFS 22 Road to its junction with the Donkey Creek Road; then southwest along the Donkey Creek Road (Forest Service Road #22) to its junction with U.S. Highway 101; then north along U.S. Highway 101 to its junction with the Quinault Ridge Road (Forest Service Road #2258) and the point of beginning. (See Olympic National Forest map)

GMU 642-Copalis (Grays Harbor County): Beginning at the U.S. Highway 101 bridge crossing the Hoquiam River in the City of Hoquiam; then north along U.S. Highway 101 to the boundary of the Quinault Indian Reservation; then southwest along the Quinault Indian Reservation boundary to the Pacific Ocean; then south along the shore of the Pacific Ocean to Grays Harbor; then east along the north shore of Grays Harbor to the mouth of the Hoquiam River; then north along the Hoquiam River to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 648-Wynoochee (Grays Harbor County): Beginning at the junction of U.S. Highway 101 and the Donkey Creek Road; then northeast along the Donkey Creek Road (Forest Service Road #22) to its junction with the Donkey Creek-Gridale Road; continuing east on this road (Forest Service Road #22) to Camp Gridale (south of Wynoochee Lake); then south along the Gridale-Montesano Road (Forest Service Road #22) to the junction with the L-600 line (Canyon River Road, Road 2260); then east along the L-600 line to the concrete bridge over the West Fork of the Satsop River in Sec. 15, T.21N., R.7W.W.M.; then south down the West Fork and the main stream of the Satsop River to U.S. Highway 12; then west along U.S. Highway 12 to its junction with U.S. Highway 101 in Aberdeen; then west and north along U.S. Highway 101 to its junction with the Donkey Creek Road and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 651-Satsop (Grays Harbor, Mason and Thurston counties): Beginning at the U.S. Highway 12 Bridge on the Satsop River, then upstream on the Satsop River to its junction with the West Fork of the Satsop River; then up the West Fork of the Satsop to the concrete bridge on the L-600 Road (Canyon River Road, Road 2260); then east on the L-600 Line to its junction with the Kelly Road; then south on the Kelly Road to the Middle Satsop Road; then east on the Middle Satsop and Matlock-Deckerville Roads to the town of Matlock; then east on the Shelton-Matlock Road (County Road 9010) to its junction with U.S. Highway 101; then south on U.S. Highway 101 to its junction with State Route #8, then west on State Route 8 to its junction with U.S. Highway 12; then west along Highway 12 to the Satsop River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 658-North River (Grays Harbor and Pacific counties): Beginning at the U.S. Highway 101 bridge across the Chehalis River in Aberdeen; then west along the Chehalis River to the river mouth; then west along the southern shore of Grays Harbor to the Pacific Ocean; then

south along the Pacific Ocean to Willapa Bay; then east in Willapa Bay to the mouth of the Willapa River; then east up the Willapa River to U.S. Highway 101 in the City of Raymond; then north along U.S. Highway 101 to the Chehalis River Bridge and the point of beginning; also Rennie Island. (See Washington Atlas & Gazetteer)

GMU 660-Minot Peak (Grays Harbor and Pacific counties): Beginning at the junction of U.S. Highway 101 and U.S. Highway 12 in Aberdeen; then south along U.S. Highway 101 to the Smith Creek Road; then east along the Smith Creek Road to its junction with the North River Road; then east along the North River Road through Brooklyn and continuing east along the Brooklyn-Oakville Road to the town of Oakville; then north along U.S. Highway 12 to Elma; then west along U.S. Highway 12 to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 663-Capitol Peak (Grays Harbor and Thurston counties): Beginning at the intersection of Highway 8 and Highway 12 near Elma; then southeast along U.S. Highway 12 to its junction with the Moon Road; then north on the Moon Road to the Gate-Mima Road; then northeast on Gate-Mima Road to Waddell Creek Road; then northeast and then northwest on Waddell Creek Road to Delphi Road; then north on the Delphi Road to U.S. Highway 101; then west on Highway 101 to Highway 8; then west on Highway 8 to Elma and Highway 12 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 666-Deschutes (Thurston County): Beginning at the mouth of the Nisqually River; then south on the Nisqually River to old Pacific Highway (Mounts Road); then southwest on old Pacific Highway (Mounts Road) to Highway 510; then southeast on Highway 510 to Yelm Highway; then southwest and west on the Yelm Highway to Spurgeon Creek Road; then south on the Spurgeon Creek Road to Rainier Road; then northwest on Rainier Road to Stedman Road; then west and south on Stedman Road to Waldrick Road; then west on Waldrick Road to Pacific Highway S.E. (Old Highway 99); then north on Pacific Highway S.E. (Old Highway 99) to McCorkle Road; then west on McCorkle Road to 113th Avenue; then west on 113th Avenue to Littlerock Road; then north on Littlerock Road to 110th Avenue; then west on 110th Avenue to Delphi Road; then north on Delphi Road to U.S. Highway 101; then northwest on Highway 101 to the Mason-Thurston county Line at Oyster Bay; then northeast and southeast through Totten Inlet, Dana Passage and Nisqually Reach to the mouth of the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 667-Skookumchuck (Thurston and Lewis counties): Beginning at the old Pacific Highway (Mounts Road) Bridge on the Nisqually River; then upstream on the Nisqually River to Alder Lake; then along the north shore of Alder Lake to the town of Elbe and Highway 7; then south on Highway 7 to Highway 508 at Morton; then west on Highway 508 to the Centralia-Alpha Road; then west on the Centralia-Alpha Road and Salzer Road to Pearl Street; then north on Pearl Street to Highway 507; then northwest on Highway 507 to Interstate 5 then north on Interstate 5 to U.S. Highway 12; then west on Highway 12 to Moon Road;

then north on Moon Road to the Gate-Mima Road; then northeast on the Gate-Mima Road to Waddell Creek Road; then northeast on the Waddell Creek Road to the Delphi Road; then south on the Delphi Road to 110th Avenue; then east on 110th Avenue to Littlerock Road; then south on Littlerock Road to 113th Avenue; then east on 113th Avenue to McCorkle Road; then east on McCorkle Road to Pacific Highway S.E. (Old Highway 99); then south on Pacific Highway S.E. (Old Highway 99) to Waldrick Road; then east on Waldrick Road to Stedman Road; then north and east on Stedman Road to Rainier Road; then southeast on Rainier Road to Spurgeon Creek Road; then north on Spurgeon Creek Road to the Yelm Highway; then east and northeast on Yelm Highway to Highway 510; then northwest on Highway 510 to Pacific Highway; then northeast on Pacific Highway to the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 669-Palix (Pacific County): Beginning at the U.S. Highway 101 Bridge across the Willapa River in Raymond; then west along the Willapa River to Willapa Bay; then south along the east shore of Willapa Bay to the mouth of the North Nemah River; then northeast up the North Nemah River and Williams Creek to the North Nemah Road Crossing (or North Nemah A Line); then east on the North Nemah A Line to the Williams Creek A Line; then northeast on the Williams Creek A Line to the C2000 Line to the Trap Creek A Line; then east on the Trap Creek A Line (on the north side of the Trap Creek Lookout) to the Bonneville Power Line Road; then north on the Bonneville Powerline Road to its junction with State Highway 6; then northwest along Highway 6 to its junction with U.S. Highway 101 in the City of Raymond; then north along U.S. Highway 101 to the bridge across the Willapa River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 672-Fall River (Pacific, Lewis and Grays Harbor counties): Beginning at the junction of U.S. Highway 101 and State Highway 6 in Raymond; then east along State Highway 6 to Doty Road (Stevens Road); then northwest on Stevens Road to the Elk Creek Road (in Doty); then west on the Elk Creek Road to the 7000 Road; then west on the 7000 Road to the 7800 Road; then west on the 7800 Road to the 720 Road; then northeast on the 720 Road to Garrard Creek Road; then north on the Garrard Creek Road to the Brooklyn-Oakville Road; then east along the Brooklyn-Oakville Road, North River Road, to the Smith Creek Road; then southwest along the Smith Creek Road to U.S. Highway 101; then south on U.S. Highway 101 to its junction with State Highway 6 and the point of the beginning. (See Washington Atlas & Gazetteer)

GMU 678-Nemah (Pacific and Wahkiakum counties): Beginning at the mouth of the North Nemah River on Willapa Bay; then northeast up the North Nemah River and Williams Creek to the North Nemah Road Crossing (or North Nemah A Line); then east on the North Nemah A Line to the Williams Creek A Line to the C2000 line to the Trap Creek A Line; then east along the Trap Creek A Line (north side of Trap Creek Lookout) to the Bonneville Powerline Road; then south along the Powerline Road to the Salmon Creek Road; then southwest along the Salmon Creek Road to State Highway 4; then west along State Highway 4

to its junction with U.S. Highway 101 at Johnson's Landing and continuing west along U.S. Highway 101 to the Naselle River bridge; then down the Naselle River to Willapa Bay; then north along the shore of Willapa Bay to the mouth of the North Nemah River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 681-Bear River (Pacific and Wahkiakum counties): Beginning at the Deep River Bridge on State Highway 4; then down the Deep River to the Columbia River; then west along the Columbia River to the mouth of the Wallacut River; then up the Wallacut River to U.S. Highway 101; then northwest on U.S. Highway No. 101, north on Alternate U.S. Highway No. 101 and northeast on U.S. Highway 101 to the Bear River; then down the Bear River to Willapa Bay; then north along the shore of Willapa Bay to the mouth of the Naselle River and up the Naselle River to U.S. Highway 101; then east along U.S. Highway 101 to its junction with State Highway 4 at Johnson's Landing; then southeast along State Highway 4 to the Deep River Bridge and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 684-Long Beach (Pacific County): The Long Beach Peninsula and those lands west of the following line; beginning at the mouth of Bear River; then up the Bear river to U.S. Highway 101; then southwest along U.S. Highway 101 to Alternate U.S. Highway 101; then south along Alternate U.S. Highway 101 to U.S. Highway 101; then southeast along U.S. Highway 101 to the Wallacut River; then down the Wallacut River to the Columbia River. (See Washington Atlas & Gazetteer)

DEER AREA DESCRIPTIONS

Deer Area No. 001 Champion North (Pierce County): Beginning at the point where the Bonneville Power Transmission Line crosses the Carbon River (about 14 miles northwest of Carbonado); then south and west up the Carbon River to where it intersects State Highway No. 165; then south and east along State Highway No. 165 to where it intersects the Mt. Rainier National Park boundary; then south along said boundary to where it intersects the North Fork Puyallup River; then north and west down the North Fork Puyallup River and the Puyallup River to where it intersects the Bonneville Power Transmission Line (about three miles south of Orting); then north and east along said power transmission line to the point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 002 Champion South (Pierce County): Beginning at the point where Champion's 1 Road crosses the Puyallup River (approximately 1 1/2 miles NE of Kapowsin) then southeast up the Puyallup River to the confluence with Deer Creek; then south up Deer Creek to where it intersects the 243 Road; then northwest along the 243 Road to where it intersects the 24 Road; then southwest along the 24 Road to where it intersects the 3270 Road; then west along the 3270 Road to where it intersects the 327 Road; then southwest along the 327 Road to where it crosses Busy Wild Creek (near Lake Lorraine); then west down the Busy Wild Creek to its confluence with the North Fork Mashel River; then up the North Fork Mashel River (about 1 mile) to the point nearest the southernmost extension of the 311 Road

(T16N, R6E, Sec. 19, SW 1/2 of SW 1/2); then in a line to the 311 Road; then along 311 Road to where it intersects the 3113 Road; then north along the 3113 Road to where it intersects the 843 Road; then along the 843 Road to where it intersects the 84 Road; then along the 84 Road to where it intersects the 8 Road; then north along the 8 Road to where it intersects the 82 Road; then along the 82 Road to where it intersects the township line between Townships 16 & 17 North, W.M.; then west on said line to where it intersects the range line between Ranges 4 & 5 East, W.M.; then north on said line to northwest corner of Sec. 31, T17N, R5E; then east on section line between sections 30 and 31, T17N, R5E to 1/4 corner (Champion ownership); then north from said corner along ownership line to the point closest to the southernmost extension of the 0-100 Road (approx. 3/4 mile); then in a northwest line to the 0-100 Road, then along the 0-100 Road to where it intersects with Ohop Creek; then northwest along Ohop Creek to where it empties into Lake Kapowsin; then northeast along the east shore of Lake Kapowsin to the point closest to the start of the 1 Road; then along the 1 Road to point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 010 Pyramid (Chelan County): That part of GMUs 306 and 304 beginning at the Glacier Peaks Wilderness and Lake Chelan; then south along Lake Chelan to Corral Creek Campground; then west to the intersection of trail #1433 and Butte Trail #1440; then northwest along Butte Trail #1440 to South Pyramid Trail #1439; then southwest to intersection of trail #1437; then due west to Trail #1434; then northwest to Trail #1435; then south to Trail #1400; then southeast to Garland Creek; then west to Garland Peak; then north along trail #1408 to Trail #1515; then south to Trail #1530; then west to trail #1509; then south to Trail #1527; then north to Estes Butte and continuing along the Glacier Peaks Wilderness boundary to beginning. (See Wenatchee National Forest map)

Deer Area No. 030 Squaw Creek (Benton, Kittitas, Yakima counties): That portion of GMU 370 north of State Highway 24. (See Washington Atlas and Gazetteer)

Deer Area No. 031 Patterson (Benton and Klickitat counties): Beginning at the junction of Highway No. 14 at Patterson; then west on Highway No. 14 to Alderdale Road; then north on Alderdale Road (including section 22 of Township 5N, R23E) to Smith Road; then east on Smith Road to McKinley Springs Road; then northeast on McKinley Springs Road to Horrigan Road; then east on Horrigan Road to Highway No. 221; then south on Highway No. 221 to Highway No. 14 and point of beginning. (See Washington Atlas and Gazetteer)

Deer Area No. 040 Foss River (King County in the Alpine Lakes Wilderness Area): Beginning at the intersection of the Dingford Creek Trail (USFS Trail 1005) and the Alpine Lakes Wilderness Area boundary; then north along USFS Trail 1005 to Little Myrtle Lake; then in a northeast line approximately one-half mile to Marlene Lake; then down the tributary from Marlene Lake to its intersection with USFS Trail 1072 near Lake Dorothy; then north along USFS Trail 1072 to its intersection with the Alpine Lakes Wilderness Area boundary; then north and east along the wilderness boundary to the Pacific Crest Trail at Hope Lake;

then south along the Pacific Crest Trail to Ridge Lake; then in a northwest direction approximately one-half mile to Gravel Lake; then down the Gravel Lake tributary to Goat Creek; then down Goat Creek to its intersection with Alpine Lakes Wilderness Area boundary; then north and west along the wilderness area boundary to the point of beginning. (See Washington Atlas and Gazetteer)

Deer Area 041 Pilchuck (Snohomish and King counties): Beginning at the mouth of the Stillaguamish River; then up the Stillaguamish River to Arlington; then northeast along Highway 530 to a point in Section 10, T32N, R7E where it intersects with the City of Seattle power transmission line; then southwest along the transmission line to the point where it crosses the divide between Jim Creek and the north fork of Canyon Creek (Section 11, T31N, R7E), then down the north fork of Canyon Creek and Canyon Creek to the south fork Stillaguamish River, then down the Stillaguamish River to Jordan Road, then along Jordan Road to Granite Falls then south along Menzel Lake Road to the Pilchuck River Road (P-5000); then east on P-5000 Road to Culmback Dam (Spada Lake); then southeast on Culmback Dam Road to Sultan Basin Road at Olney Pass; then south on Sultan Basin Road to Kellogg Lake Road to U.S. Highway 2 east of Sultan; then west on Highway 2 to Monroe; then south on Highway 203 to Duvall; then north down the Snoqualmie River to the Snohomish River and down the Snohomish River to Puget Sound; then north along the shore of Puget Sound to the mouth of the Stillaguamish River and the point of beginning. (See Washington Atlas and Gazetteer or Mount Baker/Snoqualmie National Forest map.)

Deer Area 042 Tolt (King and Snohomish counties): Beginning at intersection of Highway 202 and the Tokul Creek Road S.E. (near Snoqualmie Falls); then north on Tokul Creek Road S.E. and onto S.E. 53rd Way then onto the S.E. 53 Road; then along S.E. 53rd Road to its junction with the Weyerhaeuser mainline; then north on Weyerhaeuser mainline road through Gate 4 onto the Weyerhaeuser mainline truck road; then north on Weyerhaeuser mainline truck road (approximately 23 miles) to its junction with Proctor Creek Road; then north on Proctor Creek Road to its junction with Highway 2; then west on Highway 2 to its junction with Highway 203 at Monroe; then south on Highway 203 to its junction with Highway 202; then east along Highway 202 to the point of beginning. (See Washington Atlas and Gazetteer or Weyerhaeuser Recreational Map and Thomas Brothers Guide.)

Deer Area No. 060 Olympic Wilderness (Clallam, Jefferson, Grays Harbor and Mason counties): The Buckhorn, Colonel Bob, Mt. Skokomish, the Brothers and Wonder Mountain Wilderness areas of Olympic National Forest. (See Olympic National Forest map for these primitive roadless areas)

Deer Area No. 061 Marrowstone Island (Jefferson County): Marrowstone Island in Jefferson County. (See Washington Atlas and Gazetteer)

ELK AREA DESCRIPTIONS

Elk Area No. 001 Trinidad (Grant, Douglas, Okanogan, Adams, and Franklin counties): All of Douglas, Grant, Okanogan, Adams, and Franklin counties except closed in the corridor described as follows: Beginning at East Wenatchee and Highway 28 and proceeding along Highway 28 to Road "U" N.W. in Grant County; then south on Road "U" N.W. to Road "9" N.W.; then west on Road "9" N.W. to Ancient Lake Road; then south on the Ancient Lake Road to the northwest corner of Sec. 8, T19N, R23E W.M. (yellow cattle guard); then west to midstream of the Columbia River; then north up midstream of the Columbia River to East Wenatchee and the point of beginning. (See official road map of Douglas and Grant counties)

Elk Area No. 002 Caribou (Kittitas County): Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction at the USFS 3517 Road; then east and south along USFS 3517 Road and Lillard Hill Road to the Bonneville Powerlines; then east along the Bonneville Powerlines to the Colockum Pass-Brushy Road (cattle guard); then east along the Brushy Road to the Crossover Road; then south along the Crossover Road to the Perkins/Caribou junction; then east along the Perkins Road to the Beacon Ridge Road; then south along the Beacon Ridge Road to the Old Vantage Highway; then south along a county service road to Interstate #90; then west along Interstate #90 to the Highline Canal near the Stevens Road; then northwest along the Highline Canal to the point of beginning. (See Department of Wildlife map)

Elk Area No. 003 Kingsbury (Chelan, Kittitas counties): That portion of GMU 314 which lies east of the Stemilt Creek, Stemilt Creek Road, Stemilt Hill Road, Stemilt Loop Road and Jump Off Ridge Road. (See Washington Atlas & Gazetteer)

Elk Area No. 004 Wenatchee (Chelan, Kittitas and Okanogan counties): GMUs 300, 304, 306, 308, 316, that portion of 302 which lies in Chelan County; and that portion of 314 which lies west of the following boundaries: Beginning at the mouth of the Stemilt Creek at the Columbia River, south up Stemilt Creek to the Stemilt Creek Road to the Stemilt Hill Road; then east and south along the Stemilt Hill Road to the Stemilt Loop Road; then east along the Jump Off Road to the Jump Off Ridge Road (Bonneville Powerlines); then south along the Jump Off Ridge Road to the Naneum Ridge Road. (See Washington Atlas & Gazetteer)

Elk Area No. 025 Backbone (Lewis County): Beginning at State Highway No. 12 at the Pacific Crest Trail; then northwest and southwest along State Highway No. 12 to Coal Creek in Sec. 1, Twp. 13N., R 9 E.W.M.; then north along the range line between Ranges 9 and 10 E.W.M., across the Cowlitz River to the Gifford Pinchot National Forest boundary in the NE corner of Sec. 1, Twp. 13N., R 9 E.W.M.; then southwest along the National Forest Boundary to the Skate Creek Road (first contact) in Sec. 9, Twp. 13N., R 9 E.W.M.; then northwest along the Skate Creek Road to the mouth of Horse Creek and the south boundary of Mt. Rainier National Park; then east along the south Park boundary to the Pacific Crest Trail; then south along the

Pacific Crest Trail to State Highway No. 12 and the point of beginning. (See Gifford Pinchot National Forest map)

Elk Area No. 029 Toledo (Lewis and Cowlitz counties): Beginning at Interstate 5 and State Highway 505 junction, then east along State Highway 505 through the city of Toledo to the Layton Road, then north along the Layton Road to the Evans Road, then east along the Evans Road to the Weyerhaeuser 1800 line to the Weyerhaeuser 1890 line to State Highway 504, then west along State Highway 504 to the Tower Road, then west on Tower Road to the junction of Tower Road and State Highway 504, then west on State Highway 504 to Interstate 5, then north on Interstate 5 to the junction with State Highway 505 and point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 030 Reecer Creek (Kittitas County): Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction of the USFS 3517 Road; then east and south along the USFS 3517 Road and Lillard Hill Road to the Wilson Creek Road to the Highline Canal; then west along the Highline Canal to the point of beginning. (See Wenatchee National Forest map)

Elk Area No. 031 Shushuskin (Kittitas County): Beginning at Damon Road and the Yakima River; then west along Damon Road to Manastash Road; then west on Manastash Road to Cove Road; then south on Cove Road to Umtanum Creek; then east (downstream) along Umtanum Creek to the Yakima River; then north along the Yakima River to the point of beginning. (See Washington Atlas and Gazetteer)

Elk Area No. 032 Malaga (Kittitas and Chelan counties): Beginning at the power line on the Columbia River (approximately 3/4 mile downstream from Colockum Creek); then west and south along the Powerline Road to the intersection with the North Fork Tarpiscan Creek Road (Section 9, T20N, R21E); then north and west along North Fork Tarpiscan Creek Road to Colockum Pass Road (Section 9, T20N, R21E); then south and west on Colockum Pass Road to section line between Sections 8 and 9 as well as Sections 4 and 5 (T20N, R21E) and Sections 32 and 33 (T21N, R21E); to Mose Carr Road; then west and north on Mose Carr Road to Jumpoff Road; then south and west on Jumpoff Road to Shaller Road; then north and west on Shaller Road to Upper Basin Loop Road; then north and west on Upper Basin Loop Road to Wheeler Ridge Road; then north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); then north on the Basin Loop Road to Wenatchee Heights Road; then west on Wenatchee Heights Road to Squilchuck Road; then south on Squilchuck Road to Beehive Road (USFS Road 9712); then northwest on Beehive Road to USFS Road 7100 near Beehive Reservoir; then north and west on USFS Road 7100 to Peavine Canyon Road (USFS Road 7101); then north and east on Peavine Canyon Road to Number Two Canyon Road; then north on Number Two Canyon Road to Crawford Street in Wenatchee; then east on Crawford Street to the Columbia River; then south and east along the Columbia River to the powerline south of Colockum Creek and point of beginning. (See Washington Atlas and Gazetteer)

Elk Area No. 033 Peshastin (Chelan County): Beginning at Crawford Street and the Columbia River in Wenatchee;

then west on Crawford Street and Number Two Canyon Road to USFS #7101 Road (Peavine Canyon); then west on USFS #7101 Road to Mission Creek Road; then north on Mission Creek Road to USFS #7104 Road (Sand Creek); then west on USFS #7104 Road (Sand Creek) to Camas Creek; then west up Camas Creek to where Camas Creek crosses USFS #7200 Road, T22N, R18E, Section 4; then north along USFS #7200 Road to Highway #97; then north on Highway #97 to USFS #7300 Road (Mountain Home Road); then north on the USFS #7300 Road to the Wenatchee River at Leavenworth; then down the Wenatchee River and Columbia River to the point of beginning. (See Washington Atlas and Gazetteer)

Elk Area No. 034 Parke Creek (Kittitas County): Beginning at the Highline Canal on Parke Creek Road; then north to the BPA Powerlines; then west along BPA Powerlines (through Sections 22, 16, 8, 5, and 6) to the Cook Canyon Road; then north on Cook Canyon Road to Bonneville Powerlines (Section 19); then west along Bonneville Powerlines to Wilson Creek Road; then south on the Wilson Creek Road to the Highline Canal; then southeast along the Highline Canal to point of beginning. (See Department of Wildlife map)

Elk Area No. 039 Backbone (Lewis County): Legal description same as Elk Area No. 025 (Backbone) (See Gifford Pinchot National Forest Map)

Elk Area No. 051 Doty (Lewis and Pacific counties): Beginning on State Highway 6 at the town of Adna, then west on Highway 6 to Stevens Road, then northwest on Stevens Road to Elk Creek Road (Doty), then west on Elk Creek Road to the 7000 Road, then west on the 7000 Road to the 7800 Road, then west on the 7800 Road to the 720 Road, then northeast on the 720 Road to Garrard Creek Road, east on Garrard Creek Road to Manners Road, then south on Manners Road to Lincoln Creek Road, then east along Lincoln Creek Road to Ingalls Road, then south and east on Ingalls and Bunker Creek roads to the town of Adna and point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 052 Mayfield (Lewis County): Beginning at the junction of Highway 12 and the Winston Creek Road; then southeast and north along the Winston Creek Road, Longbell, Perkins, Green Mountain roads to Riffe Lake; then west and northwest along the shoreline of Riffe Lake to the Cowlitz River; then west along the Cowlitz River to Highway 12; then west along Highway 12 to the Winston Creek Road and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 053 Randle (Lewis County): Beginning at State Highway 12 and the Cispus Road in the town of Randle; then east along Highway 12 to the Bennett Road approximately one mile east of Cora Bridge; then west on Bennett and Cline roads to the Cispus Road; then north on said road to the town of Randle and the point of beginning. (See Gifford Pinchot National Forest map)

Elk Area No. 054 Boistfort (Lewis County): Beginning at the town of Vader; then west along State Highway 506 to the Wildwood Road; then north along the Wildwood Road to the Abernathy 500 line gate (Sec. 20, T11N, R3W, Willamette Meridian); then northwest along the 500, 540,

and 560 lines to the Weyerhaeuser 813 line; then northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Sec. 15, T12N, R4W); then west along the Pe Ell/McDonald Road to the Lost Valley Road; then northeast along the Lost Valley Road to the Boistfort Road; then north along the Boistfort Road to the King Road; then east along the King Road to the town of Winlock and State Highway 603; then south along Highway 603 to the Winlock/Vader Road; then south along said road to the town of Vader and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 055 East Valley (Wahkiakum County): Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; then west on East Valley Road to the junction with Middle Valley Road (4.5 miles); then north along Middle Valley Road to the junction of Oat Field Road (2.5 miles). (See Washington Atlas & Gazetteer)

Elk Area No. 057 Carlton (Lewis County): That part of unit 514 (Tatoosh) lying east of Highway No. 123 and north of Highway No. 12. (See Gifford Pinchot National Forest map)

Elk Area No. 058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Cascade Crest Trail. (See Gifford Pinchot National Forest map)

Elk Area No. 059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness (See Gifford Pinchot National Forest map)

Elk Area No. 061 Mt. Tebo (Mason County): Beginning at the junction of the North Fork and South Fork of the Skokomish River; then northwest along the South Fork to the boundary of Olympic National Park; then east along the National Park boundary to the North Fork of the Skokomish River; then southeast down the North Fork of the Skokomish River through Lake Cushman; then south down the North Fork of the Skokomish River to the South Fork of the Skokomish River and the point of beginning. (See Olympic National Forest Map)

Elk Area No. 065 Willapa Valley (Pacific County): That part of Pacific County within two miles of State Highway 6 between Menlo and the eastern most junction of Elk Prairie Road and State Highway 6. (See Washington Atlas & Gazetteer)

Elk Area No. 066 Twin Valley (Grays Harbor County): Beginning in the City of Hoquiam at the junction of U.S. Highway No. 101 and the East Hoquiam Road; then north on the East Hoquiam Road to its junction with the East Hoquiam Cutoff Road in Sec. 21, T19N, R9 W.W.M.; then east on the East Hoquiam Cutoff Road to its junction with the Wishkah Road; then south on the Wishkah Road to its junction with the Wishkah-Wynoochee Crossover Road in Sec. 35, T19N, R9 W.W.M.; then east on the Wishkah-Wynoochee Crossover Road to its junction with the Donovan Corkey A line; then north on the A line to its junction with the A 2200; then east on the A 2200 Road to its junction with the A 2210; then south on the A 2210 Road to a point crossed by the township line between Twp 20N and 19N; then east on the township line to its junction with the

Wynoochee River Road; then south along the Wynoochee River Road to U.S. Highway No. 12; then west along U.S. Highway 12 to its junction with U.S. Highway No. 101 in the City of Aberdeen, then west on U.S. Highway 101 to the City of Hoquiam and junction with the East Hoquiam Road and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 067 South Willapa (Pacific County): Beginning in the City of South Bend at the junction of U.S. Highway 101 and the Skidmore Slough C-line; then south on the Skidmore Slough C-line to its junction with the B-line in Sec. 11, T13N, R9 W.W.M.; then southeast on the B-line to its junction with the A-line in Sec. 18, T13N, R8 W.W.M.; then east and north on the A-line to its junction with the South Fork Willapa Road; then east along the South Fork Willapa Road to State Highway No. 6, Sec. 10, Twp. 13 N., R. 8 W.W.M.; then northwest on State Highway No. 6 to its junction with U.S. Highway 101; then southwest on U.S. Highway 101 to its junction with the Skidmore Slough C-line and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 069 Chinook (Pacific County): Beginning at the junction of U.S. Highway 101 and Lingenfelter Road west of the town of Chinook; then northwest on Prest Road to its junction with Chinook Valley Road; then west on Chinook Valley Road to its intersection with the east branch of the Wallicut River; then north along the Wallicut River to its intersection with Highway 101; then west on Highway 101 to the junction of Highway 101 alternate; then south on Highway 101 alternate to Highway 101; then east on Highway 101 to Prest Road and the point of beginning. (See Washington Atlas & Gazetteer)

BOW AND ARROW AREA DESCRIPTIONS

Bow Area No. 802 Long Island (Pacific County): Long Island in Pacific County. (See Washington Atlas & Gazetteer map)

Bow Area No. 806 Rattlesnake (Yakima County): Beginning at the point where USFS Road #1500 crosses Little Rattlesnake Creek, near Hanging Tree Campground; then southwest up Little Rattlesnake Creek to USFS Road #1500; then north along Road #1500 to USFS Trail #1101 (MJB Trail); then northwest along MJB Trail to USFS Trail #1114; then north along Trail #1114 to USFS Trail #981; then west along Trail #981 to USFS Trail #982; then northeast along Trail #982 to USFS Trail #973; then northwest along Trail #973 to the North Fork of Rattlesnake Creek; then down the North Fork to the junction with South Fork of Rattlesnake Creek; then up the South Fork to USFS Road #1502; then east on Road #1502 to USFS Road #1500; then east on Road #1500 to Little Rattlesnake Creek and the point of beginning. (See Wenatchee National Forest map)

Bow Area No. 807 Ahtanum (Yakima County): That part of GMU 368 which lies west of the following boundary; beginning at the junction of the North and South fork of Ahtanum Creek; then northwest up North Fork of Ahtanum Creek to Nasty Creek; then north up Nasty Creek to the Nasty Creek-Cowiche Road (DNR Road #C1050); then north on Road #C1050 to South Fork of Cowiche Creek; then east

down South Fork Cowiche Creek to the power line which crosses near the mouth of Reynolds Creek; then northwest along the powerline to Jump-off (USFS Road #1302). Except closed east of a north south line drawn between the South Fork and North Fork of Ahtanum Creek two miles west of the Tampico Store. (See Wenatchee National Forest map)

Bow Area No. 808 Acme (Whatcom County): Beginning at the town of Acme; then north on Highway No. 9 to the junction of the Strand Road; then east on the Strand Road and over the Van Zandt Dike following the south boundaries of Sections 21, 22 and 23 of Twp. 38 N, R 5 E to the Mosquito Lake Road; then south along the Mosquito Lake Road to the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west along Skookum Creek to the South Fork Nooksack River; then continue west along the South Fork Nooksack River to the mouth of Christy Creek; then south along Christy Creek to its source; then west to Ennis Creek; then west along Ennis Creek to the Ennis Creek Road; then west along Ennis Creek Road to the Wickersham Road; then west along the Wickersham Road to Highway No. 9; then north along Highway No. 9 to Acme and the point of beginning. (See Washington Atlas & Gazetteer)

Bow Area No. 820 Malott (Okanogan County): Beginning south of the town of Riverside, then south down the Okanogan River to Highway 97 bridge at mouth of river, then west on Highway 97 through the town of Brewster to the Indian Dan Canyon Road, then north to Paradise Hill Road; then east and south along the Paradise Hill Road to the Hanford Cutoff (approximately 1/2 mile south of Rat Lake Road), then west on Hanford Cutoff to the North Star Road, then north on North Star Road to junction with Chiliwist Road then east on Chiliwist Road to junction with Olema/Cook Mt. Road, then north on Olema/Cook Mt. Road to its junction with Highway 20, then east on Highway 20 to the junction with Buzzard Lake Road, then north on Buzzard Lake Road to the junction with Windy Hill Road, then east on Windy Hill Road to its junction with Spring Coulee/Salmon Creek Road, then north on Spring Coulee/Salmon Creek Road to the junction with Green Lake Road, then north on Green Lake Road to the Conconully Highway then northwest on the Conconully Highway to the junction with the Riverside Cutoff Road, then northeast of the Riverside Cutoff Road to the town of Riverside and the Okanogan River and the point of beginning. (See Washington Atlas & Gazetteer)

Bow Area No. 831 Hamilton (Skagit County): Beginning at the point where State Highway No. 20 crosses Child's Creek approximately one mile west of Lyman; then east along Highway No. 20 to the Burpee Hill Road at Concrete; then north along said road to the Baker Lake Highway; then west along said highway to the DNR Road N. 2400; then continue west along said line to the DNR 2000 line; then north along said line to the DNR 2800 line; then west along said line to the DNR 2900 line; then west along said line to the Scott Paper Mainline; then north along said line to the Scott Paper 110 line; then continue west along said line to where it crosses Child's Creek; then south down said creek

to State Highway No. 20 and point of beginning. (See Washington Atlas & Gazetteer)

MUZZLELOADER AREA DESCRIPTIONS

Muzzleloader Area No. 908 Acme (Whatcom County): Same as Bow Area No. 808. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 910 Cle Elum (Kittitas County): Beginning at Easton; then southeast along the main BPA Powerlines to the Fowler Creek Road (4517); southeast on Spur Road 117 to Granite Creek Trail #1326; then south on Trail #1326 to the top of South Cle Elum Ridge; then east along the ridge on Trail #1326 to Spur Road 111; then east on Road 111 to the Peoh Point Road (3350); then southeast on Road 3350 to the junction with Road 3352; then east on Road 3352 to the Cedar Creek Road; then south on the Cedar Creek Road to the Morrison Canyon Road; then southeast on the Morrison Canyon Road to Interstate Highway 90; then east on I-90 to Exit 106 and junction with Highway 97; then north on Highway 97 to Hungary Junction Road and east on Hungary Junction Road to Look Road; then north on Look Road and east on Alford Road to the Wilson Creek Road; then north on Wilson Creek Road to the Lillard Hill Road; northwest on Lillard Hill Road to USFS Road 3517; then northwest on USFS Road 3517 to the Reecer Creek Road, USFS Road 35, then south on USFS Road 35 to USFS Road 3507 and then northwest on USFS Road 3507 to Spur Road 120 (Snowshoe Ridge Road); then west on Spur Road 120 (Snowshoe Ridge Road) to Spur Road 114; then north and south on Spur Road 114 to Spur Road 116; then north on Spur Road 116 to USFS Road 9718; then southwest on USFS Road 9718 (Cougar Gulch Road) through the town of Liberty to Highway 97; then north on Highway 97 to USFS 9738, Blue Creek; then west on USFS 9738 to USFS 9702 Dickey Creek; then west on Road 9702 to the North Teanaway Road; then south to the junction with Middle Fork Teanaway Road; then west on Middle Fork Road 1/4 mile to Teanaway Campground; then south up #17 Canyon Road to Cle Elum Ridge Road; then west along Cle Elum Ridge Road and south to the bottom of #5 Canyon Road; then south to Highway 903 and Bullfrog Road (Sportland Mini-Mart); then south on Bullfrog Road to Interstate Highway 90; then west on Interstate Highway 90 to Easton and point of beginning. (See Wenatchee National Forest map and Washington Atlas and Gazetteer)

Muzzleloader Area No. 921 Baleville (Pacific County): Beginning at the junction of the Hammond Road and U.S. Highway 105; then north on the Hammond Road to the radio towers; continue north on the D 2100 line to its junction with the D-line; then northwest along the D-line (also known as the Rayonier 2720) to its junction with the Rayonier 2700 line, then southwest on the Rayonier 2700 line to its junction with Highway 105; then east on Highway 105 to the Hammond Road and point of beginning. (See Washington Atlas & Gazetteer.)

Muzzleloader Area No. 925 Ritzville (Adams County): Beginning at the junction of Interstate 90 and S.R. 261 near the town of Ritzville, then south along S.R. 261 to Washtucna, then east on S.R. 26 to the Whitman County

line, then north along the Adams, Whitman County line to where it intersects the Lincoln, Adams County line, then north along the Adams, Lincoln County line to Interstate 90, then west along Interstate 90 to point of beginning. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 926 Guemes (Skagit County): That part of GMU 405 (Chuckanut) on Guemes Island.

Muzzleloader Area No. 940 Coal Creek (Skagit County): Beginning at the point where State Highway No. 20 crosses Childs Creek approximately one mile west of Lyman; then north up said creek to Crown Pacific 110 Road; then west along said road to Crown Pacific 130 Road; then west along said road to Crown Pacific 132 Road; then continue west along said road to where it crosses Hansen Creek; then south down Hansen Creek to State Highway No. 20; then east along State Highway No. 20 to Childs Creek and point of beginning.

Muzzleloader Area No. 944 Clemen (Yakima County): That portion of GMU 342 beginning at the junction of Highway #410 and USFS Road #1701 (Big Bald Mountain Road); then north to USFS Road #1712; then east on USFS Road #1712 (Clemen Ridge Road) to the east edge of Meyster Canyon; then along the east side of Meyster Canyon to the elk fence; then west along the elk fence to Waterworks Canyon and Highway #410 and to point of beginning. (See Wenatchee National Forest map)

Muzzleloader Area No. 950 Toutle Mountain (Cowlitz County): Beginning at the confluence of the South Fork Toutle River and the North Fork Toutle River; then up the S.F. Toutle River to Johnson Creek; then up Johnson Creek to the Weyerhaeuser Company 4400 [440] Road; then northeast on the 440 [4400] Road to the 2421 Road; then north to the 2400 Road; then east on the 2400 Road to Alder Creek; then north down Alder Creek to the North Fork Toutle River; then west down the North Fork Toutle River to the confluence with the South Fork Toutle River and point of beginning. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 961 Hoko River (Clallam County): Within one mile of the Hoko County Road between Highway 112 and the Olympic National Park boundary near Lake Ozette. (See Olympic National Forest Map)

Muzzleloader Area No. 962 Elwha (Clallam County): Beginning at the U.S. Highway 101 Bridge on the Elwha River; then south on the Elwha River to the Olympic National Park boundary; then along Olympic National Park boundary to the section line between Sections 32 and 33 of T 30 N, R 7 W. W. M.; then north on the section lines to U.S. Highway 101; then east on U.S. Highway 101 to Elwha River and point of beginning. (See Washington Atlas and Gazetteer)

Goat Unit 2-1 Mount Chopaka:

Permit Area: Okanogan County within the following described boundary: Beginning where the Similkameen River crosses the Canadian boundary near Mt. Chopaka; then south down said river and up Palmer Lake and Sinlahekin Creek to Toats Coulee Creek; then west up said creek and north up the North Fork Toats Coulee Creek to Snowshoe Mountain and the Canadian boundary; then east along the

Canadian boundary to the Similkameen River and point of beginning; **EXCEPT CLOSED** in Township 39 North, Range 25EWM, which includes Grandview Mountain.

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; westerly up the Twisp Pass Trail #432 to Twisp Pass and the Okanogan County line; northerly along the Chelan-Okanogan County line through Washington Pass to the Cascade Summit; northerly along the Cascade Summit and the Okanogan County line to Harts Pass; southeast down Harts Pass (Road #5400) to Lost River; then along the Lost River-Mazama Road to Mazama; then southeasterly along State Highway 20 to Twisp and the point of beginning.

Goat Unit 3-1 East Stevens Pass:

Permit Area: Chelan County within the following described boundary: Beginning at Stevens Pass; then north along the Cascades Summit to Cady Pass and the source of the Little Wenatchee River; then down the Little Wenatchee River, Lake Wenatchee and the Wenatchee River to U.S. Highway 2; then north and west along U.S. Highway 2 to Stevens Pass and point of beginning **EXCEPT** those lands within 1/2 mile of Alpine Lookout.

Goat Unit 3-2 North Wenatchee Mountains:

Permit Area: Chelan County south of the Stevens Pass Highway, west of the Blewett Pass Highway, and north of Ingalls Creek, and Kittitas County north of the following described line: Beginning at Ingalls Peak; then down Fortune Creek to the Cle Elum River; then up the Cle Elum River to the Cascade Summit at Deception Pass.

Goat Unit 3-3 Goat and Davis Mountains:

Permit Area: Kittitas County west of the Cle Elum River, north of the Waptus River, and east and south of Trail Creek Trail.

Goat Unit 3-4 Snoqualmie:

Permit Area: Kittitas County within the following described boundary: Beginning at Snoqualmie Pass; then north along the Cascade Crest to Deception Pass and the headwaters of the Cle Elum River; then south along the Cle Elum River to the Trail Creek Trail #1322; then southwest along the Trail Creek Trail to the Waptus River Trail #1310; then southeast along the Waptus River Trail to the Cle Elum River at the Salmon la Sac campground; then south along the Cle Elum River to the Cooper Pass Road (USFS Road 4600); then west along the Cooper Pass Road, through Cooper Pass to the road end near the Kachess River; then south along the Kachess River and Kachess Lake to Interstate Highway 90; then west along Interstate Highway 90 to Snoqualmie Pass and point of beginning.

Goat Unit 3-5 Cle Elum:

Permit Area: Kittitas and Chelan counties within the following described boundary: Beginning at the point where Interstate Highway 90 crosses the Cle Elum River; then north along the Cle Elum River to Fortune Creek; then east along Fortune Creek to Ingalls Peak and the headwaters of

Ingalls Creek; then south and east along Ingalls Creek to U.S. Highway 97; then south along U.S. Highway 97 and State Highway 970 to Interstate 90 at Cle Elum; then west along Interstate 90 to the Cle Elum River and 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 3-8 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 Road 1137; then west to USFS 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 4-1 Ruth Creek Area:

Permit Area: Whatcom County within the Mt. Baker Wilderness of the Mt. Baker-Snoqualmie National Forest north of the North Fork Nooksack River.

Goat Unit 4-3 Chowder Ridge:

Permit Area: Whatcom County within the following described boundary: Beginning where Wells Creek intersects the North Fork Nooksack River; then up Wells Creek to Bar Creek; then southwest up Bar Creek to the Mazama Glacier; then continue southwest up Mazama Glacier to the summit of Mt. Baker; then northwest between Roosevelt Glacier and Coleman Glacier to Kulshan Cabin and the headwaters of Kulshan Creek and Grouse Creek to Smith Creek; then north down Smith Creek to Glacier Creek; continue north down Glacier Creek to the North Fork Nooksack River; then east along the North Fork Nooksack River to Wells Creek and the point of beginning.

Goat Unit 4-4 Lincoln Peak:

Permit Area: Whatcom County within the following described boundary: Beginning where Glacier Creek intersects with the Mt. Baker Highway (State Highway 547); then south up Glacier Creek to Smith Creek; then south up Smith Creek to Grouse Creek; then continue up Grouse Creek in a south direction to Kulshan Creek; then southeast up Kulshan Creek to Kulshan Cabin; then continue southeast between Roosevelt Glacier and Coleman Glacier to the summit of Mt. Baker; then south down Eastern Glacier to Baker Pass and the Baker Pass Trail #603 (5,000 ft.); then west along Baker Pass Trail #603 to the Ridley Creek Trail (#690); then northwest on the Ridley Creek Trail to Ridley Creek; then down Ridley Creek to the Middle Fork Nooksack River; then west down the Middle Fork Nooksack River to the Mosquito Lake Road; then north on the Mosquito Lake Road to the Mt. Baker Highway (State Highway 542); then north and east on Mt. Baker Highway (State Highway 542) to Glacier Creek and the point of beginning.

Goat Unit 4-6 Dillard Creek:

Permit Area: Whatcom County within the following described boundary: Beginning at the intersection of USFS Road 3725 and the Baker Lake Road (USFS Road 394); then west along USFS Road 3725 to Sulphur Creek; then northwest up Sulphur Creek to the Baker Pass Trail (#603) to Baker Pass (5,000 ft. elevation); then northeast up Eastern Glacier to the summit of Mt. Baker; then southeast down Park Glacier to the headwaters of Park Creek; then continue southeast down Park Creek to the Baker Lake Road (USFS Road 394); then south along the Baker Lake Road (USFS Road 394) to USFS Road 3725 and the point of beginning.

Goat Unit 4-7 Avalanche Gorge:

Permit Area: Whatcom County within the following described boundary: Beginning at the intersection of the Baker Lake Road (USFS Road 394) and Park Creek; then northwest up Park Creek to Park Glacier; then continue northwest up Park Glacier to the summit of Mt. Baker; then northeast down Mazama Glacier to the 6,500 ft. elevation; then east to the Portals; then continue east along the ridge line to Coleman Pinnacle; then northeast along the Camp Kiser Trail #683 (Ptarmigan Ridge) to the extreme southeast extension of Kulshan Ridge; then due east to the Lake Ann Trail #600; then east along the Lake Ann Trail #600 to the boundary of North Cascades National Park; then south and east along the Park boundary to the Baker River and down the Baker River to the Baker Lake Road (USFS Road 394); then west along the Baker Lake Road (USFS Road 394) to Park Creek and the 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 4-10 Majestic Mountain:

Permit Area: Whatcom and Skagit counties within the following described boundary: Beginning at the intersection of Pyramid Creek and State Highway 20; then south up Pyramid Creek to the North Cascades National Park boundary; then east along the Park boundary to the Cascades Summit; then north along the Cascades Summit to Granite Creek; then west down Granite Creek to Ruby Creek and Ruby Arm; then continue west along Ruby Arm to Ross Lake and Ross Dam; then southwest from Ross Dam to State Highway 20; then southwest and northwest along State Highway 20 to Pyramid Creek and the point of beginning.

Goat Unit 4-12 Mt. Tommy Thompson:

Permit Area: Skagit County within the following described boundary: Beginning at the confluence of Illabot Creek on the Skagit River; then east up Illabot Creek to its headwaters; then continue east over the ridge line to the northernmost extension of Buck Creek; then north over the ridge line at 6,921 foot elevation to the southernmost extension of Muchler Creek; then northeast down Muchler Creek to Kindy Creek; then north down Kindy Creek to the Cascade River; then north and west down the Cascade River to the Skagit River; then west down the Skagit River to Illabot Creek and the point of beginning.

Goat Unit 4-14 Mt. Buckindy:

Permit Area: Skagit and Snohomish counties within the following described boundary: Beginning at the confluence of Buck Creek on the Suiattle River; then east up the Suiattle River to Sulphur Creek; then continue east up Sulphur Creek to Dome Creek; then north to Sinister Mountain and the Cascades Summit; then north along the Cascades Summit to Mt. Formidable; continue north into the headwaters at the Middle Fork Cascade River; then west down the Middle Fork Cascade River to the main Cascade River; continue west along the Cascade River to Kindy Creek; then south up Kindy Creek to Muchler Creek; then

southwest up Muchler Creek to its southernmost extension; then continue southwest over the ridgetop at 6,921 foot elevation to the northernmost extension of Buck Creek; then continue southwest down Buck Creek to the Suiattle River and the point of beginning.

Goat Unit 4-16 Glacier Peak:

Permit Area: Snohomish County within the following described boundary: Beginning at Tenpeak Mountain on the Cascades Crest; then northeast to three lakes (approximately 1.75 miles northeast of Tenpeak Mountain); then north and west down the Suiattle River to Mill Creek; then up the Mill Creek Trail (#790) and the Pacific Crest Trail (#2000) to Mica Lake, Fire Creek Pass, and Glacier Creek; continuing down Glacier Creek to the White Chuck River; then up the White Chuck River to White Mountain at the Cascade Crest, then northeast along Cascade Crest to Tenpeak Mountain and the point of beginning.

Goat Unit 4-18 Sauk River Area:

Permit Area: Snohomish County within the following described boundary: Beginning at the confluence of the Whitechuck River and Pugh Creek; then south up Pugh Creek to Round Lake; then south to USFS Trail #646; then west and south down this trail to the North Fork Sauk River; then east up said river to Sloan Creek; then up Sloan Creek to June Mountain; then due south to USFS Trail #1051; then east along said trail to the Pacific Crest Trail (#2000); then north along the Pacific Crest Trail to White Mountain; then down the Whitechuck River to the confluence with Pugh Creek and the point of beginning.

Goat Unit 4-21 Liberty Mountain:

Permit Area: Snohomish County within the following described boundary: Beginning at the Boulder River bridge on the Darrington-Arlington Highway (State Highway 530) to the town of Darrington; then east along said highway to the Darrington-Clear Creek Road (USFS Road 20); then southeast along that road to the bridge over Clear Creek; then south up Clear Creek to the confluence with Helena Creek and southeast up Helena Creek to Windom Lake; then southeast over an unnamed ridge to Independence Lake and down USFS Trail #712 to intersection with USFS Road 4060; then south down said road to the South Fork Stillaguamish River; then west down said river to Canyon Creek; then northeast up Canyon Creek, North Fork Canyon Creek and Meadow Creek to Tupso Creek; then east up Tupso Creek to its easternmost point; then continue northeast to Boulder River; then north down Boulder River to the bridge on State Highway 530 and the point of beginning.

Goat Unit 4-23 Twin Peaks:

Permit Area: Snohomish County within the following described boundary: Beginning at the intersection of Falls Creek and the Mt. Loop Highway (USFS Road 322); then west up Falls Creek and along USFS Trail #645 to USFS Road 3006; then south down said road to the Mountain Loop Highway; then east and north on said highway to Falls Creek and the point of beginning.

Goat Unit 4-24 Sloan Peak:

Permit Area: Snohomish County with the following described boundary: Beginning at the confluence of the South Fork and the North Fork of the Sauk River; then east up to the North Fork Sauk River to Sloan Creek; then south and southeast up Sloan Creek to June Mountain; then due south to USFS Trail #1051; then southwest along said trail to USFS Road 63; then continue southwest on said road to Silver Creek; then north up Silver Creek to Silver Lake; then north on USFS Trail #708 to Glacier Creek; then west along said creek to the South Fork Sauk River; then north down the South Fork Sauk River to the confluence of the North Fork Sauk River and the point of beginning.

Goat Unit 4-25 Vesper Peak:

Permit Area: Snohomish County within the following described boundary: Beginning at the Mountain Loop Highway bridge over Bear Creek (approximately three miles east of Verlot); then east up said highway to USFS Trail #707; then southwest on said trail (between Sperry Peak and Morning Star Peak) to the Sultan River; then west down said river and Spada Lake to Culmback Dam; then north up unnamed creek to the Pilchuck-Sultan divide; then northwest along said divide to Ritz Creek; then northeast down Ritz Creek to the Pilchuck River; then northwest down said river to Wilson Creek; then northwest up Wilson Creek to Ashland Lakes on the Pilchuck-Stillaguamish divide; then north down Black Creek and Bear Creek drainage to the Mountain Loop Highway bridge over Bear Creek and the point of beginning.

Goat Unit 4-30 Tolt River:

Permit Area: King and Snohomish counties within the following described boundary: Beginning at the point the Tolt River intersects the Weyerhaeuser Mainline Truck Road (approximately one mile west of the Tolt River South Fork Reservoir); then north along said road to the junction with State Highway 2; then east along said highway to the junction with the South Fork Skykomish River; then east and south up said river to the confluence of Money Creek; then west up Money Creek to Lake Elizabeth; then west to the headwaters of the South Fork Tolt River near Lake Elizabeth; then west down the South Fork Tolt River to the point of beginning. Except closed: All of the Mount Index and Mount Persis as follows: Beginning at confluence of South Fork Skykomish River and Index Creek; then west up said creek and its northern fork to Ink Lake; then west up the ridge to the 4,915 elevation point; then southwest down the ridge (approximately one and one-half miles) to the confluence of Titacae Creek and the North Fork Tolt River; then west along said river to the Weyerhaeuser Mainline Truck Road; then north along said road to State Highway 2; then east along said highway to where it intersects the South Fork Skykomish River; then east along said river to 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. 12 to USFS Road 21; then southeast along USFS Road 21 to Road 22; then northeast and northwest along USFS Road 22 to Road 23; then east and northwest on Road 23 to Road 25; then north along 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).

Goat Unit 6-1 Elwha River:

Permit Area: Clallam and Jefferson counties outside Olympic National Park and west of the Dungeness River.

Goat Unit 6-2 Quilcene River:

Permit Area: Clallam and Jefferson counties outside Olympic National Park, east of the Dungeness River and north of the Dosewallips River.

Goat Unit 6-3 Hamma Hamma River:

Permit Area: Jefferson and Mason counties outside Olympic National Park and south of the Dosewallips River.

MOOSE

Moose Unit 1 Selkirk Mountains:

Permit Area: GMU 113.

Moose Unit 2 Mt. Spokane:

Permit Area: GMU 124.

Moose Unit 3 Chewelah:

Permit Area: GMU 118.

Moose Unit 4 Boyer:

Permit Area: GMU 119.

BIGHORN SHEEP

Sheep Unit 1 Okanogan:

Permit Area: Okanogan County west of the Okanogan River.

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 5 Umtanum:

Permit Area: That part of Yakima County north of Wenas Creek and that part of Kittitas County south of Interstate 90.

Sheep Unit 6 Murray:

Permit Area: That part of Yakima County north of Wenas Creek and that part of Kittitas County south of Interstate 90.

Sheep Unit 8 Mountainview:

Permit Area: That part of Asotin County within the following described boundary: Beginning at Anatone; thence west along the main Big Butte-Mount Misery Road to its junction with the Mountain Road (#40); thence south along the Mountain Road to the West Fork of Grouse Creek; thence southeast down Grouse Creek to the Oregon-Washington boundary; thence east along said boundary to State Highway

129; thence north along Highway 129 to Anatone and point of beginning.

Sheep Unit 9 Blackbutte:

Permit Area: That part of Asotin County within the following described boundary: All of GMU 184 (Joseph), 185 (Blackbutte), and that part of GMU 181 (Couse) that drains into the Grande Ronde River between the mouth of the Grande Ronde River and State Highway No. 129.

Sheep Unit 10 Mt. Hull:

Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along 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 Molson Grade Road; then west to Oroville and the point of beginning.

Sheep Unit 11 Wenaha Wilderness:

Permit Area: The Crooked Creek drainage in Asotin, Garfield, and Columbia counties within the boundary of GMU 169.

LYNX

Permit Area: That part of Okanogan County west of the Okanogan River except closed within the following described boundary: Beginning at Okanogan, then west along State Highway 20 to Twisp; then north along the Methow River to the Chewuch River; then north along the Chewuch River to the Pasayten Wilderness boundary; then east and north along boundary to the U.S.-Canada border; then east along said border to U.S. Highway 97; then south along U.S. Highway 97, to Okanogan and point of beginning.

COUGAR PERMIT AREA DESCRIPTIONS

Unit	Description
1	Pend Oreille—GMU 113
2	Colville—GMUs 108, 111, 118, and 119
3	Republic—GMUs 100, 103, 105, 200, and 206
4	Spokane—GMUs 121 and 124
5	Blue Mountains—GMUs 145 through 185
6	Okanogan—GMUs 203, 209-242, and 300
7	Wenatchee—GMUs 301-368
8	Nooksack—GMUs 417, 418
9	Skagit—GMUs 426, 433, 440-448, and 450
10	Snoqualmie—GMUs 454, 460, 466, 472, 490
11	Olympic Peninsula—GMUs 601-651, and 663
12	Rainier—GMUs 478, 484, 505, 510, 512, 514, 516, 666, and 667
13	Cowlitz—GMUs 520, 530, 550, 556, and 558
14	Skamania—GMUs 560, 568, 572, 574, and 576

PRIVATE LANDS WILDLIFE MANAGEMENT AREA

Area Description

PLWMA 201 - Wilson Creek (Grant County): This area surrounds Billy Clapp Lake directly north of the town of Stratford and northwest of the town of Wilson Creek. The legal description is T22N, R29E, North 1/2 of Section 3,

Section 4* except southeast 1/4 of southeast 1/4; Sections 5, 6, 8, and 9. T23N, R29E, Sections 5, 7, 8, 13, 14, 17, and 18; Section 19 except for northwest 1/4 of the southwest 1/4; Sections 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29; southeast 1/4 of Section 30; Sections 31, 32*, 33, 34*, and 35. T23N, R28E, Section 2, Section 3 except west 1/4; Section 4 except southwest 1/4 and east 1/2 of southeast 1/4; Section 5; Section 6 except west 1/4; Sections 7 and 8; Section 9 except east 1/2 of southeast 1/4; north 1/2 of Section 10 except west 1/4; Section 11 except south 1/4; Section 15; Section 16 except northeast 1/4; Sections 17, 18, 19, 20, 21, 22, and 23; west 1/4 of Section 24*; Sections 26*, 27, 28, 29, 30, and 33; west 1/2 of Section 34 except south 1/4; Section 35. T24N, R29E, west 1/2 of Section 32. T24N, R28E, Section 35. *Public lands within the external boundaries are not part of the PLWMA.

PLWMA 401 - Champion (Pierce County): Beginning at the intersection of Champion haul road (Champion 1 Rd.) and the Camp One Road near the town of Kapowsin; then southwest along Champion 1 Rd. to east side of Lake Kapowsin; then along east side of Lake Kapowsin to Ohop Creek; then up Ohop Creek to Champion ownership line; then along ownership line to NW corner Section 31, T17N, R5E; then south along section line to 1/4 corner Section 6, T16N, R5E; then easterly along Weyerhaeuser/Champion ownership line to intersection with Busy Wild Creek; then up Busy Wild Creek to intersection with Champion ownership on the section line between Sections 10 & 15, T15N, R6E; then west and south along DNR/Champion ownership line and Plum Creek Timber Co./Champion ownership line to most southerly point of Champion ownership (northwest of Ashford, WA); then easterly along Champion ownership line to DNR/Champion ownership line; then north and east to USFS/Champion ownership line; then north along USFS/Champion ownership line to SW corner Section 31, T16N, R7E; then east along USFS/Champion ownership line to SE corner Section 31, T16N, R7E; then north along USFS/Champion ownership to NW corner Section 32, T16N, R7E; then east along Plum Creek Timber Co./USFS ownership line to NE corner Section 32, T16N, R7E; then south along USFS/Champion ownership line to SE corner Section 32, T16N, R7E; then east along USFS/Champion ownership line to Mount Rainier National Park Boundary; then north along Mount Rainier National Park Boundary to NE corner Section 33 T17N, R7E; then following north and east along USFS/Champion ownership line to intersection with SR 165 near the NE corner Section 24, T17N, R7E; then northwest along SR 165 to intersection with Carbon River; then down Carbon River to the Carbonado/Electron powerline; then south and west along the powerline to Champion's 12 road; then south and west along the 12 road to the Fisk Road; then south along the Fisk Road to the King Creek Gate; then north and west along the Brooks Road BPA Transmission line; then southwest along BPA Transmission line to the Puyallup River (excluding all small, private ownership); then up Puyallup River to intersection with Champion haul road bridge; then south along Champion haul road to point of beginning. Another portion of PLWMA 401 Champion is the Buckley block (Kapowsin North described as follows: Beginning at the intersection of the BPA Transmission line and South Prairie Creek; then up

South Prairie Creek to East Fork South Prairie Creek; then up East Fork South Prairie Creek to Plum Creek Timber Co./Champion ownership line (on south line of Section 33, T19N, R7E); then along Champion ownership line to center line of Section 34, T19N, R7E; then north and east along DNR/Champion ownership line to SW corner Section 27, T19N, R7E; then north along Weyerhaeuser/Champion ownership line to White River; then down White River to where it crosses west line Section 6, T19N, R7E; then south and west along Champion ownership line to intersection with South Prairie Creek; then up South Prairie Creek to point of beginning.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 93-16-079
PERMANENT RULES
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed August 3, 1993, 11:00 a.m.]

Date of Adoption: August 3, 1993.

Purpose: Regulate local government self-insurance transactions and to provide managerial and operational requirements for individual and joint health and welfare and property and liability risk programs.

Citation of Existing Rules Affected by this Order:
 Amending chapter 392-130 WAC.

Statutory Authority for Adoption: Chapter 48.62 RCW.

Pursuant to notice filed as WSR 93-09-030 on April 16, 1993.

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

August 3, 1993

Betty Reed

Risk Manager

DEPARTMENT OF GENERAL ADMINISTRATION

CHAPTER 236-22 WAC
SELF-INSURANCE REQUIREMENTS AS TO LO-
CAL GOVERNMENTS

REVISED SECTION [(Amending WSR 92-12-092, filed 6/3/92)]

WAC 236-22-010 Preamble and authority. These rules for local government self-insurance transactions are adopted by the state risk manager to regulate the management and operations of both individual and joint local government self-insured health and welfare benefit and property and liability risk programs. The rules set forth in this chapter do not supersede the rules which govern the operation of self-insured employee benefit plans by school districts and educational service districts under chapter 392-130 WAC.

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.

NEW SECTION

WAC 236-22-020 Definitions. (1) "Actuary" means any person who is qualified under WAC 284-05-060 to provide actuarial services.

(2) "Assessment" means the monies paid by the members to a joint self-insurance program.

(3) "Beneficiary" means any individual entitled, under a local government self-insurance program for health and welfare benefits, to payment of all or part of a covered claim.

(4) "Claim adjustment expense" means expenses, other than claim payments, incurred in the course of investigating and settling claims.

(5) "Claim" means a demand for payment for damages or policy benefit because of the occurrence of an event such as (a) for health and welfare benefits, a covered service or services being delivered; or (b) for property and liability, the destruction or damage of property or related deaths or injuries. Unless specifically referenced, the term "claim" is used for both health and welfare and property and liability programs.

(6) "Competitive process" means a documented formal process providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria which may include such factors as the party's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts or services.

(7) "Contribution" means the amount paid or payable by the employee into a health and welfare self-insurance program.

(8) "Incurred but not reported, or IBNR" shall mean claims and claim adjustment expenses for covered events which have occurred but have not yet been reported to the self-insurance program as of the date of the financial statement. IBNR claims include (a) known loss events that are expected to be later presented to be claims, (b) unknown loss events that are expected to become claims, and (c) expected future development on claims already reported.

(9) "Individual self-insurance program" means a program established and maintained by a local government entity to self-insure health and welfare benefits or property and liability risks on its own behalf.

(10) "Joint self-insurance program" means any two or more local government entities which have entered into a cooperative risk sharing agreement pursuant to the provisions of the Interlocal Cooperation Act (RCW 39.34) and/or subject to regulation under RCW 48.62.

(11) "Liability for unpaid claims" means the amount needed to provide for the estimated ultimate cost of settling claims which have occurred on or before a particular date. The estimated liability includes the amount of money that will be needed for future payments on both claims which have been reported and IBNR claims.

(12) "Liability for unpaid claim adjustment expenses" means the amount needed to provide for the estimated ultimate costs required to investigate and settle claims for covered events that have occurred on or before a particular date, whether or not reported to the government entity at that date.

(13) "Member" means a local government entity which is a past or present legal participant in a local government joint self-insurance program.

(14) "Self-insurance program" means any individual or joint local government entity self-insurance program subject to regulation under RCW 48.62.

(15) "Stop-loss insurance" means insurance against the risk of economic loss assumed under a self-insurance program.

(16) "Third party administrator" means:

a) an independent association, agency, entity or enterprise which, through a contractual agreement is responsible for the overall operational and financial management of the self-insurance program;

b) an independent association, agency, entity or enterprise which, through a contractual agreement, provides a professional service for the analysis, design, implementation, or termination of a self-insurance program; or

c) an independent association, agency, entity or enterprise which, through a contractual agreement, administers the claim payment process on behalf of a self-insurance program. Such claim administration process includes, but is not limited to, receiving requests for claim payments, investigation, verification and adjustment of the claim. Claim payment disbursement is also considered an administrative process.

NEW SECTION

WAC 236-22-030 Adoption of program (1) All self-insurance programs shall provide that the governing body of the local government entity establishing or maintaining a program adopt the self-insurance program by resolution or ordinance. The resolution or ordinance shall include but not be limited to funding and expenditure mechanisms. Self-insurance programs in operation on January 1, 1992 shall meet the requirements of this subsection no later than December 31, 1994.

(2) The interlocal agreement of a joint self-insurance program shall be adopted by resolution or ordinance by each participating member's governing body.

NEW SECTION

WAC 236-22-031 Program financing. (1) All self-insurance programs shall provide for program financing to pay claims, claims adjustment expenses and the liability for unpaid claims and claims adjustment expenses as they become payable.

(2) All self-insurance programs shall provide a method by which the program financing will be adjusted when it has been determined to be actuarially insufficient, or when the program is unable to meet debts as they become payable. Any increases shall be large enough to make the program actuarially sufficient.

(3) All individual and joint health and welfare self-insurance program's and all joint property and liability self-insurance program's claim financing levels shall be determined annually by an actuary's recommendation, unless these self-insurance programs purchase annual aggregate stop-loss insurance and funds the self-insured portion to the stop-loss insurance attachment point.

NEW SECTION

WAC 236-22-032 Non-discrimination in contributions. Contribution rate schedules for individual and joint health and welfare self-insurance programs shall be consistent and non-discriminatory among beneficiaries of the self-insurance program. This provision is not intended to prohibit choice of coverage for beneficiaries, classes of beneficiaries, or bargaining groups from several offered by the self-insurance program, or to prohibit different contribution schedules between classes of beneficiaries or bargaining groups.

NEW SECTION

WAC 236-22-033 Non-discrimination in joint program assessments. Joint self-insurance program assessment formula shall be consistent and non-discriminatory among new and existing members. Joint self-insurance programs shall not engage in practices that set standard assessment rates lower for new members than those established for existing members.

This provision shall not be construed to prohibit individual choice of coverage by members from several offered by the self-insurance program.

NEW SECTION

WAC 236-22-034 Disclosures. (1) All health and welfare self-insurance programs shall furnish each employee or retiree covered by the program a written description of the benefits allowable under the program, together with (a) applicable restrictions, limitations, and exclusions, (b) the procedure for filing a claim for benefits, (c) the procedure for requesting an adjudication of disputes or appeals arising from beneficiaries regarding the payment or denial of any claim for benefits, and (d) a schedule of any direct monetary contributions toward the program financing required by the employee. Such benefits or procedures shall not be amended without written notice to the covered employees and retirees at least thirty (30) days in advance of the effective date of the change unless exigent circumstances can be demonstrated.

(2) All joint self-insurance programs shall furnish to each member of the program written statements which describe: (a) all coverages or benefits currently provided by the program, including any applicable restrictions, limitations, and exclusions; (b) the method by which members pay assessments; (c) the procedure for filing a claim; and (d) the procedure for a member to request an adjudication of disputes or appeals arising from coverage, claim payment or denial, membership, and other issues. Such statements shall not be amended without written notice to the members at least thirty (30) days in advance of the effective date of the change.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 236-22-035 Wellness programs. Health and welfare self-insurance programs may offer coverage for preventative care, wellness programs, and/or other cost containment measures.

NEW SECTION

WAC 236-22-036 Termination provisions. (1) All individual and joint health and welfare self-insurance programs and all joint property and liability self-insurance programs shall maintain a written plan which provides for the partial or complete termination of the program and for liquidation of its assets upon termination of the program. The termination procedure shall include, but not be limited to, a provision for the settling of all its liabilities for unpaid claims and claim adjustment expenses.

(2) All joint self-insurance programs shall provide for the termination of membership of a member.

NEW SECTION

WAC 236-22-037 Financial plans. (1) All self-insurance programs shall maintain a written plan for managing the financial resources of the program. The financial plan shall include (a) a procedure for accounting for monies received, payments made and liabilities of the program; (b) an investment policy; and (c) the preparation of accurate annual financial statements of the program.

(2) No financial plan of a self-insurance program shall permit interfund loans from assets held against liabilities for unpaid claims and claim adjustment expenses except for those amounts which are clearly inactive or in excess of liabilities for unpaid claim and claim adjustment expenses.

(3) No financial plan of a joint self-insurance program shall permit loans from assets held against liabilities for unpaid claims and claim adjustment expenses to any member.

NEW SECTION

WAC 236-22-038 Third party administrator contracts. (1) Before contracting for third party administrator professional services, all self-insurance programs shall establish and maintain written standards and procedures for contracting with third party administrators. Entering a contract for services shall not relieve the entity of its ultimate managerial and financial responsibilities. The procedures shall, as a minimum:

(a) provide a method of third party administrator selection using a competitive process;

(b) require a written description of the services to be provided, remuneration levels, and contract period;

(c) provide for the confidentiality and ownership of the information, data and other intellectual property developed or shared during the course of the contract;

(d) provide for the expressed authorization of the self-insurance program to enter the third party administrator's premises to inspect and audit the records and performance of the third party administrator which pertains to the program; and

(e) require the compliance with all applicable local, state and federal laws.

(2) None of the above shall otherwise relieve the entity from other contracting requirements imposed on those entities.

NEW SECTION

WAC 236-22-040 Risk management. Individual and joint property and liability self-insurance programs shall have a written risk management program which addresses risk finance, loss control, risk avoidance and risk transfer.

NEW SECTION

WAC 236-22-050 Claims administration. (1)(a) All self-insurance programs shall have a written claims administration program which contains, as a minimum, claim filing procedures, internal financial control mechanisms, and claim and claim adjustment expense reports.

(b) All individual and joint health and welfare self-insurance programs and all joint property and liability self-insurance programs shall have a written claim appeal procedure which contains, as a minimum, a time limit for filing an appeal, a time limit for response, and a provision for a second level of review.

(2)(a) All self-insurance programs may contract for claims administration services with a qualified third party administrator, provided all the requirements under subsection (1) above are included in the contract.

(b) Individual and joint property and liability self-insurance programs may perform claims administration services on their own behalf. Individual and joint health and welfare self-insurance programs may perform claims administration services on their own behalf, provided the state risk manager is supplied with documentation and a detailed written explanation in support of the self-insurance program's proposed claims administration activities. The documentation and proposal shall include, as a minimum, the following:

1. The nature, type and anticipated volume of claims to be administered.

2. The number of employment positions established or to be established which are required to perform the self-insurance program's claim administration functions, including an organizational chart showing reporting responsibilities.

3. Qualifications of personnel having claim reserving and settlement authority.

4. A projection of expected claim administration expenses.

(3) All self-insurance programs shall have conducted by an independent qualified professional not currently performing claims administration services to the program, a review of claim reserving, adjusting and payment procedures no less than every three years. Such review shall be in writing and retained for a period not less than three years.

(4) Joint self-insurance programs shall maintain a dedicated claim account from which only claim and claim adjustment expenses can be paid.

(5) Joint self-insurance programs shall maintain written claim and claim adjustment expense reports for all claims made against the self-insurance program and, separate written reports for each individual member.

NEW SECTION

WAC 236-22-060 Financial reports. (1) Every individual and joint health and welfare self-insurance program and every joint property and liability self-insurance program authorized to transact business in the state of Washington shall record and annually report its revenue, claim and claim expense experience, and other data as required by the state risk manager. Multi-state programs shall report both its Washington State revenues, claim and claim expense experience and other data required by the state risk manager and its overall income, claim and claim expense experience. Such reports shall be submitted to the state risk manager no later than one hundred twenty (120) days following the completion of the joint program's fiscal year.

(2) All joint self-insurance programs authorized to transact business in the state of Washington shall submit quarterly financial reports to the state risk manager. Such reports shall be submitted to the state risk manager no later than sixty (60) days following the completion of each of the program's four quarters within its fiscal year.

NEW SECTION

WAC 236-22-070 State risk manager may waive requirements. The state risk manager may waive any of the requirements of sections 236-22-030 through section 236-22-050 and 236-22-060(2) if, in the state risk manager's opinion: (1) circumstances warrant a waiver, and (2) waiver will not jeopardize the financial condition of the self-insurance program.

NEW SECTION

WAC 236-22-080 Conflict of interest All self-insurance programs shall meet the following standards regarding restrictions on the financial interests of the program administrators: (1) No member of the Board of Directors; Trustee; Administrator, including a third party administrator; or any other person having responsibility for the management or administration of a program or the investment or other handling of the program's money shall:

(a) Receive directly or indirectly or be pecuniarily interested in any fee, commission, compensation, or emolument arising out of any transaction to which the program is or is expected to be a party except for salary or other similar compensation regularly fixed and allowed for because of services regularly rendered to the program.

(b) Receive compensation as a consultant to the program while also acting as a member of the board of directors, trustee, administrator, or as an employee.

(c) Have any direct or indirect pecuniary interest in any loan or investment of the program.

(2) No consultant, third party administrator or legal counsel to the self-insurance program shall directly or indirectly receive or be pecuniarily interested in any commission or other compensation arising out of any contract or transaction between the self-insurance program and any insurer, health care service contractor, or health care supply provider. This provision shall not preclude licensed insurance brokers or agents from receiving compensation for insurance transactions performed within the scope of their licenses, provided such compensation is disclosed to the self-insurance program's governing body.

(3) No third party administrator shall serve as an officer or on the board of directors of a self-insurance program.

REVISED SECTION [(Amending WSR 92-12-092, filed 6/3/92)]

WAC 236-22-100 Expense and operating cost fees

(1) The state risk manager, with concurrence from the property and liability advisory board and the health and welfare advisory board, shall fix fees based upon actual time and expenses incurred for the review and investigation of every joint property and liability risk and every individual and joint health and welfare benefit self-insurance programs by the advisory boards and the state risk manager's office.

(2) The state risk manager, with concurrence from the advisory boards, shall determine the review and investigation fees on a fiscal year basis.

(3) The review and investigation fees shall be paid by the self-insurance program to the State of Washington, Department of General Administration within thirty days of invoice. Any self-insurance program failing to remit its fee when due is subject to denial of permission to operate or to a cease and desist order until the fee is paid.

(4) A self-insurance program which has voluntarily or involuntarily terminated shall continue to pay review and investigation fees until such time as all liabilities for unpaid claims and claim adjustment expenses and all administrative responsibilities of the self-insurance program have been satisfied.

(5) The state risk manager, with concurrence from the property and liability advisory board and the health and welfare advisory board shall charge an initial investigation fee in an amount necessary to cover the costs for the initial review and approval of a self-insurance program. The fee must accompany the initial submission of the plan of operation and management.

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.

NEW SECTION

WAC 236-22-200 Appeals of fees. (1)(a) A self-insurance program which disagrees with a fee for services issued to it by the state risk manager shall notify the state risk manager in writing within thirty days after receipt of the invoice. The writing shall include the self-insurance program's reasons for challenging the fee and any other information the self-insurance program deems pertinent.

(b) The state risk manager shall review any fee challenged by a self-insurance program, together with the reasons for the challenge. Within fourteen days of receipt of notification from the self-insurance program, the state risk manager shall respond in writing to the self-insurance program, either reaffirming the fee or modifying it, and stating the reasons for the decision.

NEW SECTION

WAC 236-22-210 Appeals of cease and desist orders

(1) Within ten days after a joint program covering property or liability risks, or an individual or joint program covering health and welfare benefits has been served with a cease and desist order under RCW 48.62.091(3), the entity may request an administrative hearing. The hearing provided may be held in such a place as is designated by the state risk manager and shall be conducted in accordance with chapter 34.05 RCW and chapter 10-08 WAC.

**WSR 93-17-006
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Order 93-12—Filed August 5, 1993, 10:45 a.m.]

Date of Adoption: July 28, 1993.

Purpose: To provide administrative clarification regarding number of budget copies submitted to ESDs and OSPI.

Citation of Existing Rules Affected by this Order: Amending WAC 392-123-046 through 392-123-072.

Statutory Authority for Adoption: RCW 28A.505.090.

Pursuant to notice filed as WSR 93-11-034 on May 10, 1993.

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

July 28, 1993
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-123-046 Definitions—General fund, capital projects fund, debt service fund, associated student body fund, advanced refunding and advance refunded bond funds, transportation vehicle fund and insurance reserves. (1) A general fund shall be established for maintenance and operation of the school district to account for all financial operations of the school district, except those required to be accounted for in another fund, as authorized by RCW 28A.320.330, 28A.325.030, and 28A.160.130.

(2) A capital projects fund shall be established as authorized by RCW 28A.320.330 for major capital purposes. Any statutory references to a "building fund" shall mean the capital projects fund. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies, state apportionment proceeds, earnings from capital projects fund investments, rental and lease proceeds, and proceeds from the sale of real property.

Money deposited into the capital projects fund from other sources may be used for the purposes provided in WAC 392-123-180 and for the purposes of:

(a) Major renovation, including the replacement of facilities and systems where periodical repairs are no longer economical. Major renovation and replacement shall include, but shall not be limited to, roofing, heating and ventilating systems, floor covering, and electrical systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate

energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: *Provided*, That vehicles shall not be purchased with capital projects fund money.

(3) A debt service fund shall be established to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW.

(4) An associated student body fund shall be established as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds shall be established to provide for proceeds and disbursements as authorized in chapter 39.53 RCW.

(6) A transportation vehicle fund shall be established as authorized by RCW 28A.160.130.

(7) The board of directors of first-class school districts shall have power to create and maintain an insurance reserve account pursuant to RCW 28A.330.110 to be used to meet losses specified by the board of directors.

Funds required for maintenance of an insurance reserve account shall be budgeted and allowed as are other moneys required for the support of the school district.

The school district board of directors may, as an alternative or in addition to the establishment of a self-insurance reserve account or the purchasing of insurance, contract for or hire personnel to provide risk management services.

AMENDATORY SECTION (Amending Order 92-02, filed 1/7/92, effective 2/7/92)

WAC 392-123-054 Time schedule for budget. The time schedule for preparation, adoption and filing of the annual budget is as follows:

Final Date For Action	First-Class Districts	Second-Class Districts
July 10	Final date for district to prepare annual budget. Upon completion of their budgets, every school district shall publish a notice stating that the district has completed the budget and placed the same on file in the school district administration office, that a copy thereof will be furnished any person who will call upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget	Same as first-class.

PERMANENT

PERMANENT

of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing.

July 15

Final date to have sufficient number of copies of budget to meet reasonable demands of public. Also, final date to submit ~~((one copy of))~~ the budget to the educational service district for review and comment.

July 20

Final date to have sufficient copies of budget to meet reasonable demands of public. Also, final date to submit ~~((one copy of))~~ the budget to the educational service district for review and comment.

July 25

Final date for educational service district to notify districts of problems noted in review.

August 1

Final date for board directors to meet in public hearing and fix and adopt said budget.

Such hearing may be continued not to exceed a total of two days: *Provided*, That the budget must be adopted no later than August 1st.

Upon conclusion of the hearing the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally

August 3

August 10

Final date for educational service district to notify districts of ~~((review))~~ problems noted in review.

August 31

Final date for board of directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: *Provided*, That the budget must be adopted no later than August 31st. Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.

determined, and enter the same in the official minutes of the board.

Last date to forward ~~((three copies of said))~~ the adopted budget to educational service district for review, alteration and approval.

Final date for educational service district to file adopted and reviewed budgets with superintendent of public instruction.

Last date for the budget review committee to fix and approve the amount of the appropriation from each fund of the budget. One copy of the approved budget will be retained by the educational service district and one copy will be returned to the school district. No budget review committee shall knowingly approve any budget or appropriation that is in violation of state law or rules and regulations adopted by the superintendent of public instruction. Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the local board of directors or a representative thereof and a representative of the superintendent of public instruction.

September 3

Final date for district to file ~~((three copies of said))~~ the adopted budget with their educational service district.

September 10

~~((Last))~~ Final date for educational service district to file ~~((a copy of said))~~ the adopted budgets with the superintendent of public instruction. ~~((One copy will be retained by educational service district and one copy will be returned to the school districts.))~~

AMENDATORY SECTION (Amending Order 92-02, filed 1/7/92, effective 2/7/92)

WAC 392-123-071 Budget extensions—First-class school districts. Upon the happening of any emergency in a first-class school district caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of all board members of a resolution stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

If in first-class districts it becomes necessary to increase the amount of the appropriation, and if the reason is not one of the emergencies specifically enumerated above the school district board of directors, before incurring expenditures in excess of expenditures therefor, shall adopt a resolution stating the facts and the estimated amount of appropriation to meet it.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided in WAC 392-123-054. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Two copies of all adopted appropriation resolutions shall be filed with the educational service district, who shall forward one copy to the superintendent of public instruction. One copy shall be retained by the educational service district. The final date for adopting appropriation resolutions extending budgets shall be the close of business on August 31 or the last business day prior to August 31 if August 31 occurs on a nonbusiness day. Each copy of all appropriation resolutions filed shall have attached a copy of the school district's ~~((budget as revised by the appropriation resolution and a copy of the))~~ latest budget status report. The revised budget shall be in the format prescribed by the superintendent of public instruction and shall be prepared in accordance with instructions provided by the superintendent of public instruction. Any appropriation resolution adopted after the date specified in this section shall be null and void. Any appropriation resolution adopted after the current appropriation level has been exceeded shall be null and void to the extent that the current appropriation level has been exceeded.

AMENDATORY SECTION (Amending Order 92-02, filed 1/7/92, effective 2/7/92)

WAC 392-123-072 Budget extensions—Second-class school districts. If a second-class school district needs to increase the amount of the appropriation from any fund the school district board of directors before incurring expenditures in excess of appropriations shall obtain approval from the superintendent of public instruction in the following manner: The school district board of directors shall adopt a resolution stating the specific reason(s) for extending the

budget, the estimated amount of additional appropriation needed and the source(s) of funds.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by WAC 392-123-054. Introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations. Such petition to be made in the format prescribed by the superintendent of public instruction. ~~((Three copies of))~~ The request for budget extension shall be prepared in accordance with current instructions contained in bulletins now or hereafter published by the superintendent of public instruction and attached to each copy shall be a copy of the latest budget status report and a copy of the board resolution.

The request for budget extension shall be forwarded to the educational service district for approval by the educational service district superintendent.

If approved, ~~((all three copies of))~~ the request for budget extension shall be forwarded by the educational service district to the superintendent of public instruction for final approval. The final date for receiving budget extension requests shall be the close of business on August 31 or the last business day prior to August 31 if August 31 occurs on a nonbusiness day.

Any request for budget extension shall not be approved by the educational service district or the superintendent of public instruction to the extent that the current appropriation has been exceeded prior to the request for budget extension.

~~((Two))~~ Copies of all appropriation resolutions approved by the superintendent of public instruction shall be returned by the superintendent of public instruction to the educational service district. The educational service district shall retain one copy and shall return one copy to the school district. ~~((The other copy shall be retained by the educational service district.))~~

**WSR 93-17-007
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Order 93-11—Filed August 5, 1993, 10:47 a.m.]

Date of Adoption: July 28, 1993.

Purpose: To repeal policies and procedures for the administration of project even start, including the establishment of eligibility criteria for the award of grants to eligible grantees. Program responsibilities have been shifted to the Office of State Board for Community and Technical Colleges.

Citation of Existing Rules Affected by this Order: Repealing WAC 392-315-005 through 392-315-165.

Statutory Authority for Adoption: See RCW 28B.50.912 which transfers all powers and duties of the Superintendent of Public Instruction respecting the state

funded even start program to the State Board for Community and Technical Colleges.

Pursuant to notice filed as WSR 93-11-033 on May 10, 1993.

Effective Date of Rule: Thirty-one days after filing.
July 28, 1993
Judith A. Billings
Superintendent of
Public Instruction

WAC 392-315-145 Performance standards for project even start.
WAC 392-315-150 Administrative expenditures.
WAC 392-315-155 Liability insurance.
WAC 392-315-160 Bonding.
WAC 392-315-165 Maximum grant award per participant.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-315-005 Authority.
WAC 392-315-010 Purpose.
WAC 392-315-015 Public policy goals of project even start.
WAC 392-315-020 Project even start—Definition.
WAC 392-315-025 Child development knowledge—Definition.
WAC 392-315-030 Other eligible program components—Definition.
WAC 392-315-035 Eligible grantee—Definition.
WAC 392-315-040 Eligible parents—Definition.
WAC 392-315-045 Basic skills—Definition.
WAC 392-315-050 Standardized test—Definition.
WAC 392-315-055 Transportation—Definition.
WAC 392-315-060 Child care—Definition.
WAC 392-315-065 Directly necessary activities—Definition.
WAC 392-315-070 Indirect expenditures—Definition.
WAC 392-315-075 Assurance of nonsupplanting—Program standard.
WAC 392-315-080 Assurance of cooperation with the department of social and health services regarding public assistance reports—Program standard.
WAC 392-315-085 Assurance to submit annual evaluation report to the superintendent of public instruction.
WAC 392-315-090 Reporting requirements.
WAC 392-315-095 Request for even start project grants to the superintendent of public instruction.
WAC 392-315-100 Assurance of cooperation with state auditor.
WAC 392-315-105 Assurance of service to targeted groups.
WAC 392-315-110 Priority groups.
WAC 392-315-115 Date of receipt of even start project proposals.
WAC 392-315-120 Even start advisory committee.
WAC 392-315-125 Duties of even start advisory committee.
WAC 392-315-130 Priority projects.
WAC 392-315-135 Coordination of programs.
WAC 392-315-140 Evaluation criteria for project even start.

WSR 93-17-015 PERMANENT RULES SOUTHWEST AIR POLLUTION CONTROL AUTHORITY

[Filed August 6, 1993, 4:16 p.m.]

Date of Adoption: June 15, 1993.

Purpose: The title of Section 400-035 was changed to conform with the state regulations.

Citation of Existing Rules Affected by this Order: Amending Section 400-035 Open Fires.

Pursuant to notice filed as WSR 93-10-085 on May 4, 1993.

Changes Other than Editing from Proposed to Adopted Version: Based on public comments, duplicative language with SWAPCA 425 was eliminated. Chapter 173-425 WAC was filed and adopted in WSR 93-10-089 on May 4, 1993. The information remaining has been redesignated as SWAPCA 425 and will be published as part of SWAPCA 425.

Effective Date of Rule: Thirty-one days after filing.
August 2, 1993
Robert D. Elliott
Executive Director

AMENDATORY SECTION

~~((Section 400-035 Open Fires))~~ SWAPCA 425-200 Responsibility.

~~No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open fire within the jurisdiction of the Authority, except as provided in this Regulation.~~

- ~~(1) Fires set only for recreational purposes or cooking of food for human consumption are excepted from provisions of this regulation provided no nuisance is created.~~
- ~~(2) Open burning may be done under permit:~~
- ~~(a) Burning permits may be provided by the local fire department, fire district or Washington State Department of Natural Resources.~~
- ~~(b) No permit shall be issued unless the Control Officer is satisfied that:~~
- ~~(i) No practical alternate method is available for the disposal of the material to be burned. (The Authority has a written Open Outdoor Fire Policy describing times, areas and kinds of permitted open fires).~~
- ~~(ii) No salvage operation by open burning will be conducted.~~
- ~~(iii) No garbage will be burned.~~
- ~~(iv) No animals will be disposed of by burning.~~

- ~~(v) No material containing asphalt, petroleum products, paints, rubber products, plastic or any substance which normally emits dense smoke or obnoxious odors will be burned.~~
- ~~(e) Any permit issued may be limited by the imposition of conditions to:~~
- ~~(i) Prevent air pollution.~~
- ~~(ii) Protect property and the health, safety and comfort from the effects of the burning.~~
- ~~(d) If it becomes apparent at any time to the Control Officer that limitations need to be imposed for any of the reasons stated in Subsection (e) above, the Control Officer, or his duly designated agent shall notify the permittee and any limitation imposed shall be treated as conditions under which the permits is issued.~~
- (1) ~~(3)~~ Fires started in violation of this regulation shall be extinguished by the persons responsible for the same upon notice of the Control Officer or his duly designated agent. When the Control Officer has knowledge of adverse conditions for the dispersment of the by-products of combustion, and air pollution alert may be declared voiding all permits for open fires.
- (2) ~~(4)~~ It shall be (prima facie) evidence that the person who owns or controls property on which an open fire, prohibited by this regulations, occurs has caused or allowed said open fire.

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 93-17-018
PERMANENT RULES
DEPARTMENT OF TRANSPORTATION
 [Order 137—Filed August 10, 1993, 8:20 a.m.]

Date of Adoption: July 20, 1993.

Purpose: Addition of two new sections to existing chapter 468-95 WAC, Washington state modifications to the manual on Uniform Traffic Control Devices for Streets and Highways.

Citation of Existing Rules Affected by this Order: Amending RCW 47.36.280.

Statutory Authority for Adoption: Chapter 34.05 RCW.
 Other Authority: RCW 47.36 030.

Pursuant to notice filed as WSR 93-10-068 on May 3, 1993.

Changes Other than Editing from Proposed to Adopted Version: The adopted version has been revised to be more specific. The changes more clearly define what types of roads must have an edge stripe and placed limits on where raised or recessed pavement markers can be used. The initial proposal required edge lines to be placed on all interstate highways on rural multilane divided highways, on arterials having three feet or wider paved shoulders. The adopted version eliminates the wording on arterials with three feet of shoulder and inserts all principal arterials and minor arterials within urbanized areas. The initial proposal allowed the use of raised pavement markers if their effects

on bicycle, pedestrian and vehicular safety were considered. The adopted WAC allows raised or recessed pavement markers in the following four areas: Along right edge lines on the taper in lane transitions; on approaches to objects; within channelization at intersections; and where an engineering study has determined the markers are essential to preserving pedestrian, bicycle and motor vehicle safety. The engineering study needs to include notification of bicycle organizations about the placement of raised or recessed markers.

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

July 20, 1993

S. A. Moon

Deputy Secretary

NEW SECTION

WAC 468-95-035 Pavement edgelines and raised pavement markers supplementing other markings. Pursuant to RCW 47.36.280, the second paragraph of MUTCD Section 3B-6 is revised as follows:

Edge lines shall be used on all interstate highways, on rural multilane divided highways, on all principal arterials and minor arterials within urbanized areas, except when curb or sidewalk exists, and may be used on other classes of roads. Jurisdictions shall conform to these requirements at such time that it undertakes to renew or install permanent markings on new or existing roadways. The lines shall be white except that on the left edge of each roadway of divided streets and highways and one-way roadway in the direction of travel, they shall be yellow.

These standards shall be in effect, as provided in this section, unless the legislative authority of the local governmental body finds that special circumstances exist affecting vehicle and pedestrian safety that warrant a site-specific variance to the standard.

Pursuant to RCW 47.36.280, the second paragraph of MUTCD Section 3B-15 is revised as follows:

Raised pavement markers may also be used to supplement other markings for channelizing islands or approaches to other objects. The general use of raised pavement markers along right edge lines is strongly discouraged because they can cause steering difficulties and make bicyclists lose control of their vehicles. Raised or recessed pavement markers may be used along right edge lines on the taper in lane transition sections, on approaches to objects and within channelization at intersections. Raised or recessed pavement markers can only be used along right edge lines at other locations where an engineering study has determined the markers are essential to preserving pedestrian, bicycle and motor vehicle safety. At the initiation of the engineering study local bicycling organizations, the regional member of the state bicycling advisory committee, and the WSDOT bicycle and pedestrian program manager shall be notified of the study for review and comment. Positioning and spacing of the markers in such cases must be determined by engineering judgment taking into consideration their effect on bicycle, pedestrian, and motor vehicle safety. Other applications of raised or recessed pavement markers along right edge lines of arterials are considered to be nonconforming to this section. Cities and counties shall remove nonconform-

ing raised pavement markings at the time that they prepare to resurface roadways, or earlier at their option.

These standards shall be in effect, as provided in this section, unless the legislative authority of the local governmental body finds that special circumstances exist affecting vehicle and pedestrian safety that warrant a site-specific variance to the standard.

NEW SECTION

WAC 468-95-037 Stop line locations. The third paragraph of MUTCD Section 3B-17 is revised as follows:

Stop lines, where used, should ordinarily be placed four feet in advance of and parallel to the nearest crosswalk line. In the absence of a marked crosswalk, the stop line should be placed at the desired stopping point, in no case less than four feet from the nearest edge of the intersecting roadway.

WSR 93-17-019

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5000—Filed August 10, 1993, 10:16 a.m.]

Date of Adoption: August 10, 1993.

Purpose: To facilitate earlier field planting dates for greenhouse grown certified hop plants.

Citation of Existing Rules Affected by this Order:

Amending WAC 16-354-020.

Statutory Authority for Adoption: Chapter 15.14 RCW.

Pursuant to notice filed as WSR 93-13-090 on June 21, 1993.

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

August 10, 1993

John King

Acting Director

AMENDATORY SECTION (Amending Order 2077, filed 3/27/91, effective 4/27/91)

WAC 16-354-020 Field standards for production of certified hop rootstock. (1) Land requirements:

(a) New land (land that has never grown hops), proposed for the establishment of certified mother blocks, shall be approved by the department prior to planting.

(b) A certified mother block to be eligible for the production of certified rootstock shall be planted in a site that has been out of hop production for three years (poles and trellis removed). The site shall be inspected the season prior to planting. Provided that greenhouse grown certified plants may be planted the same year of site approval, with planting starting on or after August 15th. Sites with residual hop plants or with hop hullings present shall be rejected.

(c) Hop hullings shall not be spread over proposed planting sites prior to and/or during certified rootstock production.

(2) Isolation requirements:

(a) A field to be eligible for production of certified hop rootstock shall be separated by a strip of ground at least twenty-one feet in width from any other hop plants.

(b) A grower of certified hop rootstocks may grow more than one hop variety or strain: *Provided*, That each variety

or strain is separated by a hop plant free buffer strip not less than twenty-one feet in width.

(3) Plant requirements:

(a) Only foundation rootstock shall be planted to establish a certified mother block for the production of certified rootstock.

(b) Certified mother blocks shall remain in place no more than four growing seasons: *Provided*, That after four years, rootstock to be certified may be moved, if approved by the department after consultation with a Washington State University pathologist, to a new approved site.

(c) If, during inspection, a male plant is found and that plant has pollinated female hop plants (seeded), the mother block site will be disqualified beginning in the year following discovery of the male plants. For the growing season in which the male plants are detected, the rootstock from that site may be dug and sold as certified while in the dormant stage.

(d) In roguing, growers shall dig and immediately destroy all low yielding, unhealthy appearing, diseased or otherwise abnormal plants.

(e) Plant pests and weeds shall be effectively controlled.

WSR 93-17-020

PERMANENT RULES

DEPARTMENT OF LICENSING

(Real Estate Appraiser Advisory Committee)

[Filed August 10, 1993, 3:35 p.m.]

Date of Adoption: July 9, 1993.

Purpose: These amendments and new sections are necessary as a result of legislative changes made during the 1993 session. Also, a number of these changes clarify existing language and avoid confusion by applicants and/or licensed and certified appraisers.

Citation of Existing Rules Affected by this Order: WAC 308-125-010(6) "Licensed appraiser" defines licensed appraiser (new); WAC 308-125-010(6) "Department" renumber this section only as new (7); WAC 308-125-010(7) "Director" renumber this section only as new (8); WAC 308-125-010(8) "Real estate" renumber this section only as new (9); WAC 308-125-010(9) "Real property" renumber this section only as new (10); WAC 308-125-010(10) "Specialized appraisal services" renumber this section only as new (11); WAC 308-125-010(11) "State-certified real estate appraiser" renumber this section only as new (12); WAC 308-125-010(13) "State-licensed real estate appraiser" defines state-licensed real estate appraiser and deletes reference to college degree; WAC 308-125-010(12) "Advisory committee" renumber this section only as new (14); WAC 308-125-010(14) "Classroom hour" renumber this section only as new (15); WAC 308-125-010(15) "Full-time" renumber this section only as new (16); WAC 308-125-010(16) Residential appraiser classification renumber to (17) and references state-licensed appraiser classification; WAC 308-125-010(17) "General real estate appraiser" renumber this section only as new (18); WAC 308-125-010(18) "Associate college degree" deletes reference to associate college degree; WAC 308-125-020 Appraiser process to take examination: (1) References state-licensed classification, (2) clarifies application process requirements, and (3) specifies validation period for applica-

tion and fee; rennumbers sections affected by inclusion of additional language; WAC 308-125-030 Examination prerequisite general classification: (1) Clarifies prerequisite requirements for general appraiser, and (2) clarifies course content prerequisites; WAC 308-125-035 State-certified residential classification, this section is no longer needed because of the legislative changes incorporating these classifications into the law; WAC 308-125-040 Examination prerequisite state-certified residential classification: (1) Clarifies prerequisite requirements for state certified residential appraiser, and (2) specifies two years is twenty four months; WAC 308-125-045 Examination prerequisite state-licensed classification, references state-licensed classification: (1) Clarifies prerequisite requirements for state-licensed appraiser, and (2) specifies two years is twenty four months; WAC 308-125-050 Educational courses-preexamination: (1) References other pertinent WACs, and (2) identifies limitation for course acceptability; WAC 308-125-060 Alternate to classroom hours, requirement preexamination, clarifies confusing language about alternate education acceptability; WAC 308-125-065 Education/experience credit for teachers of approved real estate courses, identifies criteria for teaching credit toward education/experience hours; WAC 308-125-070 Experience requirements: (2) Clarifies experience standards for work prior to 1/1/90, (3) clarifies experience standards for work after 1/1/90, and rennumbers sections because of inclusion of additional language; WAC 308-125-085 Temporary practice: (4) Identifies scope of practice for temporary permit appraisers; WAC 308-125-090 Continuing education: (1) References state-licensed classification, (2) specifies term for completion of continuing education, (6) deletes reference to real estate feasibility and marketability studies, (7) adds additional areas for continuing education for residential classification, and (8) identifies topics for continuing education for state-licensed appraisers; WAC 308-125-100 Course approval requirements: (2) References other pertinent WACs; WAC 308-125-110 Address change, references state-licensed classification; WAC 308-125-130 Reexamination, changes title of mile and references state-licensed classification; WAC 308-125-140 Passing exam score, amends so all classifications are included in exam passing score; WAC 308-125-160 Waiver, delete section; WAC 308-125-180 Reciprocity, references state-licensed classification; WAC 308-125-190 Examination required—Scope, references state-licensed classification; WAC 308-125-210 Required records, references state-licensed classification; and WAC 308-125-225 Meetings—Notice, requires those interested in notice of meetings to request the department in writing.

Statutory Authority for Adoption: RCW 18.140.030(1).

Pursuant to notice filed as WSR 93-12-127 on June 2, 1993.

Changes Other than Editing from Proposed to Adopted Version: The director decided not to adopt proposed WAC 308-125-070(6) because of the new ideas and information suggested at the rules hearing on the proposed language. This issue will be discussed at future advisory committee meetings and be proposed again, incorporating many of the suggestions.

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

August 6, 1993
Kathy Baros Friedt
Director

AMENDATORY SECTION (Amending WSR 92-18-018, filed 8/24/92, effective 9/24/92)

WAC 308-125-010 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has in the Certified Real Estate Appraiser Act, (chapter 18.140 RCW).

(2) "Appraisal" or "real estate appraisal" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate for or in expectation of compensation. An appraisal may be classified by subject matter into either a valuation or an analysis. A "valuation" is an estimate of the value of real estate or real property. An "analysis" is a study of real estate or real property other than estimating value.

(3) "Appraisal report" means any communication, written or oral, of an appraisal. Except all appraisal reports in federally related transactions are required to be written reports.

(4) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate. The term "appraisal assignment" may apply to valuation work and analysis work.

(5) "Certified appraisal" means an appraisal prepared or signed by a state-certified real estate appraiser. A certified appraisal represents to the public that it meets the appraisal standards defined in this chapter.

(6) "Licensed appraisal" means an appraisal prepared or signed by a state-licensed real estate appraiser. A licensed appraisal represents to the public that it meets the appraisal standards defined in this chapter.

(7) "Department" means the department of licensing.

~~((7))~~ (8) "Director" means the director of the department of licensing.

~~((8))~~ (9) "Real estate" means an identified parcel or tract of land, including improvements, if any.

~~((9))~~ (10) "Real property" means one or more defined interests, benefits, or rights inherent in the ownership of real estate.

~~((10))~~ (11) "Specialized appraisal services" means all appraisal services which do not fall within the definition of appraisal assignment. The term "specialized appraisal service" may apply to valuation work and to analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not a specialized appraisal service.

~~((11))~~ (12) "State-certified real estate appraiser" means a person who develops and communicates real estate appraisals, and who holds a valid certificate issued to him/her for either general or residential real estate under this

chapter. A state-certified real estate appraiser may designate or identify an appraisal rendered by him/her as a "certified appraisal" and indicate which type of certification is held.

~~((12))~~ (13) "State-licensed real estate appraiser" means a person who develops and communicates real estate appraisals, and who holds a valid license issued to him/her for residential real estate under this chapter. A state-licensed real estate appraiser may designate or identify an appraisal rendered by him/her as a "licensed appraisal."

(14) "Advisory committee" means a committee of seven individuals, of whom at least five are real estate appraisers appointed by the director to provide technical assistance relating to real estate appraisal standards and real estate appraiser experience, education, and examination requirements that are appropriate for each classification of state-certified real estate appraiser.

~~((13))~~ "College degree" means a baccalaureate degree awarded by a college or university which has been accredited by the Council on Postsecondary Accreditation or an accrediting body approved by the United States Department of Education.

~~((14))~~ (15) "Classroom hour" means fifty minutes out of each sixty minute hour.

~~((15))~~ (16) "Full-time" means the equivalent twelve-month period in which an applicant works at least one thousand five hundred hours in real estate appraisal.

~~((16))~~ (17) "Licensed or residential real estate appraiser" classification applies to those individuals qualified to appraise one to four residential units.

~~((17))~~ (18) "General real estate appraiser" classification applies to those individuals qualified to appraise all types of real property.

~~((18))~~ "Associate college degree" means a degree awarded by a college or university which has been accredited by the Council on Postsecondary Accreditation or an accrediting body approved by the United States Department of Education. The associate degree must be based upon a minimum two year program.)

(19) "Federally related transaction" means any real estate-related financial transaction which Federal Financial Institutions Regulatory Agency (FFIRA) or the Resolution Trust Company (RTC) engages in, contracts for, or regulates and which requires the services of an appraiser.

(20) "Real estate related-financial transaction" means any transaction involving:

(a) The sale, lease, purchase, investment in, or exchange of real property, including interests in property or the financing thereof;

(b) The refinancing of real property or interests in real property; and

(c) The use of real property or interest in property as security for a loan or investment, including mortgage-backed securities.

(21) "Residential properties" means one to four single family residential units and lots where the highest and best use is for one to four family purposes.

AMENDATORY SECTION (Amending WSR 92-18-018, filed 8/24/92, effective 9/24/92)

WAC 308-125-020 Application process to take examination. (1) Any person desiring to take an examination for licensure or certification as a state-licensed or state-certified residential real estate appraiser, or as a state-certified general real estate appraiser, must submit a completed examination application with supporting documents and appropriate fee to the department of licensing, professional licensing services, at its official address. After the qualifications for the examination have been verified by the department, the applicant shall submit the preapproved examination application, the request for examination and the appropriate fee to the testing service approved by the director.

(2) An ~~((application and the))~~ applicant must, as of the date his/her application ((fee shall be valid for six months from receipt by)) is filed with the department, possess the requisite two years (twenty-four months) and three thousand hours of verifiable real estate appraisal experience. ((After six months, if the applicant has not met the prerequisite to sit for the certification examination, the applicant must submit a new application with the appropriate fee.))

(3) An application and the nonrefundable application fee shall be valid for six months from receipt by the department. An applicant may correct any discrepancies in the application other than experience during this six-month period. After six months, if the applicant has not met the prerequisites to sit for the licensure or certification examination, the applicant must submit a new application with the appropriate fee.

(4) Dishonored checks will be considered as an incomplete application.

~~((4))~~ (5) An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has applied and does not take for any reason, other than through the fault or mistake of the department of licensing or the approved testing agency.

AMENDATORY SECTION (Amending WSR 92-18-018, filed 8/24/92, effective 9/24/92)

WAC 308-125-030 Examination prerequisite general classification. The general real estate appraiser classification applies to the appraisal of all types of real property.

(1) As a prerequisite to taking the examination for certification as a state-certified general real estate appraiser, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than one hundred sixty-five classroom hours of courses in subjects related to real estate appraisal approved by the director. Each applicant must ~~((have))~~ successfully ((completed not less than)) complete a thirty classroom hour((s of study relating to)) course in the basic principles of real estate appraising and ((not less than)) a fifteen classroom hour((s of study specifically relating to)) course in the Uniform Standards of Professional Appraisal Practice as part of the one hundred sixty-five classroom hours of course work.

(2) An original certification as a state-certified general real estate appraiser shall not be issued to any person who does not possess two years (twenty-four months) of experience as a full-time real estate appraiser in Washington or in

another state having comparable certification requirements within the five years immediately preceding the filing of the application for examination and certification. An applicant may accumulate the required experience over the preceding five years; however, a minimum of two years (twenty-four months) is required.

(3) To fulfill the experience requirement, a candidate must have at least fifteen hundred hours, accumulated over the previous five years, of nonresidential appraisal experience.

(4) The content for courses required prerequisite to taking the examination for certification as a state certified general real estate appraiser must include coverage of all topics listed below, with particular emphasis on the appraisal of nonresidential properties:

- (a) Influences on real estate value.
- (b) Legal considerations in appraisal.
- (c) Types of value.
- (d) Economic principles.
- (e) Real estate markets and analysis.
- (f) Valuation process.
- (g) Property description.
- (h) Highest and best use analysis.
- (i) Appraisal math and statistics.
- (j) Sales comparison approach.
- (k) Site value.
- (l) Cost approach.
- (m) Income approach.
- (i) Estimation of income and expenses.
- (ii) Operation statement ratios.
- (iii) Direct capitalization.
- (iv) Cash flow estimates.
- (v) Measures of cash flow.
- (vi) Discounted cash flow analysis.
- (n) Valuation of partial interests.
- (o) Appraisal standards and ethics.
- (p) Narrative report writing.

Preexamination review seminars or examination preparation seminars will not be approved for clock hour credit.

AMENDATORY SECTION (Amending WSR 91-23-007, filed 11/7/91, effective 12/8/91)

WAC 308-125-040 Examination prerequisite state-certified residential(~~(#105)~~) classification. The state-certified residential real estate appraiser(~~(#105)~~) classification applies to appraisals of all types of residential property of one to four units without regard to transaction value or complexity.

(1) As a prerequisite to taking the examination for certification as a state-certified residential real estate appraiser(~~(#105)~~), an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than one hundred five classroom hours of courses in subjects related to real estate appraisal approved by the director. Each applicant must (~~(have)~~) successfully (~~(completed not less than)~~) complete a thirty classroom hour(~~(s of study relating to)~~) course in the basic principles of real estate appraising and (~~(not less than)~~) a fifteen classroom hour(~~(s of studies specifically relating to)~~) course in the Uniform Standards of Professional Appraisal Practice as part of the one hundred five classroom hours of course work.

(2) An original certification as a state-certified residential real estate appraiser(~~(#105)~~) shall not be issued to any person who does not possess two years of experience as a full time real estate appraiser in Washington or in another state having comparable certification requirements within five years immediately preceding the filing of the application for examination and certification. An applicant may accumulate the required experience over the preceding five years; however a minimum of two (~~(calendar)~~) years (twenty-four months) is required.

(3) The content for courses required prerequisite to taking the examination for certification as a state-certified residential real estate appraiser must include coverage of all the topics listed below with particular emphasis on the appraisal of one to four unit residential properties:

- (a) Influences on real estate value.
- (b) Legal considerations in appraisal.
- (c) Types of value.
- (d) Economic principles.
- (e) Real estate markets and analysis.
- (f) Valuation process.
- (g) Property description.
- (h) Highest and best use analysis.
- (i) Appraisal statistical concepts.
- (j) Sales comparison approach.
- (k) Site value.
- (l) Cost approach.
- (m) Income approach.
- ~~(-)~~ (i) Gross rent multiplier analysis.
- ~~(-)~~ (ii) Estimation of income and expenses.
- ~~(-)~~ (iii) Operating expense ratios.
- ~~(-)~~ (iv) Direct capitalization.
- (n) Valuation of partial interests.
- (o) Appraisal standards and ethics.
- (p) Narrative report writing.

Preexamination review seminars or examination preparation seminars will not be approved for clock hour credit.

AMENDATORY SECTION (Amending WSR 91-23-007, filed 11/7/91, effective 12/8/91)

WAC 308-125-045 Examination prerequisite state-~~(certified residential/#75)~~ licensed classification. The state-~~(certified residential)~~ licensed real estate appraiser(~~(#75)~~) classification applies to appraisal of noncomplex one to four residential units having a transaction value less than one million dollars and complex one to four residential units having a transaction value less than two hundred fifty thousand dollars and nonresidential property having a transaction value less than two hundred fifty thousand dollars.

(1) As a prerequisite to taking the examination for certification as a state-~~(certified residential)~~ licensed real estate appraiser(~~(#75)~~), an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than seventy-five classroom hours of courses in subjects related to real estate appraisal approved by the director. Each applicant must (~~(have)~~) successfully (~~(completed not less than)~~) complete a thirty classroom hour(~~(s of study relating to)~~) course in the basic principles of real estate appraising and (~~(not less than)~~) a fifteen classroom hour(~~(s of studies specifically relating to)~~) course in

the Uniform Standards of Professional Appraisal Practice as part of the seventy-five classroom hours of course work.

(2) An original certification as a state-~~((certified residential))~~ licensed real estate appraiser~~((/75))~~ shall not be issued to any person who does not possess two years of experience as a full-time real estate appraiser in Washington or in another state having comparable certification requirements within five years immediately preceding the filing of the application for examination and certification. An applicant may accumulate the required experience over the preceding five years; however a minimum of two ~~((calendar))~~ years (twenty-four months) is required.

(3) The content for courses required prerequisite to taking the examination for certification as a state-~~((certified residential))~~ licensed real estate appraiser~~((/75))~~ must include coverage of all the topics listed below with particular emphasis on the appraisal of one to four unit residential properties:

- (a) Influences on real estate value.
- (b) Legal considerations in appraisal.
- (c) Types of value.
- (d) Economic principles.
- (e) Real estate markets and analysis.
- (f) Valuation process.
- (g) Property description.
- (h) Highest and best use analysis.
- (i) Appraisal statistical concepts.
- (j) Sales comparison approach.
- (k) Site value.
- (l) Cost approach.
- (m) Income approach.
- ~~((-))~~ (i) Gross rent multiplier analysis.
- ~~((-))~~ (ii) Estimation of income and expenses.
- ~~((-))~~ (iii) Operating expense ratios.
- (n) Valuation of partial interests.
- (o) Appraisal standards and ethics.

Preexamination review seminars or examination preparation seminars will not be approved for clock hour credit.

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

WAC 308-125-050 Educational courses—Preexamination. (1) In order for courses to be accepted under WAC 308-125-030(1) ~~((and)),~~ 308-125-040(1), and 308-125-045(1), courses must:

- (a) Be a minimum of fifteen classroom hours in length;
- (b) Include an examination; and
- (c) Be directly related to real estate appraising.

(2) ~~((For purposes of this section, prior to July 1, 1992, there will be no time limit on when credit may be obtained.))~~ The following limitations may apply to course work submitted to the department for approval:

(a) A correspondence course may be acceptable to meet classroom hour requirements only if each course meets the following conditions:

(i) The course has been presented by an accredited college or university which offers correspondence courses in other disciplines;

(ii) An individual successfully completes a written examination administered at a location by an official approved by the college or university; and

(iii) The content and length of the course meet the requirements for real estate appraisal-related courses established by the appraiser qualifications board and approved by the director.

(b) Video and remote television educational courses may be used to meet the classroom hour requirements only if each course meets the following conditions:

(i) The course has been presented by an accredited college or university which offers similar courses in other disciplines;

(ii) An individual successfully completes a written examination administered at a location by an official approved by the college or university; and

(iii) The content and length of the course meet the requirements for real estate appraisal-related courses established by the appraiser qualifications board and approved by the director.

(c) An applicant shall not receive "dual credit" for courses that have the same or very similar content and are deemed comparable by the department, even if an applicant completes the courses through different course providers.

(3) For the purposes of this section, ~~((after July 1, 1992,))~~ only those courses completed within the ten years immediately preceding the date of application will be accepted for meeting educational requirements.

(4) Copies of official transcript of college records or certificates of course completion will be considered as satisfactory evidence for education requirements.

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

WAC 308-125-060 Alternate to classroom hours, requirement preexamination. ~~((Achievement of))~~ An applicant may receive education credit by achieving a passing score on an examination that is identical to that administered upon completion of an educational offering approved by the director ~~((and offered by a state approved provider)).~~ This refers to those instances where the examination is challenged without attendance at the offering. Credit for the examination must be obtained by July 1, 1990.

NEW SECTION

WAC 308-125-065 Education/experience credit for teachers of approved real estate appraisal courses. (1) An applicant may receive education credit for teaching an approved real estate appraisal course. One hour of education credit for each hour of teaching an approved real estate appraisal course shall be given.

(2) An applicant may receive experience credit for teaching an approved real estate appraisal course. One hour of experience credit for each hour of teaching an approved real estate appraisal course shall be given.

(3) Once an applicant has received credit for teaching an approved real estate appraisal course, an applicant shall not receive credit for teaching that course or any substantially similar course on any subsequent occasion.

(4) Credit for teaching an approved real estate appraisal course may be used to satisfy education or experience credit, but shall not be used to satisfy both.

AMENDATORY SECTION (Amending WSR 92-18-018, filed 8/24/92, effective 9/24/92)

WAC 308-125-070 Experience requirements. (1) A minimum of two years (twenty-four months) full-time experience is required. To attain the requisite experience an applicant may accumulate hours worked during the preceding five years; however, no more than fifteen hundred hours may be credited in any twelve-month period.

(2) ~~((The))~~ Any work product claimed for experience credit ((must be in conformity with)) dated January 1, 1990, and later shall conform to the Uniform Standards of Professional Appraisal Practice ((or shall be in compliance with generally accepted standards which were in effect at the time those appraisals were prepared)).

(3) Any work product claimed for experience credit dated prior to January 1, 1990, shall conform to the following standards:

(a) Reports shall be in writing.

(b) Reports shall contain the legal address of the subject property.

(c) Reports shall state the effective date of the appraisal.

(d) Reports shall contain a definition of value to be estimated.

(e) Reports shall contain a certification signed by the appraiser.

(f) Reports shall contain a description of the site, land, or buildings as applicable.

(g) Reports shall address all three approaches to value by either utilization of the approach or indication that the approach is not applicable or inappropriate to the specific property.

(h) Reports shall include adjustments and the value of the direct sales for the direct sales approach, which either sets forth the reasoning for value or states that the value is evident in ancillary supporting documentation or the report.

(i) Reports shall include analysis of market rents, expenses, vacancy rates, and capitalization rates when the income approach is used.

(j) Reports shall include analysis of building costs and site value when the cost approach is used.

(k) Reports shall include reasoning and supporting documentation for the final value estimate.

(l) Reports shall be signed and dated by the appraiser.

(4) An appraiser applying for certification must verify his/her completion of the required experience via affidavit, under oath subject to penalty of perjury on a form provided by the department.

To demonstrate experience the department may require submission of a log which details hours claimed for experience credit. The department may also require an affidavit from an employer concerning the applicant's length of experience.

~~((4))~~ (5) An appraiser performing appraisal work enabling the appraiser to apply for appraisal experience on an hourly basis, includes, but is not limited to, the following:

Fee and staff appraisal, ad valorem tax appraisal, review appraisal, appraisal analyst, real estate counseling, highest and best use analysis, feasibility analysis/study, market analysis/ study, teacher of appraisal courses.

~~((5))~~ (6) The department reserves the right to contact an employer for confirmation of experience claimed. This

will require an employer to confirm via affidavit the experience of an applicant.

~~((6))~~ (7) The department may request submission of written reports or file memoranda claimed by the applicant in the applicant's application for experience credit.

AMENDATORY SECTION (Amending WSR 92-18-018, filed 8/24/92, effective 9/24/92)

WAC 308-125-085 Temporary practice. (1) A real estate appraiser from another state who is licensed or certified by another state may apply for registration to receive temporary licensing or certification in Washington by paying a fee and filing a notarized application with the department on a form provided by the department.

(2) Licensing and certification privileges granted under the provisions of this section shall expire ninety days from issuance. Licensing or certification shall not be renewed, nor shall an applicant receive more than two registrations within any twelve-month period.

(3) Persons granted temporary licensing or certification privileges under this section shall not advertise or otherwise hold themselves out as being licensed or certified by the state of Washington.

(4) Persons granted temporary licensure or certification are subject to all provisions under this chapter. A temporary permit issued under this section allows an appraiser to perform independent appraisal services required by a contract for appraisal services submitted to the department with the application for temporary permit.

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

WAC 308-125-090 Continuing education required.

(1) As a prerequisite to renewal of certification ~~((as a state-certified real estate appraiser))~~ or licensure, the holder of a certificate or license shall present evidence satisfactory to the director of successful completion of the continuing education requirements of this section.

(2) The continuing education requirements for renewal of certification or licensure shall be the completion by the applicant of twenty classroom hours of instruction in courses or seminars which have received the approval of the director. Courses must be completed within the ~~((two-year period))~~ term of certification or licensure immediately preceding renewal.

(3) In order for courses or seminars to be accepted under subsection (2) of this section, the course or seminar must be a minimum of four hours in length and be directly related to real estate appraising.

(4) An examination is not required for courses or seminars taken for continuing education classroom hours.

(5) The requirement under subsection (2) of this section may be met by participation other than as a student in educational process and programs approved by the director including teaching, program development, and authorship of textbooks and other written instructional materials.

(6) Courses or seminars taken to satisfy the continuing education requirement for general real estate appraisers, should include coverage of real estate appraisal related topics, such as:

(a) Ad valorem taxation.

- (b) Arbitrations.
 - (c) Business courses related to practice of real estate.
 - (d) Construction estimating.
 - (e) Ethics and standards of professional practice.
 - (f) Land use planning, zoning, and taxation.
 - (g) Management, leasing, brokerage, timesharing.
 - (h) Property development.
 - (i) Real estate appraisal (valuations/evaluations).
 - (j) Real estate financing and investment.
 - (k) Real estate law.
 - (l) Real estate litigation.
 - (m) Real estate related computer applications.
 - (n) Real estate securities and syndication.
 - (o) Real property exchange.
 - ~~(p) ((Real estate feasibility and marketability studies.~~
 - ~~(q))~~ Such other presentations approved by the director.
- (7) Courses or seminars taken to satisfy the continuing education requirement for residential real estate appraisers should include coverage of real estate appraisal related topics, such as:

- (a) Ad valorem taxation.
- (b) Business courses related to practice of real estate.
- (c) Construction estimation.
- (d) Ethics and standards of professional practice.
- (e) Land use planning, zoning, taxation.
- (f) Property development.
- (g) Real estate financing and investment.
- (h) Real estate law.
- (i) Real estate related computer applications.
- (j) Real estate securities and syndication.
- (k) Real property exchange.
- (l) Real estate feasibility and marketability studies.
- (m) Such other presentations approved by the director.
- (n) Real estate securities and syndication.
- (o) Real estate property exchange.
- (p) Such other presentations approved by the director.
- (8) Courses or seminars taken to satisfy the continuing education requirement for licensed real estate appraisers should include coverage of real estate appraisal related topics, such as:

- (a) Ad valorem taxation.
- (b) Arbitration.
- (c) Business courses related to practice of real estate appraisal.
- (d) Construction estimating.
- (e) Ethics and standards of professional practice.
- (f) Land use planning, zoning, and taxation.
- (g) Management, leasing brokerage, timesharing.
- (h) Property development.
- (i) Real estate appraisal (valuations/evaluations).
- (j) Real estate law.
- (k) Real estate litigation.
- (l) Real estate financing and investment.
- (m) Real estate appraisal related computer applications.
- (n) Real estate securities and syndication.
- (o) Real property exchange.
- (p) Such other presentations approved by the director.

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

WAC 308-125-100 Course approval requirements.

(1) For purpose of this section prior to July 1, 1992, the director will approve the following courses required prerequisite to sitting for the examination: *Provided*, That courses must satisfy the requirements of WAC 308-125-050.

(a) Courses offered at college or universities, vocational-technical schools, community colleges, and other state or federal agencies will be accepted by the director;

(b) Courses offered by other providers such as real estate appraisal or real estate organizations or proprietary schools must be reviewed and approved by the director.

(2) For purposes of this section, after July 1, 1992, the director will approve the following courses required prerequisite to sitting for the examination and continuing education: *Provided*, That courses must satisfy the requirements of WAC 308-125-030, 308-125-040, 308-125-045, 308-125-050, and 308-125-090:

(a) Courses taken at colleges or universities, vocational-technical schools, community colleges, and state or federal agencies will be accepted by the director;

(b) Courses offered by other providers such as real estate appraisal or real estate organizations or proprietary schools must be reviewed and approved by the director: *Provided*, That all courses offered by providers ~~((#))~~ under this ((subdivision (b))) subsection after July 1, 1992, must be preapproved by the director in order to qualify.

(3) Copies of official transcripts of college records or certificates of completion will be considered as satisfactory evidence for education requirements.

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

WAC 308-125-110 Address change. It is the responsibility of each applicant state-licensed and certified real estate appraiser to notify the department of licensing, real estate appraiser program unit, of a change of business address. Change of address notification shall be made within ten days of the change of address.

AMENDATORY SECTION (Amending WSR 92-18-018, filed 8/24/92, effective 9/24/92)

WAC 308-125-130 Application, certification, licensure, and reexamination. (1) An applicant who has satisfied the prerequisite to sit for the licensure or certification examination must complete the examination within six months of approval date by the department.

(2) Any applicant who has passed the licensure or certification examination must become licensed or certified within six months from the date of such examination. Failure to comply with this provision will necessitate the submission of a new application, application fee, and the taking and passing of another examination prior to licensure or certification.

(3) An applicant who has failed the examination, or failed to appear for a scheduled examination, may apply for reexamination provided the required reexamination fee is submitted. The examination approval notice shall be valid

PERMANENT

for reexamination for a period of no more than six months after date of issuance.

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

WAC 308-125-140 Passing exam score. A minimum scaled score of seventy is required to pass the ((state-certified)) real estate appraiser examination.

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

WAC 308-125-180 Reciprocity. A person licensed or certified as a real estate appraiser under the rules or laws of another state may obtain certification in the state of Washington when the following condition is met:

The state in which the appraiser is licensed or certified has an appraiser licensure or certification program which meets federal guidelines and the state has a written reciprocal agreement with the state of Washington.

A person seeking licensure or certification under this section must provide a notarized statement from the state in which the person is licensed or certified establishing licensure or certification.

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

WAC 308-125-190 Examination required—Scope. The director shall approve an examination for licensure and certification of real estate appraisers. This examination may be prepared and administered within a state agency, or the director may request bids for contracts to prepare and administer the exam. Such requests for proposals shall be done in accordance with the state law.

(1) The director will determine the scope of the examination and provide information concerning the scope of the examination to an individual upon request.

(2) If the director determines to seek proposals for testing services, the director will establish criteria for evaluating the proposals.

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

WAC 308-125-210 Required records—Accessibility of records to the department of licensing. All ((certified)) appraisers certified or licensed under chapter 18.140 RCW must retain records required by the Uniform Standards of Professional Appraisal Practice for a minimum of five years. Such records will be subject to random audit by the department without notice and must be readily available for inspection by a representative of the department.

NEW SECTION

WAC 308-125-225 Meetings—Notice. The real estate appraiser advisory committee meets at the call of the director. Individuals desiring notice of the date, time, location, and agenda of the meetings must make a written request to the real estate appraiser program.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-125-035	State-certified residential classification.
WAC 308-125-160	Waiver under RCW 18.140.080.

WSR 93-17-021

PERMANENT RULES

DEPARTMENT OF FISHERIES

[Order 93-77—Filed August 10, 1993, 4:05 p.m.]

Date of Adoption: July 21, 1993.

Purpose: Amend commercial shellfish rules.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to notice filed as WSR 93-12-092 on May 28, 1993; and WSR 93-15-050 on July 14, 1993.

Changes Other than Editing from Proposed to Adopted Version: Proposed rule, "sale of commercially caught shellfish" required sale of amounts of shrimp greater than equivalent of one daily sport bag limit. Adopted version applies to all commercial shellfish.

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

August 9, 1993

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-20-026 Sale of commercially caught shellfish. It shall be unlawful for any person commercially fishing for shellfish in Washington state waters or delivering shellfish into a Washington state port that were taken in offshore waters to retain for personal use more than the equivalent of one daily sport bag limit for the area being fished. All shellfish taken under commercial license must be recorded on state of Washington fish receiving tickets.

WSR 93-17-022

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5001—Filed August 11, 1993, 8:15 a.m.]

Date of Adoption: August 10, 1993.

Purpose: To increase certified grape nursery stock inspection fees from \$18.00 to \$25.00 per hour for mother block and nursery stock.

Citation of Existing Rules Affected by this Order: Amending WAC 16-462-030.

Statutory Authority for Adoption: Chapter 15.14 RCW.

Pursuant to notice filed as WSR 93-13-091 on June 21, 1993.

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

August 10, 1993

John King

Acting Director

AMENDATORY SECTION (Amending Order 1883, filed 4/2/86)**WAC 16-462-030 Certified grape nursery stock—Application and fees.** (1) Application.

(a) The applicant shall furnish information requested and shall give his consent to the department to take plants or plant parts from any planting for inspection or testing purposes.

(b) Application for inspection shall be filed with the department by January 1 of each year accompanied by a one hundred seventy-five dollar application fee.

(c) Inspection fees established shall be payable upon completion of the work to be done and shall be for the sole purpose of defraying expenses incurred in the inspection, approval, registration, and certification procedures provided.

(d) Payment for inspection of mother blocks and nursery stock for registration and certification shall be made upon completion of the inspection. Billing to the applicant to be made by the chemical and plant division, seed branch.

(2) Inspection fees.

(a) The inspection tags shall be furnished by the department of agriculture.

(b) The mother block and nursery stock inspection fee shall be ~~((eighteen))~~ twenty-five dollars per hour, and mileage shall be charged at a rate established by the state office of financial management.

WSR 93-17-027
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 3609—Filed August 11, 1993, 1:08 p.m.]

Date of Adoption: August 11, 1993.

Purpose: These proposed amendments improve consistency with the authorizing RCW to clarify wording and to bring the rights specified in the Washington Administrative Code in line with those afforded by the statute.

Citation of Existing Rules Affected by this Order: Amending WAC 275-155-020 Authorization for indefinite commitment to the sexual predator program; and 275-155-050 Rights of a person committed to the sexual predator program.

Statutory Authority for Adoption: RCW 71.09.030 and 71.09.050.

Pursuant to notice filed as WSR 93-14-073 on June 30, 1993.

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

August 11, 1993
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3054, filed 8/21/90, effective 9/21/90)

WAC 275-155-020 Authorization for indefinite commitment to the sexual predator program. The department shall admit a person to the SPP as a sexually violent predator only when all of the following requirements are met:

(1) Petition. The prosecuting attorney or attorney general if requested by the prosecutor files a petition with the superior court in the county where a person was most recently charged or convicted of a sexually violent offense;

(2) Probable cause. A court determines probable cause exists and orders a person transferred to an appropriate facility for evaluation as to whether the person is a sexually violent predator;

(3) Evaluation. A person is evaluated by one or more professionally qualified persons and is found to have:

(a) Been charged with or convicted of a sexually violent offense;

(b) A mental abnormality ~~((rendering))~~ or personality disorder which makes the person likely to ((commit a sexually violent offense)) engage in predatory acts of sexual violence; and

(c) A sentence or commitment about to expire or having expired.

(4) Trial. A court commences a trial determining if a person is a sexually violent predator within forty-five days of the petition filing date, not including continuances requested by the alleged sexually violent predator; and

(5) Judgment. A court or jury finds a person, beyond a reasonable doubt, to be a sexually violent predator and the person is committed to the department's custody for control, care, and treatment.

AMENDATORY SECTION (Amending Order 3054, filed 8/21/90, effective 9/21/90)

WAC 275-155-050 Rights of a person committed to the sexual predator program. (1) During a person's ~~((evaluation or))~~ commitment to the SPP, the department shall apprise the committed person of the person's right to an attorney and to retain a professionally qualified person to perform an evaluation on the committed person's behalf.

(2) Upon request, the department shall provide to the following persons access to a committed person for an evaluation and all records and reports related to the person's commitment, control, care, and treatment:

(a) The committed person's attorney;

(b) The committed person's professionally qualified person, if any;

(c) The prosecuting attorney, or the attorney general, if requested by the prosecuting attorney; and

(d) The professionally qualified person approved by the prosecuting attorney or the attorney general.

(3) A person the court commits to the SPP shall:

(a) Receive adequate care and individualized treatment;

(b) Be permitted to wear the committed person's own clothes and keep and use the person's personal possessions, except when deprivation of possessions is necessary for the person's protection and safety, the protection and safety of others, or the protection of property within the SPP;

(c) Be permitted to accumulate and spend a reasonable amount of money in the person's SPP account;

(d) Have access to reasonable personal storage space within SPP limitations;

(e) Be permitted to have approved visitors within reasonable limitations;

- (f) Have reasonable access to a telephone to make and receive confidential calls within SPP limitations; and
- (g) Have reasonable access to letter writing material and to:

- (i) Receive and send correspondence through the mail within SPP limitations; and

- (ii) Send written communication regarding the fact of the person's commitment.

(4) A person the court commits to the SPP shall have the following procedural rights to:

- (a) Have reasonable access to an attorney and be informed of the name and address of the person's designated attorney;

- ~~(b) ((Remain silent, understanding statements the person makes may be used against the person;~~

- ~~(c) Present evidence and to cross-examine witnesses testifying against the person in court;~~

- ~~(d))~~ (c) Petition the court for release from the SPP; and

- ~~((e))~~ (c) Receive annual written notice of the person's right to petition the committing court for release. The department's written notice and waiver shall:

- (i) Include the option to voluntarily waive the right to petition the committing court for release; and

- (ii) Annually be forwarded to the committing court by the department.

WSR 93-17-029

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3610—Filed August 11, 1993, 1:11 p.m.]

Date of Adoption: August 11, 1993.

Purpose: Establishes a new program of general assistance for children who live with court-appointed legal guardians who are not relatives of a specified degree, as defined for AFDC. These children are not eligible for AFDC. A March 1991 court decision found that Washington laws required DSHS to provide financial and medical assistance to these children, regardless of the AFDC regulations. On March 1993 that decision was upheld in the court of appeals.

Statutory Authority for Adoption: RCW 74.08.090 and 74.12.330.

Pursuant to notice filed as WSR 93-14-006 on June 23, 1993.

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

August 11, 1993

Dewey Brock, Chief
Office of Vendor Services

Chapter 388-233 WAC

GENERAL ASSISTANCE FOR CHILDREN

NEW SECTION

WAC 388-233-0010 Purpose of program. General assistance for children is a state-funded program providing for the needs of dependent children, residing with court-

appointed legal guardians, who are not eligible for the aid to families with dependent children program.

NEW SECTION

WAC 388-233-0020 Summary of eligibility conditions. Effective March 11, 1993, the department shall grant general assistance for children to a child who meets the eligibility conditions stated in this chapter and:

- (1) Who resides with and is in the home of a court-appointed legal guardian; and

- (2) Who is not eligible for or not receiving aid to families with dependent children or SSI; and

- (3) Who is not under sanction for failure to comply with aid to families with dependent children or SSI requirements; and

- (4) Whose court-appointed legal guardian is not a relative of a specified degree as defined under the aid to families with dependent children program; and

- (5) Who is not living with a relative of a specified degree, as defined under the aid to families with dependent children program, who is:

- (a) A parent; or

- (b) Exercising parental control over the child.

NEW SECTION

WAC 388-233-0030 Assistance units. The general assistance for children program assistance unit shall include only the eligible child.

NEW SECTION

WAC 388-233-0040 Eligibility conditions—Program criteria. The department shall base a child's eligibility on the current requirements of the aid to families with dependent children program except for the following requirements:

- (1) The requirement to live with a relative of a specified degree; and

- (2) The requirement of participation in the JOBS program if the child is not in school.

NEW SECTION

WAC 388-233-0050 Eligibility conditions—Assignment of rights to support. (1) The court-appointed legal guardian shall assign to the office of support enforcement any rights to support in behalf of the eligible child as required under chapters 388-13 and 388-14 WAC.

- (2) The department shall require the court-appointed legal guardian to promptly remit to the office of support enforcement any support received directly after assignment is made, as required under chapters 388-13 and 388-14 WAC.

NEW SECTION

WAC 388-233-0060 Eligibility conditions—Support enforcement cooperation. (1) The department shall require the court-appointed legal guardian to cooperate with the office of support enforcement in the collection of child support.

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(2) The department shall waive the requirement for cooperation if the guardian claims and the department establishes good cause as specified under WAC 388-24-111.

NEW SECTION

WAC 388-233-0070 Eligibility conditions—Financial criteria. In determining financial eligibility, the department shall follow aid to families with dependent children income and resource rules. The department shall consider only the income and resources of the eligible child.

NEW SECTION

WAC 388-233-0080 Need and payment standards. The department shall use the aid to families with dependent children program need and payment rules and standards in determining eligibility and amount of grant payment.

NEW SECTION

WAC 388-233-0090 Grant payee. The department shall establish the court-appointed legal guardian as the payee for the eligible child.

NEW SECTION

WAC 388-233-0100 Redetermination of eligibility. The department shall redetermine eligibility for the child every six months of continuous receipt of assistance.

**WSR 93-17-030
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3611—Filed August 11, 1993, 1:13 p.m.]

Date of Adoption: August 11, 1993.

Purpose: In WAC 388-49-520, this amendment removes that portion of subsection (3)(a) having to do with budgeting student financial aid prospectively, and brings WAC 388-49-520 into conformance with 7 CFR 273.21 (f)(2)(iii) which requires student financial aid to be budgeted retrospectively over the period intended.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-520 Prospective income budgeting; and 388-49-535 Special circumstances.

Statutory Authority for Adoption: RCW 74.04.510 and 74.04.570.

Other Authority: 7 CFR (f)(2)(iii).

Pursuant to notice filed as WSR 93-14-025 on June 28, 1993.

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

August 11, 1993
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3425, filed 7/23/92, effective 9/1/92)

WAC 388-49-520 Prospective income budgeting. (1) The department shall budget income, income deductions, and income exclusions prospectively for the first two beginning months, except for student financial aid.

(2) The department shall budget income, income deductions, and income exclusions prospectively for the entire certification period for:

- (a) Households in which all adult members are elderly or disabled and do not have earned income;
- (b) Migrant households;
- (c) Seasonal farmworker households; and
- (d) Households in which all members are homeless individuals.

(3) The department shall budget the following income, income deductions, and income exclusions prospectively, except as provided under WAC 388-49-535(~~((6))~~) (7):

- (a) (~~Monthly student financial aid, except for work study;~~) Public assistance as defined under WAC 388-22-030 except for Supplemental Security Income (SSI); and (~~((e))~~) (b) Income from a new household member for the first two months of participation when the:
 - (i) Household timely reports the new member; and
 - (ii) New member has not received benefits within the last calendar month.

AMENDATORY SECTION (Amending Order 3184, filed 5/31/91, effective 7/1/91)

WAC 388-49-535 Special circumstances—Income budgeting. The department shall:

(1) Budget additional public assistance payments either prospectively or retrospectively, using only the amount authorized for the month the income is received.

(2) Budget countable student financial aid retrospectively.

(3) Annualize and then prorate the following income to determine eligibility and benefit levels in the beginning months if:

- (a) Self-employment income is received other than monthly; or
- (b) Contract income is received in less than one year.
- (c) After the first beginning months, the department shall use actual income received in the corresponding budget month.

(~~((3))~~) (4) When a participating household member establishes a new household:

- (a) Remove that member from the prior household; and
- (b) Use the method of income budgeting that was in effect in the prior household.

(~~((4))~~) (5) Consider either prospectively or retrospectively over the period the expense is intended to cover, expenses that have been averaged if the household:

- (a) Has expenses that fluctuate or are billed less often than monthly; and
- (b) Chooses to have the expenses averaged.

(~~((5))~~) (6) When adding or deleting a household member, add or delete that person's income, following change of circumstance rules in WAC 388-49-610.

~~((6))~~ (7) Consider income exclusions and deductions retrospectively in households having income budgeted both prospectively and retrospectively.

WSR 93-17-031
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3613—Filed August 11, 1993, 1:15 p.m.]

Date of Adoption: August 11, 1993.

Purpose: Implements the Higher Education Amendments of 1992 requirements which exempt all Title IV educational assistance benefits from consideration as income and resources for the AFDC program, effective July 1, 1993.

Citation of Existing Rules Affected by this Order: Amending WAC 388-28-575 Disregard of income and resources.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: P.L. 102-325 section 479B.

Pursuant to notice filed as WSR 93-14-013 on June 25, 1993.

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

August 11, 1993

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3525, filed 3/10/93, effective 4/10/93)

WAC 388-28-575 Disregard of income and resources. ~~((1) For aid to families with dependent children (AFDC))~~ Unless otherwise stated, the department shall disregard as income and as a resource the following payments for aid to families with dependent children (AFDC) and general assistance (GA):

~~((a))~~ (1) For AFDC only, the income of a Supplemental Security Income (SSI) recipient;

~~((b))~~ (2) For AFDC only, the monthly child support incentive payment from the office of support enforcement (OSE);

~~((c))~~ (3) AFDC benefits resulting from a court order modifying a department policy;

~~((d))~~ (4) Title IV-E, state and/or local foster care maintenance payments; ~~(and~~

~~(e))~~ (5) Adoption support payments if the adopted child is excluded from the assistance unit~~(-~~

~~(2) For AFDC and general assistance unemployable (GA-U), the department shall disregard as income and as a resource: (a));~~

(6) Bona fide loans as specified under WAC 388-28-480(4). The department shall consider loans bona fide when the loan is a debt the borrower has an obligation to repay;

~~((b))~~ (7) Educational assistance, in the form of grants, loans, or work study, issued to a student ((under)) from the following sources:

(a) Title IV~~(-A))~~ of the Higher Education Amendments; or

(b) Bureau of Indian Affairs ~~((Public Law (P.L.) 99-498 amended by P.L. 100-50), or the Carl D. Perkins~~

~~Vocational and Applied Technology Education Act (P.L. 101-391), for attendance costs as identified by the institution. For a student attending school:~~

~~(i) At least half time, attendance costs include tuition, fees, books, supplies, transportation, and miscellaneous personal expenses; or~~

~~(ii) Less than half time, attendance costs include tuition and fees)) student assistance programs.~~

~~((e))~~ (8) Grants or loans made or insured under any programs administered by the department of education to an undergraduate student ((insured by the commissioner of education)) for educational purposes;

(9) Educational assistance in the form of grants, loans, or work study, issued under the Carl D. Perkins Vocational and Applied Technology Education Act (P.L. 101-391), for attendance costs as identified by the institution. For a student attending school:

(a) At least half-time, attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses; or

(b) Less than half-time, attendance costs include tuition, fees, and costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study.

(10) Educational assistance in the form of grants, work study, scholarships, or fellowships, from sources other than those identified in subsections (7), (8), and (9) of this section for attendance costs as identified by the institution. Attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses;

~~((d))~~ (11) Any remaining ~~((grants, work study, scholarships, or fellowships))~~ educational assistance, in the form of grants, work study, scholarships, or fellowships, not disregarded in subsections (7), (8), (9) or (10) of this section, as allowed under WAC 388-28-578;

~~((e))~~ (12) The earned income disregards in WAC 388-28-570(6) for AFDC and WAC 388-37-025 for GA-U to any work study earnings received and not ~~((excluded))~~ disregarded in ((subsection (2)(b), (c), and (d))) subsections (7), (8), (9), (10), and (11) of this section;

~~((f))~~ (13) Payment under Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646, section 216);

~~((g))~~ (14) The food coupon allotment under Food Stamp Act of 1977;

~~((h))~~ (15) Compensation to volunteers under the Domestic Volunteer Act of 1973 (P.L. 93-113, Titles I, II, and III);

~~((i))~~ (16) Benefits under women, infants, and children program (WIC);

~~((j))~~ (17) Food service program for children under the National School Lunch Act of 1966 (P.L. 92-433 and 93-150);

~~((k))~~ (18) Energy assistance payments;

~~((l))~~ (19) Indian trust funds or lands held in trust (including interest and investment income accrued while such funds are held in trust) by the Secretary of the Interior for an Indian Tribe, including but not limited to funds issued

~~(pursuant to)~~ under the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420);

~~((m))~~ (20) Per capita judgment funds under P.L. 97-408 to members of the:

~~((i))~~ (a) Blackfeet Tribe of the Blackfeet Indian Community, Montana;

~~((ii))~~ (b) Gros Ventre Tribe of the Fort Belknap Reservation, Montana; and

~~((iii))~~ (c) Assiniboine Tribe of the Fort Belknap Indian Community.

~~((n))~~ (21) Indian judgment funds or funds held in trust by the Secretary of the Interior distributed per capita under P.L. 93-134, 94-114, 97-458, or 98-64. In addition:

~~((i))~~ (a) "Initial investments" means real or personal property purchased directly with funds from the per capita payment up to the amount of the funds from the per capita payment~~(-);~~;

~~((ii))~~ (b) Income derived either from the per capita payment or the initial investments shall be treated as newly acquired income per WAC 388-28-482 and 388-28-484;

~~((iii))~~ (c) When the initial investments are nonexempt resources, appreciation in value shall be applied to the resource ceiling valued as specified under WAC 388-28-435(1). When appreciation is in excess of the applicable ceiling value, the department shall apply WAC 388-28-438(2). The department shall determine appreciation in value at the time of eligibility review; and

~~((iv))~~ (d) The disregard does not apply to per capita payments or initial investments from per capita payments which are transferred or inherited.

~~((o))~~ (22) Two thousand dollars per person per calendar year received under the Alaska Native Claims Settlement Act (P.L. 92-203 and 100-241)~~(-);~~;

~~((p))~~ (23) Veterans' Administration educational assistance for the student's educational expenses and child care necessary for school attendance;

~~((q))~~ (24) Housing and Urban Development (HUD) community development block grant funds that preclude use for current living costs;

~~((r))~~ (25) Restitution payments made under the Wartime Relocation of Civilians Act, P.L. 100-383. The department shall disregard income and resources derived from restitution payments;

~~((s))~~ (26) A previous underpayment of assistance under WAC 388-33-195;

~~((t))~~ (27) Payment from the annuity fund established by the Puyallup Tribe of Indians Settlement Act of 1989 (P.L. 101-41), made to a Puyallup Tribe member upon reaching twenty-one years of age.

~~((u))~~ (a) "Initial investments" means real or personal property purchased directly with funds from the annuity fund payment up to the amount of the funds from the annuity fund payment.

~~((vi))~~ (b) The department shall treat income derived either from the annuity fund payment or the initial investments as newly acquired income per WAC 388-28-482 and 388-28-484.

~~((vii))~~ (c) When the initial investments are nonexempt resources, the department shall apply appreciation in value to the resource ceiling value as specified under WAC 388-28-435(1). When appreciation is in excess of the applicable ceiling value, the department shall apply WAC 388-28-

438(2). The department shall determine appreciation in value at the time of eligibility review.

~~((iv))~~ (d) The department shall treat proceeds from the transfer of the initial investments according to WAC 388-28-471. After sixty days, if funds are in excess of the applicable ceiling value, the department shall apply WAC 388-28-438(2) for AFDC and WAC 388-28-440 (3) and (4) for GA-U.

~~((u))~~ (28) Payments from the trust fund established by the P.L. 101-41 made to a Puyallup Tribe member;

~~((v))~~ (29) Payments made from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims (P.L. 101-201). The effective date of the disregard is retroactive to January 1, 1989;

~~((w))~~ (30) Payments made under the Disaster Relief Act of 1974 (P.L. 93-288) as amended by Disaster Relief and Emergency Assistance amendments of 1988 (P.L. 100-707). This applies to assistance issued by federal, state, or local governments or by a disaster assistance organization;

~~((x))~~ (31) Payments from the Radiation Exposure Compensation Act (P.L. 101-426) made to an injured person, surviving spouse, children, grandchildren, or grandparents; and

~~((y))~~ (32) Income specifically excluded by any other federal statute from consideration as income or resource.

WSR 93-17-032
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3614—Filed August 11, 1993, 1:17 p.m.]

Date of Adoption: August 11, 1993.

Purpose: Implements the Higher Education Amendments of 1992 which exclude Title IV educational assistance as income when determining food stamp benefits.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-450 Income—Earned; and 388-49-470 Income—Exclusions.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: Section 479B of 1992 Higher Education Amendments.

Pursuant to notice filed as WSR 93-14-044 on June 29, 1993.

Changes Other than Editing from Proposed to Adopted Version: Added wording to WAC 388-49-470 (1)(h) "or issued by the Bureau of Indian Affairs".

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

August 11, 1993

Dewey Brock, Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 2800, filed 5/24/89)

WAC 388-49-450 Income—Earned. (1) The department shall consider the following as earned income:

(a) Wages and salaries;

(b) Gross income from self-employment, including total gain from the sale of any capital goods or equipment related

to the business, and excluding the cost of doing business. Self-employment income includes:

- (i) Income from rental property if a household member is managing the property an average of twenty hours or more a week; and
- (ii) Payments from a roomer; and
- (iii) Payments from a boarder except for child foster care payments.
- (c) Training allowances from vocational and rehabilitative programs:
 - (i) Recognized by federal, state, or local governments; and
 - (ii) Are not a reimbursement.
- (d) Payments under Title I of the Domestic Volunteer Service Act;
 - (e) Advance on wages;
 - (f) Earnings by persons nineteen years of age and older from on-the-job training programs under JTPA;
 - (g) ~~((State and federal work study funds;~~
 - ~~(h))~~ Money from the sale of blood or blood plasma; and
 - ~~((+))~~ (h) Military basic allowance for quarters and basic allowance for subsistence in lieu of provided housing and/or food.

(2) The department shall verify gross nonexempt earned income except for expedited service households:

- (a) Prior to initial certification;
- (b) At reapplication if amount has changed more than twenty-five dollars; and
- (c) On a monthly basis for households subject to monthly reporting.

AMENDATORY SECTION (Amending Order 3475, filed 10/28/92, effective 12/1/92)

WAC 388-49-470 Income—Exclusions. (1) The department shall exclude the following income:

- (a) Money withheld from an income source to repay a prior overpayment from that same income source except for money withheld to recoup an intentional public assistance program overpayment;
- (b) Income specifically excluded by any federal statute from consideration as income in the food stamp program;
- (c) The earned income of household members who are:
 - (i) Seventeen years of age or under; and
 - (ii) Attending school at least half time.
- (d) Infrequent or irregular income, received during a three-month period by a prospectively budgeted household, that:
 - (i) Cannot be reasonably anticipated as available; and
 - (ii) Shall not exceed thirty dollars for all household members.
- (e) Loans, including those from private individuals and commercial institutions, other than educational loans where repayment is deferred;
- (f) Nonrecurring lump sum payments;
- (g) The cost of producing self-employment income;
- (h) ~~((The portion of))~~ Educational assistance financed in whole or in part with Title IV funds or issued by the Bureau of Indian Affairs;
 - (i) Educational ~~((assistance))~~ expenses earmarked by the school or actually ~~((used))~~ paid by the student for:

- (i) Tuition;
- (ii) Mandatory fees, including rental or purchase of equipment, materials, and supplies related to pursuing the course of study;
- (iii) Books;
- (iv) Supplies;
- (v) Transportation; and
- (vi) Miscellaneous personal expenses.
- ~~((+))~~ (j) Reimbursements for past or future expenses to the extent the reimbursements do not:
 - (i) Exceed the actual expense; and
 - (ii) Represent a gain or benefit to the household.
- ~~((+))~~ (k) Any gain or benefit not in money;
- ~~((+))~~ (l) Vendor payments as defined in WAC 388-49-020;
- ~~((+))~~ (m) Money received and used for the care and maintenance of a third-party beneficiary who is not a household member;
- ~~((+))~~ (n) Supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs;
- ~~((+))~~ (o) Energy allowances included in AFDC, continuing general assistance, and refugee assistance grants.

Number in Grant Assistance Unit	Energy Exclusion
1	\$ 55
2	71
3	86
4	102
5	117
6	133
7	154
8 or more	170

- ~~((+))~~ (p) Support payments owed to a household member, but specified by the support court order or other legally binding written support or alimony agreement to go directly to a third-party beneficiary rather than to the household;
- ~~((+))~~ (q) Support payments on behalf of a household member, not required by the support court order or other legally binding written support or alimony agreement and paid directly to a third party rather than to the household;
- ~~((+))~~ (r) Payments from the individual and family grant program;
- ~~((+))~~ (s) Public assistance payments:
 - (i) Over and above the regular warrant amount;
 - (ii) Not normally a part of the regular warrant; and
 - (iii) Paid directly to a third party on behalf of the household.
- ~~((+))~~ (t) From Jobs Training Partnership Act programs:
 - (i) Allowances; and
 - (ii) Earnings from on-the-job training by household members under parental control and eighteen years of age and younger.
- ~~((+))~~ (u) Cash donations based on need:
 - (i) Received directly by the household;
 - (ii) From one or more private, nonprofit, charitable organizations; and
 - (iii) Not exceeding three hundred dollars in any federal fiscal year quarter.

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~~((#))~~ (v) Earned income credit.

(2) When earnings or amount of work performed by a household member described in subsection (1)(c) of this section, cannot be differentiated from the earnings or work performed by other household members, the department shall:

(a) Prorate the earnings equally among the working members; and

(b) Exclude the household member's pro rata share.

(3) When the intended beneficiaries of a single payment for care and maintenance of a third-party beneficiary include both household members and persons not in the household, the department shall exclude:

(a) Any identifiable portion intended and used for the care and maintenance of the person out of the household; or

(b) The lessor of:

(i) The actual amount used from a single payment for the care of a person outside the household; or

(ii) A pro rata share of the single payment when the single payment does not identify the portion intended for the care of the person outside the household.

WSR 93-17-033

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3615—Filed August 11, 1993, 1:20 p.m.]

Date of Adoption: August 11, 1993.

Purpose: Eliminates the 85th percentile limits on accounting and legal costs. Amends the method by which a new contractor's rate is adjusted July 1 of the first year or second year of the state fiscal biennium in order to be compatible with ESSB 5724. Clarifies that current funding will not be granted in a cost center when that cost center is at or above the median cost limit for the facility's peer group.

Citation of Existing Rules Affected by this Order: Amending WAC 388-96-585 Unallowable costs; 388-96-710 Prospective reimbursement rate for new contractors; and 388-96-774 Prospective rate revisions.

Statutory Authority for Adoption: RCW 74.46.800.

Pursuant to notice filed as WSR 93-14-075 on June 30, 1993.

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

August 11, 1993

Dewey Brock, Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3555, filed 5/26/93, effective 6/26/93)

WAC 388-96-585 Unallowable costs. (1) The department shall not allow costs if not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) The department shall include, but not limit unallowable costs to the following:

(a) Costs of items or services not covered by the medical care program. Costs of nonprogram items or

services even if indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to SNF or ICF recipients covered by the department's medical care program but not included in SNF or ICF services respectively. Items and services covered by the medical care program are listed in chapters 388-86 and 388-88 WAC;

(c) Costs associated with a capital expenditure subject to Section 1122 approval (Part 100, Title 42 C.F.R.) if the department found the capital expenditure inconsistent with applicable standards, criteria, or plans. If the contractor did not give the department timely notice of a proposed capital expenditure, all associated costs shall be nonallowable as of the date the costs are determined not to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes or related to the part of a facility leased out for office space);

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or violating principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods circumventing the principles of the prospective cost-related reimbursement system;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts. Beginning July 1, 1983, the department shall allow bad debts of Title XIX recipients only if:

(i) The debt is related to covered services;

(ii) It arises from the recipient's required contribution toward the cost of care;

(iii) The provider can establish reasonable collection efforts were made;

(iv) The debt was actually uncollectible when claimed as worthless; and

(v) Sound business judgment established there was no likelihood of recovery at any time in the future.

Reasonable collection efforts shall consist of three documented attempts by the contractor to obtain payment. Such documentation shall demonstrate the effort devoted to collect the bad debts of Title XIX recipients is at the same level as the effort normally devoted by the contractor to collect the bad debts of non-Title XIX patients. Should a contractor collect on a bad debt, in whole or in part, after filing a cost report, reimbursement for the debt by the department shall be refunded to the department to the extent of recovery. The department shall compensate a contractor for bad debts of Title XIX recipients at final settlement through the final settlement process only.

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations. Any portion of

trade association dues attributable to legal and consultant fees and costs in connection with lawsuits or other legal action against the department shall be unallowable;

- (m) Vending machine expenses;
- (n) Expenses for barber or beautician services not included in routine care;
- (o) Funeral and burial expenses;
- (p) Costs of gift shop operations and inventory;
- (q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except items used in patient activity programs where clothing is a part of routine care;
- (r) Fund-raising expenses, except expenses directly related to the patient activity program;
- (s) Penalties and fines;
- (t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;
- (u) Federal, state, and other income taxes;
- (v) Costs of special care services except where authorized by the department;
- (w) Expenses of key-man insurance and other insurance or retirement plans not in fact made available to all employees on an equal or fair basis in terms of costs to employees and benefits commensurate to such costs;
- (x) Expenses of profit-sharing plans;
- (y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;
- (z) Personal expenses and allowances of owners or relatives;
 - (aa) All expenses of maintaining professional licenses or membership in professional organizations;
 - (bb) Costs related to agreements not to compete;
 - (cc) Goodwill and amortization of goodwill;
 - (dd) Expense related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;
 - (ee) Legal and consultant fees in connection with a fair hearing against the department relating to those issues where:
 - (i) A final administrative decision is rendered in favor of the department or where otherwise the determination of the department stands at the termination of administrative review; or
 - (ii) In connection with a fair hearing, a final administrative decision has not been rendered; or
 - (iii) In connection with a fair hearing, related costs are not reported as unallowable and identified by fair hearing docket number in the period they are incurred if no final administrative decision has been rendered at the end of the report period; or
 - (iv) In connection with a fair hearing, related costs are not reported as allowable, identified by docket number, and prorated by the number of issues decided favorably to a contractor in the period a final administrative decision is rendered.
 - (ff) Legal and consultant fees in connection with a lawsuit against the department, including suits which are appeals of administrative decisions;

(gg) Lease acquisition costs and other intangibles not related to patient care;

(hh) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds;

(ii) Beginning January 1, 1985, lease costs, including operating and capital leases, except for office equipment operating lease costs;

(jj) Beginning January 1, 1985, interest costs;

(kk) Travel expenses outside the states of Idaho, Oregon, and Washington, and the Province of British Columbia. However, travel to or from the home or central office of a chain organization operating a nursing home will be allowed whether inside or outside these areas if such travel is necessary, ordinary, and related to patient care;

(ll) Board of director fees for services in excess of one hundred dollars per board member, per meeting, not to exceed twelve meetings per year;

(mm) Moving expenses of employees in the absence of a demonstrated, good-faith effort to recruit within the states of Idaho, Oregon, and Washington, and the Province of British Columbia;

(nn) For rates effective after June 30, 1993, depreciation expense in excess of four thousand dollars per year for each passenger car or other vehicles primarily used for the administrator, facility staff, or central office staff;

(oo) Any costs associated with the use of temporary health care personnel from any nursing pool not registered with the director of the department of health at the time of such pool personnel use;

(pp) Costs of payroll taxes associated with compensation in excess of allowable compensation for owners, relatives, and administrative personnel;

(qq) Department-imposed postsurvey charges incurred by the facility as a result of subsequent inspections which occur beyond the first postsurvey visit during the certification survey calendar year;

~~(rr) ((Costs and fees otherwise allowable for legal services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty fifth percentile of such costs, measured on a total cost basis, reported by all contractors for the most recent cost report period: *Provided*, That this limit shall not apply to a contractor unless the contractor has exceeded this percentile for each of the three years preceding the most recent cost report year;~~

~~(ss) Costs and fees otherwise allowable for accounting and bookkeeping services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty fifth percentile of such costs, measured on a per patient day cost basis, reported by all contractors for the most recent cost report period, provided this limit shall not apply to a contractor unless the contractor has exceeded this percentile for each of the three years preceding the most recent cost report year;~~

(tt)) For all partial or whole rate periods after July 17, 1984, costs of assets, including all depreciable assets and land, which cannot be reimbursed under the provisions of the

Deficit Reduction Act of 1984 (DEFRA) and state statutes and regulations implementing DEFRA;

~~((uu))~~ (ss) Effective for July 1, 1991, and all following rates, compensation paid for any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensations which would have been paid for such hours of nursing care services had they been paid at the combined regular and overtime average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification of registered nurse, licensed practical nurse, or nursing assistant at the same nursing facility, as reported on the facility's filed cost report for the most recent cost report period;

~~((vv))~~ (tt) Outside consultation expenses required pursuant to WAC 388-88-135;

~~((xx))~~ (uu) Fees associated with filing a bankruptcy petition under chapters VII, XI, and XIII, pursuant to the Bankruptcy Reform Act of 1978, Public Law 95-598.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 3555, filed 5/26/93, effective 6/26/93)

WAC 388-96-710 Prospective reimbursement rate for new contractors. (1) The department shall establish an initial prospective reimbursement rate for a new contractor as defined under WAC 388-96-026 (1)(a) or (b) within sixty days following receipt by the department of a properly completed projected budget (see WAC 388-96-026). The rate shall take effect as of the effective date of the contract and shall comply with all the provisions of rate setting contained in this chapter including all lids and maximums set forth in this chapter.

(2) To set the initial prospective reimbursement rate for a new contractor as defined in WAC 388-96-026 (1)(a) and (b), the department shall:

(a) Determine whether the new contractor belongs to the metropolitan statistical area (MSA) peer group or the non-MSA peer group using the latest information received from the office of management and budget or the appropriate federal agency;

(b) Select all nursing facilities from the department's records of all the current Medicaid nursing facilities in the new contractor's peer group with the same bed capacity plus or minus ten beds. If the selection does not result in at least seven facilities, then the department will increase the bed capacity by plus or minus five bed increments until a sample of at least seven nursing facilities is obtained; and

(c) Based upon the most recent information available to the department for the nursing facilities selected under subsection (2)(b) of this section, rank from the lowest to the highest the rates in nursing services, food, administrative, and operational cost centers and based on this ranking:

(i) Determine the rate in the middle of the ranking, above and below which lie an equal number of rates (median) and then identify the rate immediately above the median for each cost center identified in subsection (2)(c) of this

section. The rate immediately above the median will be known as the "selected rate" for each cost center; and

(ii) Set the new contractor's rates for each cost center identified in subsection (2)(c) at the lower of the "selected rate" or the budget rate; and

(iii) Set the property rate in accordance with the provisions of this chapter; and

(iv) Set the return on investment rate in accordance with the provisions of this chapter. In computing the financing allowance, the department shall use for the nursing services, food, administrative, and operational cost centers the rates set pursuant to subsection (2)(c)(i) and (ii) of this section.

(3) If the department has not received a properly completed projected budget from the new contractor as defined under WAC 388-96-026 (1)(a) or (b) at least sixty days prior to the effective date of the new contract, the department shall establish rates for:

(a) Nursing services, food, administrative and operational cost centers based on the "selected rates" as determined under subsection (2)(c) of this section; and

(b) Property in accordance with the provisions of this chapter using for the new contractor:

(i) As defined under ~~((subsection))~~ WAC 388-96-026 1(a) ((of this section)), information from the certificate of need; or

(ii) As defined under ~~((subsection))~~ WAC 388-96-026 (1)(b) ((of this section)), information provided by the new contractor within ten days of the date the department requests the information in writing. If the contractor as defined under ~~((subsection))~~ WAC 388-96-026 (1)(b) ((of this section)), has not provided the requested information ~~((timely))~~ within ten days of the date requested, then the property rate will be zero. The property rate will remain zero until the information is received.

(c) Return on investment rate in accordance with the provisions of this chapter using the "selected rates" established under subsection (2)(c) of this section, to compute the working capital provision and variable return for the new contractor:

(i) As defined under ~~((subsection))~~ WAC 388-96-026 (1)(a) ((of this section)), information from the certificate of need; or

(ii) As defined under ~~((subsection))~~ WAC 388-96-026 (1)(b) ((of this section)), information provided by the new contractor within ten days of the date the department requests the information in writing. If the contractor as defined under ~~((subsection))~~ WAC 388-96-026 (1)(b) ((of this section)), has not provided ~~((timely))~~ the requested information within ten days of the date requested, then the net book value of allowable assets will be zero. The financing allowance rate component will remain zero until the information is received.

(4) The initial prospective reimbursement rate for a new contractor as defined under WAC 388-96-026 (1)(c), shall be the last prospective reimbursement rate paid by the department to the Medicaid contractor operating the nursing facility immediately prior to the effective date of the new contract.

(5) ~~((For))~~ If the new contractor as defined under WAC 388-96-026 (1)(a), (b), or (c)((=)) began participating in the program beginning in the first year of a state fiscal biennium or had its first year of a state fiscal biennium rate set under

WAC 388-96-710(6), its July 1 prospective reimbursement rate for the second year of that state fiscal biennium shall:

(a) Be the initial prospective rate set in accordance with WAC 388-96-710 inflated in accordance with WAC 388-96-719; and

(b) Remain in effect until a prospective rate can be set under WAC 388-96-713.

~~((a) The initial prospective rate shall remain in effect until a prospective rate can be set according to WAC 388-96-713; or~~

~~((b)) (6) If the new contractor ((has participated)) began participating in the program ((for less than six months of the prior calendar year)) beginning in the second year of a state fiscal biennium, its July 1 prospective reimbursement rate for the first year of the next state fiscal biennium will be ((the one)) set ((pursuant to WAC 388-96-710 inflated in accordance with WAC 388-96-719(3).)) for the new contractor defined under:~~

(a) WAC 388-96-026 (1)(a) and (b), by applying WAC 388-96-710 (2) and (3) using the July 1 rate components established for the first year of the state's fiscal biennium following the second year of the state's fiscal biennium in which the new contractor began participating in the program; or

(b) WAC 388-96-026 (1)(c), by using twelve months of cost report data derived from the old contractor's data and the new contractor's data for the cost report year prior to the first year of the state fiscal biennium for which the rate is being set and applying WAC 388-96-719 through WAC 388-96-754 to set the component rates.

(7) For July 1, 1993 rate setting only, if a new contractor as defined under WAC 388-96-026 (1) is impacted by the peer group median cost plus twenty-five percent limit in its nursing services cost, such contractor shall not receive a per patient day prospective rate in nursing services for July 1, 1993 lower than the same contractor's prospective rate in nursing services as of June 30, 1993, as reflected in departmental records as of that date, inflated by any increase in the IPD Index authorized by WAC 388-96-719.

AMENDATORY SECTION (Amending Order 3555, filed 5/26/93, effective 6/26/93)

WAC 388-96-774 Prospective rate revisions. (1) The department shall determine each contractor's reimbursement rates prospectively at least once each calendar year, to be effective July 1st. The department shall determine all prospective reimbursement rates for 1984 and thereafter using the prior year's desk-reviewed cost reports. Prospective rates shall be maximum payment rates for contractors for the periods to which they apply.

(a) The department may grant revisions for:

(i) Inflation only as authorized under WAC 388-96-719(3); and

(ii) Other revisions for cost increases only as authorized in this section.

(b) The department shall not grant and the contractor shall not use rate adjustments for:

(i) Wage increases for existing, newly hired or promoted staff except as authorized in WAC 388-96-756; and

(ii) The use of temporary employment services providing direct patient care.

(c) The department shall not grant a rate adjustment to a cost center if that cost center is at or above the median cost for the facility's peer group plus the applicable percentage, reduced or increased under WAC 388-96-719.

(2) The department shall adjust rates for any capitalized additions or replacements made as a condition for licensure or certification.

(3) The department may adjust rates for any of the following:

(a) Variations in the distribution of patient classifications or changes in patient characteristics from:

(i) The prior reporting year; or

(ii) Those used to set the rate for a new contractor; or

(iii) Corresponding to the nursing staff funded for a new contractor.

(b) Program changes required by the department as evidenced by a written directive from the director of nursing home services, aging and adult services administration; and

(c) Changes in staffing levels at a facility required by the department as evidenced by a written directive from the director of nursing home services, aging and adult services administration.

(4) Contractors requesting an adjustment shall submit a written request to the department separate from all other requests and inquires of the department, e.g., WAC 388-96-904 (1) and (5). The written request shall include the following:

(a) A financial analysis showing:

(i) The increased cost; and

(ii) An estimate of the rate increase, computed according to allowable methods, necessary to fund the cost.

(b) A written justification for granting the rate increase; and

(c) A certification and supporting documentation showing the changes in staffing have commenced, or other commenced or completed improvements.

(5) Contractors receiving prospective rate increases per this section shall submit quarterly reports. The quarterly reports shall cover the first day the rate increase is effective and show how the additional rate funds and hours were utilized. If the funds and/or hours were not utilized for the changes and/or improvements approved by the department in granting the adjustment, they shall be subject to immediate recovery by the department.

(6) A contractor requesting an adjustment pursuant to subsection (3)(a) of this section shall submit a written plan specifying:

(a) Additional staff to be added;

(b) Changes in all patient characteristics requiring the additional staff; and

(c) The predicted improvements in patient care services which will result. The department shall respond to such requests within sixty days following the receipt of a properly completed request.

(7) In reviewing a request made under subsection (3) of this section, the department shall consider one or more of the following:

(a) Whether additional staff requested by a contractor is necessary to meet patient care needs;

(b) Comparisons of staffing patterns of nursing facilities from either the latest statewide metropolitan statistical area (MSA) peer group or non-MSA peer group to which the

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nursing facility belongs and calculated on a per patient day basis. The department shall use the latest MSA and non-MSA received from the office of management and budget or the appropriate federal agency;

- (c) The physical layout of the facility;
- (d) Nursing service planning and management for maximum efficiency;
- (e) Historic trends in underspending of a facility's nursing services component rate;
- (f) Numbers, positions, and scheduling of existing staff;
- (g) Increases in acuity (debility) levels of contractors' residents;
- (h) Survey, inspection of care, and department consultation results; and
- (i) The facility's ability to fund its staffing request through the facility's existing total Medicaid reimbursement rate.

(8) If a request made under subsection (3) of this section is approved by the department, the cost of funding the additional staff may be reduced for rate revision purposes by amounts shifted out of nursing services in 1986 or 1987, as reflected in the preliminary or final settlement reports for 1986 and 1987.

(9) The department may also adjust rates to cover costs associated with placing a nursing home in receivership for costs not covered by the rate of the former contractor, including:

- (a) Compensation of the receiver;
- (b) Reasonable expenses of receivership and transition of control; and
- (c) Costs incurred by the receiver in carrying out court instructions or rectifying deficiencies found.

(10) The department shall not grant a rate adjustment effective earlier than sixty days prior to receipt of the written request for such adjustment accompanied by all related documentation and information required by this section.

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 93-17-034
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Institutions)

[Order 3616—Filed August 11, 1993, 1:23 p.m.]

Date of Adoption: August 11, 1993.

Purpose: Describes methodology used in ICF/MR rate setting effective July 1, 1993.

Citation of Existing Rules Affected by this Order: Amending WAC 275-38-860 Resident care and habilitation cost center rate; and 275-38-906 Adjustments to prospective rates.

Statutory Authority for Adoption: RCW 74.09.120.

Pursuant to notice filed as WSR 93-14-074 on June 30, 1993.

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

AMENDATORY SECTION (Amending Order 3037, filed 7/12/90, effective 8/12/90)

WAC 275-38-860 Resident care and habilitation cost center rate. (1) For C and D level facilities, the resident care and habilitation cost center (~~((with))~~) shall reimburse for resident living services, habilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation.

(2) For E level facilities, the resident care and habilitation cost center (~~((with))~~) shall reimburse for resident living services, habilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation. The cost center (~~((with also))~~) shall reimburse for resident care and training staff performing administration and operations functions specified in WAC 275-38-870.

(3) A facility's resident care and habilitation cost center rate shall be (~~((determined as follows:))~~

(a) ~~The facility's most recent desk reviewed costs per resident day shall be adjusted for inflation except the costs for resident care and training (RCT) and recreation staff and purchased services;~~

(b) ~~RCT and recreation reimbursement shall be determined by multiplying the number of reimbursed RCT and recreation staff and purchased services hours reported in the facility's most recent cost report by the greater of ten dollars and seventy nine cents or the most recent reported cost for RCT and recreation staff and purchased services per reported hour; and~~

(c) ~~The amounts determined under subsection (3)(a) and (b) of this section shall be summed to establish the facility's rate))~~ the facility's most recent desk-reviewed costs per resident day adjusted for inflation.

AMENDATORY SECTION (Amending Order 3037, filed 7/12/90, effective 8/12/90)

WAC 275-38-906 Adjustments to prospective rates.

(1) Prospective rates shall be maximum payment rates for contractors for the periods to which they apply, except as otherwise provided in WAC 275-38-906. The department shall not grant rate adjustments for cost increases which are or were subject to management control or negotiation including, but not limited to, all lease cost increases, or for cost increases not expressly authorized in subsections (2) and (3) of this section.

(2) The department shall adjust rates for any capitalized additions or replacements made as a condition for licensure or certification.

(3) The department shall adjust rates for increased costs that must be incurred and which cannot be otherwise met through the contractor's prospective rate, for the following:

- (a) Program changes required by the department;
- (b) Changes in staffing levels or consultants at a facility required by the department; and
- (c) Changes required by survey; and

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(d) Changes in assessments related to revenue as required by the state legislature.

- (4) Contractors requesting an adjustment shall submit:
 - (a) A financial analysis showing the increased cost and an estimate of the rate increase, computed according to allowable methods, necessary to fund the cost;
 - (b) A written justification for granting the rate increase; and
 - (c) A certification and supporting documentation which shows the changes in staffing, or other improvements, have been commenced or completed.
- (5) Contractors receiving prospective rate increases under WAC 275-38-906 shall submit quarterly reports, beginning the first day of the month following the date the increase is granted, showing how the additional rate funds were spent. If the funds were not spent for change or improvements approved by the department in granting the adjustment, they may be subject to immediate recovery by the department unless the department finds the facility gave written notice of its intent to close by a date certain and recovery jeopardizes the facility's ability to provide for resident health, safety, and welfare.
- (6) A contractor requesting an adjustment under subsection (3)(c) of this section shall submit a written plan specifying additional staff to be added and the resident needs the facility has been unable to meet due to lack of sufficient staff.
- (7) In reviewing a request made under subsection (3) of this section, the department shall consider:
 - (a) Whether additional staff requested by a contractor is appropriate in meeting resident needs;
 - (b) Comparisons of staffing levels of facilities having similar characteristics;
 - (c) The physical layout of the facility;
 - (d) Supervision and management of current staff;
 - (e) Historic trends in under-spending of a facility's resident care and habilitation;
 - (f) Numbers and positions of existing staff; and
 - (g) Other resources available to the contractor under subsection (3) of this section.

WSR 93-17-035
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Order 3617—Filed August 11, 1993, 1:25 p.m.]

Date of Adoption: August 11, 1993.
 Purpose: Use of consistent language. Clarify technical language.
 Citation of Existing Rules Affected by this Order: Amending WAC 388-83-031 Continuation of eligibility for pregnant women; and 388-99-011 Continuation of eligibility for pregnant women.
 Statutory Authority for Adoption: RCW 74.08.090.
 Pursuant to notice filed as WSR 93-14-023 on June 28, 1993.
 Effective Date of Rule: Thirty-one days after filing.

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 Dewey Brock, Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 2430, filed 10/2/86)

WAC 388-83-031 Continuation of eligibility for pregnant women. The department shall continue Medicaid eligibility for a woman who was eligible for and received Medicaid on the last day of pregnancy ((shall continue to be eligible for Medicaid covered postpartum and pregnancy-related services for sixty days following that date)) through the end of the month in which the sixtieth day from the end of pregnancy occurs.

AMENDATORY SECTION (Amending Order 2722, filed 11/7/88)

WAC 388-99-011 Continuation of eligibility for pregnant women. The department shall continue Medicaid eligibility for a pregnant woman ((~~through the end of the month in which the sixty day period (beginning on the last day of pregnancy) ends~~)) as described under WAC 388-83-031.

WSR 93-17-036
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Order 3618—Filed August 11, 1993, 1:26 p.m.]

Date of Adoption: August 11, 1993.
 Purpose: New WAC 388-87-200 Jail inmates, SHB 1469 establishes for the medical care and payment for care for jail inmates. The law specifies who pays for jail inmate medical care and states that all jail inmates receive appropriate and cost-effective emergency and necessary medical care.
 Statutory Authority for Adoption: RCW 74.08.090.
 Pursuant to notice filed as WSR 93-14-026 on June 28, 1993.
 Effective Date of Rule: Thirty-one days after filing.
 August 11, 1993
 Dewey Brock, Chief
 Office of Vendor Services

NEW SECTION

WAC 388-87-200 Payment for jail inmates medical care. (1) The department shall directly reimburse the medical care provider in accordance with the rates and benefits set by the department, when a county or city jail inmate receives emergency or necessary medical care and meets the eligibility requirements for medical care programs authorized under Chapter 74.09 RCW.
 (2) The medical care provider and the governing unit as described under RCW 70.48.130, shall be responsible for payment for any remaining balance, including unpaid client liabilities that are a condition of eligibility.
 (3) Total payment from all sources to the medical care provider for covered medical services provided to jail

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inmates eligible for coverage under Chapter 74.09 RCW shall not exceed the amount the department pays for such services under the Medicaid program.

(4) The governing unit shall provide the department and medical care provider with information concerning the jail inmate's ability to pay for medical care.

(5) The governing unit or medical care provider may obtain reimbursement from the inmate for the cost of services not covered by the department, either directly or seek civil or criminal remedies. As part of a judgment and sentence, the courts may order a defendant to repay the medical costs incurred by the governing unit or medical care providers during confinement.

WSR 93-17-037
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3619—Filed August 11, 1993, 1:29 p.m.]

Date of Adoption: August 11, 1993.

Purpose: Chapter 388-539 WAC, Acquired human immunodeficiency syndrome insurance program (new), HB 2130 moves the administrative responsibility of the AIDS insurance program from Department of Health to the medical assistance administration within the Department of Social and Health Services (DSHS).

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 93-14-024 on June 28, 1993.

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

August 11, 1993
 Dewey Brock, Chief
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Chapter 388-539 WAC
ACQUIRED HUMAN IMMUNODEFICIENCY SYN-
DROME INSURANCE PROGRAM

NEW SECTION

WAC 388-539-001 Purpose. The department shall administer state funds appropriated to ensure health insurance coverage for a person:

- (1) Incapacitated by acquired human immunodeficiency syndrome (AIDS), as defined under WAC 388-539-050; and
- (2) Who meets the department's eligibility requirements described under WAC 388-539-100.

NEW SECTION

WAC 388-539-050 Definitions. For the purpose of this chapter, "acquired human immunodeficiency syndrome" means the illness characterized by the diseases and conditions defined and described by the state board of health under WAC 246-100-011(1).

NEW SECTION

WAC 388-539-100 Eligibility. (1) The department shall pay health insurance premiums for a client with AIDS and who is liable for the health insurance premium, when the client meets the following conditions:

(a) Is ineligible for Medicaid or state-funded medical programs operated by the department;

(b) Is eligible for continuation coverage insurance benefits as provided for by the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, group health insurance, or individual health insurance coverage if cost effective; and

(c) Has personal assets equal to or less than fifteen thousand dollars, excluding a home used as a primary residence, and a car.

(2) A client's eligibility under the program shall cease when the person:

(a) Dies;

(b) Is no longer eligible for insurance under subsection (1) of this section; or

(c) Moves out of state.

NEW SECTION

WAC 388-539-150 Premium payment. The department shall pay a maximum premium payment not to exceed fifty percent of the estimated average monthly expenditure for covered services for a comparable Medicaid client during the same fiscal year.

WSR 93-17-038
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3620—Filed August 11, 1993, 1:31 p.m.]

Date of Adoption: August 11, 1993.

Purpose: Division of alcohol and substance abuse changed outpatient chemical treatment policies. The changes impacting medical assistance administration's medical programs are reflected in these rules and provide references to the DASA's rules. Adds new rule on chemical dependency outpatient services, WAC 388-86-300.

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-006 Medical care services; 388-87-005 Payment—Eligible providers defined; 388-86-024 Enhanced benefits for pregnant women; and 388-86-005 Services available to recipients of categorical needy medical assistance.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 93-14-027 on June 28, 1993.

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

August 11, 1993
 Dewey Brock, Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 2539, filed 9/17/87)

WAC 388-83-006 Medical care services. (1) The department shall provide state-funded medical care services within the limitations set forth under these rules and regulations to any ~~((individual who has been))~~ client certified as eligible to receive:

(a) Continuing general assistance~~((;))~~₂ or
 (b) Alcohol and drug addiction services provided under ~~((sections 1 through 8 of))~~ the Alcoholism and Drug Addiction Treatment and Support Act ~~((of 1987 (chapter 406, Laws of 1987)))~~ chapter 74.50 RCW.

(2) The ~~((recipient))~~ client shall ~~((be responsible for furnishing))~~ furnish the medical care provider ~~((of medical services))~~ with a medical identification ~~((coupon))~~ card or other adequate verification of eligibility ~~((provided by))~~ from the department.

AMENDATORY SECTION (Amending Order 3309, filed 1/15/92, effective 2/15/92)

WAC 388-86-005 Services available to recipients of categorical needy medical assistance. (1) The department shall provide the following Title XIX mandatory services:

(a) Early and periodic screening diagnosis and treatment services to an eligible person twenty years of age or under;
 (b) Family planning services;
 (c) Federally qualified health center services;
 (d) Home health agency services;
 (e) Inpatient and outpatient hospital care;
 (f) Medicare certified rural health clinic services;
 (g) Other laboratory and x-ray services;
 (h) Skilled nursing home care;
 (i) Certified registered nurse practitioner services; and
 (j) Physicians' services in the office or away from the office as needed for necessary and essential medical care.

(2) The department shall provide the following Title XIX optional services:

(a) Anesthesia services;
 (b) Blood;
 (c) Chiropractic services;
 (d) Drugs and pharmaceutical supplies;
 (e) Eyeglasses and examination;
 (f) Hearing aids and examinations;
 (g) Hospice services;
 (h) Licensed midwife services;
 (i) Maternity support services;
 (j) Oxygen;
 (k) Personal care services;
 (l) Physical therapy services;
 (m) Private duty nursing services;
 (n) Surgical appliances;
 (o) Prosthetic devices and certain other aids to mobility;

and

(p) Dental services.
 (3) The department shall limit organ transplants to the cornea, heart, heart-lung, kidney, kidney-pancreas, liver, pancreas, single lung, and bone marrow.

(4) The department shall provide treatment, dialysis, equipment, and supplies for acute and chronic nonfunctioning kidneys when the ~~((recipient))~~ client is in the home,

hospital, or kidney center as described under WAC 388-86-050~~((45))~~₍₁₂₎.

(5) The department shall provide detoxification and medical stabilization to chemically using pregnant women in a hospital.

(6) The department shall provide detoxification of acute alcohol or other drug intoxication only in a certified detoxification center or in a general hospital having a detoxification provider agreement with the department.

(7) The department shall provide outpatient chemical dependency treatment in programs qualified under chapter 275-25 WAC and certified under chapter 275-19 WAC or its successor.

(8) For services available under the:

(a) Limited casualty program-medically needy, see chapter 388-99 WAC; and

(b) Limited casualty program-medically indigent, see chapter 388-100 WAC.

(9) The department may require a second opinion and/or consultation before the approval of any elective surgical procedure.

(10) The department shall designate diagnoses that may require surgical intervention:

(a) Performed in other than a hospital in-patient setting; and

(b) Requiring prior approval by the department for a hospital admission.

(11) The department shall assure the availability of necessary transportation to and from medical services covered under a ~~((recipient's))~~ client's medical program.

AMENDATORY SECTION (Amending Order 3094, filed 11/20/90, effective 12/21/90)

WAC 388-86-024 Enhanced benefits for pregnant women. (1) The department shall provide enhanced benefits to a Medicaid ~~((recipient))~~ client during each pregnancy and through the end of the month containing the sixtieth day after the pregnancy ends.

(2) The enhanced benefits include:

(a) Maternity support services, by a provider approved by the division of parent-child health services, consisting of:

(i) Nursing assessment and/or counseling visit;
 (ii) Psychosocial assessment and/or counseling visit;
 (iii) Nutrition assessment and/or counseling visit;
 (iv) Community health worker visit; and
 (v) Child birth/parenting education.

(b) Outpatient alcohol and drug treatment consisting of:
 (i) A chemical dependency assessment by an Alcohol and Drug Abuse Treatment and Service Act assessment center or the outpatient treatment provider as defined under chapter 275-19 WAC or its successor; and

(ii) Chemical dependency treatment.

(c) Vitamins and nonprescription drugs as listed in the department's formulary; and

(d) Transportation as provided under WAC 388-86-085.

(3) The ~~((recipient))~~ client ~~((has))~~ shall have the freedom of choice:

(a) To receive maternity support services;

(b) Of qualified maternity support services providers; and

(c) To be referred for outpatient alcohol and drug treatment, unless ordered by the court.

(4) The department shall pay per ~~((recipient))~~ client a maximum of:

(a) Ten contacts for assessment/counseling and community health worker visits under subsection (2)(a) of this section. The department shall pay for additional contacts when the maternity support services provider documents the need for additional contacts;

(b) One contact for child birth/parenting education; and

(c) One contact for an alcohol and drug treatment assessment under subsection (2)(b) of this section~~((and~~

~~((d) Two hundred hours of outpatient chemical dependency treatment)).~~

NEW SECTION

WAC 388-86-300 Chemical dependency outpatient services. (1) The department shall provide chemical dependency outpatient treatment services to a Medicaid client.

(2) The department shall provide a maximum of one hundred and fifteen hours of outpatient chemical dependency services per client in a twenty-four-month period. The department shall exclude from this limitation a client who is:

(a) Participating in a youth chemical dependency treatment program;

(b) Participating in a methadone chemical dependency treatment program; or

(c) Pregnant or up to twelve months post pregnancy.

(3) The department shall provide exceptions to the service limitations under subsection (2) of this section for chemical dependency outpatient treatment services to a Medicaid client based on medical and clinical necessity.

AMENDATORY SECTION (Amending Order 3545, filed 5/12/93, effective 6/12/93)

WAC 388-87-005 Payment—Eligible providers defined. (1) The following providers shall be eligible for enrollment to provide medical care to eligible clients:

(a) Persons currently licensed by the state of Washington to practice medicine, osteopathy, dentistry, optometry, podiatry, midwifery, nursing, dental hygiene, chiropractic, or physical, occupational, speech, or respiratory therapy;

(b) A hospital currently licensed by the department of health;

(c) A facility currently licensed and classified by the department as a nursing facility or an intermediate care facility for the mentally retarded (ICF-MR);

(d) A licensed pharmacy;

(e) A home health services agency licensed under chapter 70.127 RCW;

(f) A hospice care agency licensed under chapter 70.127 RCW;

(g) An independent (outside) laboratory certified to participate under Title XVIII or determined currently to meet the Medicare requirements for such participation;

(h) A company or person, not excluded in subsection (3) of this section, supplying items vital to the provision of medical services such as ambulance service, oxygen, eyeglasses, other appliances, or approved services~~((;))~~ not otherwise covered under this section;

(i) A provider of screening services having a signed agreement with the department to provide such services to eligible persons in the early and periodic screening and diagnosis and treatment (EPSDT) program;

(j) A qualified and approved center for the detoxification of acute alcohol or other drug intoxication conditions;

(k) A qualified and approved outpatient clinical community mental health center, an approved inpatient psychiatric facility, ~~((a qualified and approved chemical dependency treatment facility,))~~ or Indian health service clinic;

(l) A chemical dependency facility;

(i) Certified by the division of alcohol and substance abuse under chapter 275-19 WAC, or its successor; and

(ii) Included in a coordinated continuum of chemical dependency services per a county plan under Chapter 275-25 WAC or its successor.

(m) A Medicare-certified rural health clinic;

~~((m))~~ (n) A federally qualified health care center;

~~((n))~~ (o) Licensed or certified agencies or persons having a signed agreement with the department to provide coordinated community AIDS service alternatives program services:

(i) Home care agency personal care providers or self-employed independent contractors providing hourly attendant or respite care;

(ii) Facilities or agencies providing therapeutic home-delivered meals;

(iii) Dietitians or nutritionists; and

(iv) Social workers, mental health counselors, or psychologists who are self-employed independent contractors or employed by various licensed or certified agencies.

~~((o))~~ (p) Approved prepaid health maintenance, prepaid health plans, or health insuring organizations;

~~((p))~~ (q) An out-of-state provider of services listed under subsection (1)(a) through ~~((m))~~ (l) of this section subject to conditions specified under WAC 388-87-105;

~~((q))~~ (r) A Washington state school district or educational service district;

~~((r))~~ (s) A licensed birthing center; and

~~((s))~~ (t) A Medicare-certified ambulatory surgical center.

(2) The department shall not pay for services performed by the following practitioners:

(a) Acupuncturists;

(b) Sanipractors;

(c) Naturopaths;

(d) Homeopathists;

(e) Herbalists;

(f) Masseurs or manipulators;

(g) Christian Science practitioners or theological healers;

and

(h) Any other licensed or unlicensed practitioners not otherwise specifically provided for under the rules of this chapter.

(3) Conditions of provider enrollment.

(a) Nothing in this section shall bind the department to enroll all eligible providers capable of delivering covered services. The department shall demonstrate the department's plan for service delivery creates adequate access to covered services.

(b) When a provider has a restricted professional license or has been terminated, excluded, or suspended from the

Medicare/Medicaid programs, the department shall not enroll the provider unless the department determines the violations leading to the sanction or license restriction are not likely to be repeated. In the department's determination, the department shall consider whether the provider has been convicted of offenses related to the delivery of professional or other medical services not considered during the development of the previous sanction.

(c) The department shall not reinstate in the medical assistance program, a provider suspended from Medicare or suspended by the United States Department of Health and Human Services (DHHS) until DHHS notifies the department that the provider may be reinstated.

(d) Nothing in this subsection shall preclude the department from denying provider enrollment if, in the opinion of the medical director, medical assistance administration, the provider constitutes a danger to the health and safety of clients.

WSR 93-17-039
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3621—Filed August 11, 1993, 2:34 p.m.]

Date of Adoption: August 11, 1993.

Purpose: New chapter 388-538 WAC, Managed care, expands managed care mandatory enrollment and allows for a new health delivery model called primary care case management to provide coordinated care to clients. Establishes a new chapter of managed care for contracts with the department effective July 1, 1993.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-00902 Mandatory prepaid health care plans.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 93-14-046 on June 29, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-538-080 (2)(b) reference is corrected, and (3) is edited. WAC 388-538-110 (2)(a) reference is edited. Adds new (3) and (4) to WAC 388-538-110. WAC 388-538-140 (1)(b) deleted the word "written."

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

August 11, 1993

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3401, filed 6/9/92, effective 7/10/92)

WAC 388-86-00902 Mandatory prepaid health care plans. (1) The department shall enroll designated program category clients residing in the service area of a mandatory enrollment prepaid health care plan, except as provided in subsections (5) and (6) of this section.

(2) For the purposes of this section, "mandatory prepaid health care plan" shall be referred to as "a plan." A plan means the department shall:

(a) Require a client in a specified service area who is eligible for a designated program category to join a health care plan; and

(b) Pay a premium to a health care plan for contracted health care provided to the client.

(3) The department may offer optional enrollment to additional program category eligible groups with the agreement of a plan.

(4) Timely provision of services means a client shall have the right to receive medically necessary health care without unreasonable delay.

(5) Before enrolling in a plan, a client may request an exemption from enrolling. The department may exempt the client, for whom medically necessary care is required, and a contracted plan is unable to provide the medically necessary care. In making the exemption determination, the department's consideration shall include, but not be limited to whether:

(a) Distance makes it unreasonably difficult for the client to obtain medical care; or

(b) The absence of services accessible to disabled persons makes it unreasonably difficult for the client to obtain medical care.

(6) Tribal Indians eligible under subsection (1) of this section may choose to enroll in a plan. Once enrolled in a plan, the Tribal Indian can only be disenrolled according to subsection (12) of this section.

(7) Emergencies and emergency transportation services are exempt from a plan's routine medical care authorization procedures. Emergency service means a situation in which a person requires immediate medical services to avoid placing a person's health in serious jeopardy or alleviate a condition manifesting itself by acute symptoms, including severe pain, discomfort, or emergency active labor and delivery.

(a) The client shall not be responsible for determining, or for the cost of determining, if an emergency exists.

(b) If an emergency exists, the client shall not be financially responsible for any services rendered.

(c) If an emergency does not exist, and a plan will not authorize further services, the client shall be financially responsible for further services received only if the client is informed and agrees, in writing, to the responsibility before receiving the services as described under WAC 388-87-010(7).

(8) A client aggrieved by a decision of a plan or the department has the right to a fair hearing as required under chapter 388-08 WAC:

(a) Except as provided in subdivision (b) and (c) of this subsection, a client shall exhaust a plan's grievance procedure before requesting a fair hearing. A plan's grievance procedure shall result in a written decision stating the basis for the decision. The client has the right to request a fair hearing if the decision is adverse or the written decision is not received within thirty days from the date a plan received the grievance. A plan may be a party to the fair hearing.

(b) In any case where a plan denies a client urgently needed medical care, a client need only provide a written grievance to a plan before or when requesting a fair hearing.

(c) A client requesting exemption from enrolling in a plan shall file a written request with the department. If not satisfied with the department's decision, the client may

request a fair hearing. A plan may be a party to the fair hearing.

(9) Each client enrolled in a plan shall have a primary care provider (PCP):

(a) Clients shall have an opportunity to choose a PCP from current plan providers;

(b) A plan shall assign a client not choosing a participating provider to a PCP;

(c) Clients shall have the right to change their PCP:

(i) One time during a twelve-month period for any reason; and

(ii) For subsequent changes during the twelve-month period the client shall first show good cause.

(d) When requesting a change of PCP the client shall notify a plan of the:

(i) Desired change including the name of the new PCP; and

(ii) Reason for the desired change.

(10) The client shall have the right to a second opinion by another participating physician or specialist of a plan:

(a) When the client needs more information as to the medical necessity of medical treatment recommended by the PCP; or

(b) If the client believes the PCP is not authorizing medically necessary care.

(11) When medically necessary, the PCP shall make a prompt referral to another participating physician or specialist of a plan.

(12) The department may terminate enrollment of a client in a plan when a:

(a) Client loses eligibility for a plan; or

(b) Client requests disenrollment under the same considerations as subsection (5) of this section; or

(c) Plan requests disenrollment of the client, in writing, and a:

(i) Plan establishes the client's behavior is:

(A) Inconsistent with a plan's rules and regulations, such as intentional misconduct; or

(B) Such that it becomes medically nonfeasible to safely or prudently provide medical care; and

(ii) Plan's requested disenrollment is approved by the medical assistance administration. The medical assistance administration shall:

(A) Make a decision on the requested disenrollment within fifteen days of the receipt of the request; and

(B) Notify the client ten days in advance of the effective date of disenrollment for any approved disenrollment.

(13) A plan shall not request disenrollment of a client solely due to an adverse change in the client's health.

(14) The department shall require a plan to appoint a medical director or designee who:

(a) Shall be responsible for the plan's quality assurance program and shall review all plan grievances; and

(b) Furnishes the medical assistance administration with a copy of all written grievances and a plan's response to such grievances.

(15) On at least an annual basis, the department shall arrange for and a plan shall permit an independent, external review of the quality of client services provided or arranged by a plan.

(16) This section shall apply to contracts in effect before July 1, 1993. See chapter 388-538 WAC for contracts effective July 1, 1993.

Chapter 388-538 WAC MANAGED CARE

NEW SECTION

WAC 388-538-001 Purpose. For contracts effective on or after July 1, 1993, the department may contract with health care plans or primary care case managers to provide medical services directly to a client or arrange for a client to receive medical care according to the contract between the department and a plan or primary care case managers.

NEW SECTION

WAC 388-538-050 Definitions. For the purpose of this chapter:

(1) "Coordinated care" means a comprehensive system of medical and health care delivery including preventative, primary, specialty, and ancillary services. Coordinated care involves having clients enrolled with or assigned to a primary care provider, in a plan or with an independent provider, responsible for arranging or delivering all contracted medical care.

(2) "Enrolled client" means a client eligible for Medicaid and receiving services from a health care plan or primary care case management provider who has a contract with the department.

(3) "Emergency services" shall mean medical or other health services which are rendered for a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

(a) Placing the patient's health in serious jeopardy;

(b) Serious impairment to bodily functions; or

(c) Serious dysfunction of any bodily organ or part.

(4) "Health care plan" means an organization contracting with the department, offering a health care plan that provides and/or pays for medical services provided to an eligible enrolled client in exchange for a department prepaid monthly set rate. A health care plan shall be referred to in this chapter as "a plan."

(5) "Persons with special health care needs" means persons having ongoing health conditions that:

(a) Have a biologic, psychologic, or cognitive basis;

(b) Have lasted or are virtually certain to last for at least one year; and

(c) Produce one or more of the following sequelae:

(i) Significant limitation in areas of physical, cognitive, or emotional function;

(ii) Dependency on medical or assistive devices to minimize limitation of function or activities;

(iii) In addition for children:

(A) Significant limitation in social growth or developmental function;

(B) Need for psychologic, educational, medical or related services over and above the usual for the child's age; or

(C) Special ongoing treatments such as medications, special diets, interventions or accommodations at home or at school.

(6) "Primary care provider" means a provider who has responsibility for supervising, coordinating, and providing initial and primary care to clients, initiating referrals for specialist care, and maintaining the continuity of patient care. A primary care provider shall be either:

(a) A physician, who meets the criteria under WAC 388-87-007;

(b) Advanced registered nurse practitioner, who meets the criteria under WAC 388-87-007; or

(c) Licensed physician assistants.

(7) "Primary care case management" means a model of health care where a physician, ARNP, physician assistant, community/migrant health center, health department, or clinic agrees to provide primary health care services and coordinate other preventative, specialty, and ancillary health care in exchange for a monthly case management fee for each client managed. Primary care case management shall be referred to in this section as "PCCM."

(8) "Timely provision of services" means a client has the right to receive medically necessary health care without unreasonable delay.

NEW SECTION

WAC 388-538-060 Eligible client. (1) The department shall require a client, eligible for certain designated medical program categories, to enroll in a plan or under PCCM when the client resides in the contracted service area of a plan or PCCM, except as provided in WAC 388-538-080.

(2) The department shall assign a client to a plan or a PCCM provider when the client does not choose a plan or PCCM.

NEW SECTION

WAC 388-538-070 Managed care payment. The department shall pay a:

(1) Set rate to a plan for contracted health care provided to the client; and

(2) Monthly management fee under PCCM in addition to a fee for covered services provided to the client.

NEW SECTION

WAC 388-538-080 Managed care exemptions. (1) The department shall not require a client to enroll or to continue enrollment in a contracted plan or PCCM when medically necessary care is not reasonably available and accessible to the client under any of the plans offered.

(2) In making the exemption determination, the department shall consider medically necessary services not reasonably available and accessible when:

(a) The limited English-speaking or hearing-impaired client can communicate in the client's primary language with a health provider not participating in a plan or under PCCM;

(b) The nature of the client's health care needs is specialized and/or complex, such that available plans or PCCM are unable to adequately meet those needs, including but not limited to persons with special health care needs as defined in WAC 388-538-050;

(c) The distance is over twenty-five miles, travel time greater than forty-five minutes, or other transportation difficulties make it unreasonably difficult for a client to obtain medical care from a plan or under PCCM;

(d) The client is homeless or is expected to reside in temporary housing or a shelter for less than sixty days from date the client requests the exemption;

(e) The client's treating provider is not a member of a plan, or a PCCM provider and the treating provider has determined that the established treatment plan or plan of care is essential to the client's physical or mental health; or

(f) Before enrollment, a pregnant woman has started prenatal care with an obstetrical provider who is not a member of a plan or under PCCM.

(3) A client requesting an exemption from enrolling in a plan or under PCCM shall make a request to the department. The department shall timely notify the client of the exemption decision and the reasons therefor before enrolling the client in managed care. The client may request a fair hearing when the client is not satisfied with the department's decision as described under WAC 388-81-040.

NEW SECTION

WAC 388-538-090 Client's choice of primary care provider. (1) Each client enrolled in managed care shall have a primary care provider (PCP).

(2) A client shall have an opportunity to choose a PCP from available providers.

(3) A plan shall assign a client to a PCP when the client enrolls in a plan and does not choose PCP in the plan.

(4) A client in a plan shall have the right to change a PCP:

(a) One time during a twelve-month period for any reason; and

(b) For subsequent changes during the twelve-month period, only for documented good cause. The client shall notify a plan of the:

(i) Desired change including the name of the new PCP; and

(ii) Reason for the desired change.

(5) A client enrolled with a PCCM shall have the right to change PCCM for any reason.

NEW SECTION

WAC 388-538-095 Medical services The department shall pay separately, on a fee-for-service basis, only for medical services covered under the department's medical care programs that a managed care contract does not cover. Such services include transportation as described under WAC 388-86-085.

NEW SECTION

WAC 388-538-100 Managed care emergency services

(1) Emergencies and emergency transportation services shall be exempted from routine medical care authorization procedures of a plan or under PCCM.

(2) A client shall not be responsible for determining if an emergency exists or for the cost of such determination.

(3) In a medical emergency, the client shall not be financially responsible for covered managed care services provided.

(4) When an emergency does not exist, and the client's plan PCP does not authorize services, the client shall be financially responsible for further services received only when the client is informed and agrees, in writing, to the responsibility before receiving the services as described under WAC 388-87-010.

NEW SECTION

WAC 388-538-110 Client grievances (1) A client aggrieved by a decision of a plan, PCCM, or the department shall have the right to a fair hearing as required under WAC 388-81-040.

(2) A client enrolled in a plan:

(a) Shall exhaust a plan's grievance procedure before requesting a fair hearing, except in subsection (2) (c) (iii) of this section;

(b) Shall receive a written decision stating the basis for the grievance decision;

(c) May request a fair hearing when a:

(i) Grievance decision is adverse;

(ii) Plan does not respond in writing within thirty days from the date the client requests the grievance; or

(3) The client may request a fair hearing at the same time a grievance is filed when the plan denies a client urgently needed medical care and the client requests a grievance in writing.

(4) The plan or PCCM shall advise the client of his or her right to request a fair hearing at the time the plan or PCCM notifies the client of the grievance decision.

NEW SECTION

WAC 388-538-120 Client request for a second medical opinion (1) The client enrolled in a plan shall have the right to a second opinion by another physician or specialist participating in the client's assigned plan:

(a) When the client needs more information as to the medical necessity of medical treatment recommended by the PCP; or

(b) If the client believes the PCP is not authorizing medically necessary care.

(2) The client enrolled with a PCCM shall have the right to a second opinion by another provider or specialist the same as in (1)(a) or (b) of this section.

(3) When medically necessary, the client shall be promptly referred to:

(a) Another participating physician or specialist of a plan, when enrolled in a plan; or

(b) Another provider or specialist when enrolled under PCCM.

NEW SECTION

WAC 388-538-130 Enrollment termination. The department may terminate enrollment of a client when a:

(1) Client loses eligibility for a medical eligibility category which requires enrollment;

(2) Client requests and medical assistance administration (MAA) approves disenrollment under the same considerations as under WAC 388-538-080; or

(3) Plan or PCCM requests in writing to MAA disenrollment of the client and:

(a) A plan or PCCM establishes that the client's behavior is:

(i) Inconsistent with a plan's or PCCM's rules and regulations, such as intentional misconduct; or

(ii) Such that it become medically infeasible to safely or prudently provide medical care; and

(b) MAA approves a plan's or PCCM's request:

(i) Within fifteen days from the day of receipt of the request; and

(ii) Notifies the client ten days in advance of the effective date of disenrollment.

NEW SECTION

WAC 388-538-140 Quality of care. The department shall require:

(1) A plan to appoint a medical director or designee who:

(a) Shall be responsible for the plan's quality assurance program and shall review all plan grievances; and

(b) Furnishes MAA with a copy of all grievances and a plan's response to such grievances.

(2) A PCCM to provide adequate documentation for quality assurance review.

NEW SECTION

WAC 388-538-150 Managed care medical audit (1) At least once a year, the department shall conduct a medical audit of a plan or PCCM to ensure the quality and accessibility of health care services provided or arranged by a plan or PCCM for enrolled clients.

(2) A plan or PCCM shall permit such medical audit.

(3) The department may conduct or contract independently for such medical audit.

**WSR 93-17-040
PERMANENT RULES
DEPARTMENT OF
COMMUNITY DEVELOPMENT**

[Filed August 11, 1993, 2:47 p.m.]

Date of Adoption: August 5, 1993.

Purpose: Amending chapter 365-195 WAC, Procedural criteria—Growth management, adding Part Seven (Relationship of Growth Management Planning To Other Laws) and Part Eight (Development Regulations).

Citation of Existing Rules Affected by this Order: Adds new sections; and amends WAC 365-195-210, 365-195-220, and 365-195-620.

Statutory Authority for Adoption: RCW 36.70A.190 (4)(b).

Pursuant to notice filed as WSR 93-13-138 on June 23, 1993.

Changes Other than Editing from Proposed to Adopted Version: Altered WAC 365-195-620 to provide for the filing of five copies of comprehensive plans and develop-

ment regulations with the department rather than two, and to require that additional copies be filed with other state agencies identified on a list to be distributed by the department; substituted the term "nonproject" for "programmatic" in WAC 365-195-760; and inserted the phrase "by the deadline" for adoption in place of "at the time" for adoption in WAC 365-195-810(1).

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

August 5, 1993

Gene Canque Liddell

Director

AMENDATORY SECTION (Amending WSR 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-210 Definitions of terms as used in this chapter. The following are definitions of terms which are not defined in RCW 36.70A.030 but which are defined here for purposes of these procedural criteria. The department recommends that counties and cities planning under the act adopt these definitions in their plans:

((1)) "Act" means the Growth Management Act as enacted in chapter 17, Laws of 1990 1st ex. sess., and chapter 32, Laws of 1991 sp. sess., state of Washington.

((2)) "Adequate public facilities" means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.

((3)) "Affordable housing" means residential housing that is rented or owned by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income.

"Available public facilities" means that facilities or services are in place or that a financial commitment is in place to provide the facilities or services within a specified time. In the case of transportation, the specified time is six years from the time of development.

((4)) "Concurrency" means that adequate public facilities are available when the impacts of development occur. This definition includes the two concepts of "adequate public facilities" and of "available public facilities" as defined above.

((5)) "Consistency" means that no feature of a plan or regulation is incompatible with any other feature of a plan or regulation. Consistency is indicative of a capacity for orderly integration or operation with other elements in a system.

((6)) "Coordination" means consultation and cooperation among jurisdictions.

((7)) "Contiguous development" means development of areas immediately adjacent to one another.

((8)) "Demand management strategies," or "transportation demand management strategies (TDM)" means strategies aimed at changing travel behavior rather than at expanding the transportation network to meet travel demand. Such strategies can include the promotion of work hour changes, ride-sharing options, parking policies, telecommuting.

((9)) "Domestic water system" means any system providing a supply of potable water which is deemed adequate pursuant to RCW 19.27.097 for the intended use of a development.

((10)) "Financial commitment" means that sources of public or private funds or combinations thereof have been identified which will be sufficient to finance public facilities necessary to support development and that there is reasonable assurance that such funds will be timely put to that end.

((11)) "Growth Management Act" - see definition of "Act."

((12)) "Level of service" means an established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need.

((13)) "Master planned resort" means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.

((14)) "New fully contained community" is a development proposed for location outside of the existing designated urban growth areas which is characterized by urban densities, uses, and services, and meets the criteria of RCW 36.70A.350.

((15)) "Planning period" means the twenty-year period following the adoption of a comprehensive plan or such longer period as may have been selected as the initial planning horizon by the planning jurisdiction.

((16)) "Public service obligations" means obligations imposed by law on utilities to furnish facilities and supply service to all who may apply for and be reasonably entitled to service.

((17)) "Regional transportation plan" means the transportation plan for the regionally designated transportation system which is produced by the regional transportation planning organization.

((18)) "Regional transportation planning organization (RTPO)" means the voluntary organization conforming to RCW 47.80.020, consisting of local governments within a region containing one or more counties which have common transportation interests.

((19)) "Rural lands" means all lands which are not within an urban growth area and are not designated as natural resource lands having long term commercial significance for production of agricultural products, timber, or the extraction of minerals.

((20)) "Sanitary sewer systems" means all facilities, including approved on-site disposal facilities, used in the collection, transmission, storage, treatment, or discharge of any waterborne waste, whether domestic in origin or a combination of domestic, commercial, or industrial waste.

((21)) "Solid waste handling facility" means any facility for the transfer or ultimate disposal of solid waste, including land fills and municipal incinerators.

((22)) "Transportation facilities" includes capital facilities related to air, water, or land transportation.

((23)) "Transportation level of service standards" means a measure which describes the operational condition of the travel stream and acceptable adequacy requirements. Such standards may be expressed in terms such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience, geographic accessibility, and safety.

((24)) "Transportation system management (TSM)" means the use of low capital expenditures to increase the

capacity of the transportation system. TSM strategies include but are not limited to signalization, channelization, and bus turn-outs.

~~((25))~~ "Utilities" or "public utilities" means enterprises or facilities serving the public by means of an integrated system of collection, transmission, distribution, and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunications services, and water, and for the disposal of sewage.

~~((26))~~ "Visioning" means a process of citizen involvement to determine values and ideals for the future of a community and to transform those values and ideals into manageable and feasible community goals.

AMENDATORY SECTION (Amending WSR 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-220 Additional definitions to be adopted locally. In addition to adopting definitions of terms set forth in the preceding section, planning jurisdictions should consider developing local definitions of the following, to the extent such terms are used in local plans. The definitions should in every case be consistent with county-wide planning policies:

- ~~((1))~~ "Affordable housing."
- ~~((2))~~ "Development rights."
- ~~((3))~~ "Essential public facilities."
- ~~((4))~~ "Rural governmental services."
- ~~((5))~~ "Objectives, principles, and standards."
- ~~((6))~~ "Related regional issues."

AMENDATORY SECTION (Amending WSR 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-620 Submissions to state. (1) Each county or city proposing adoption of a comprehensive plan or development regulations shall notify the department of its intent at least sixty days prior to final adoption. Notification shall be made by filing with the department ~~((two))~~ five complete copies of the plan ~~((or one copy and a computer disc containing the plan))~~ or development regulation(s). In addition, copies shall be provided to other state agencies identified on a list distributed by the department to planning jurisdictions. State agencies including the department may provide comments, during the public review process prior to adoption.

(2) Each county or city planning under the act shall transmit a complete and accurate copy of its comprehensive plan or development regulations to the department within ten days after final adoption.

(3) Any proposed amendments for permanent changes to a comprehensive plan or development regulation shall be submitted to the department in the same manner as initial plans and development regulations. Adopted amendments shall be transmitted to the department in the same manner as the initial plans and regulations.

PART SEVEN RELATIONSHIP OF ~~((GMA))~~ GROWTH MANAGEMENT PLANNING TO OTHER LAWS

AMENDATORY SECTION (Amending WSR 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-700 ~~((Analysis of preemption))~~
Background. ~~((Reserved))~~ For local jurisdictions subject to its terms, the Growth Management Act mandates the development of comprehensive plans and development regulations that meet statutory goals and requirements. These plans and regulations will take their place among existing laws relating to resource management, environmental protection, regulation of land use, utilities and public facilities. Many of these existing laws were neither repealed nor amended by the act.

This circumstance places responsibilities both on local growth management planners and on administrators of preexisting programs to work toward producing a single harmonious body of law.

The need to consider and recognize other laws should profoundly influence, limit and shape planning and decision making under the act. At the same time, in recognition of the broad and fundamental changes intended by creation of the growth management scheme, prior programs should be interpreted and directed, to the maximum extent possible, in a manner consistent with the products of the comprehensive new land use management system.

The far-reaching nature of the act and the wide variety of possible outcomes under its authority dictate that identification of all the points of contact between its products and other laws will have to be elaborated over time. The entire process of determining how the act fits into the overall legal framework will, of necessity, be an incremental one. Nonetheless, for growth management to succeed, this process must begin at the outset.

At the planning stage, this means that a conscious effort to address the requirements of other existing law is needed as an essential initial step in the process. This need poses an unprecedented challenge to all governmental entities - municipalities, counties, regional authorities, special districts and state agencies - to communicate and collaborate. The act is a mandate to government at all levels to engage in coordinated planning and cooperative implementation.

NEW SECTION

WAC 365-195-705 Basic assumptions. (1) Where the legislature has spoken expressly on the relationship of the act to other statutory provisions, the explicit legislative directions shall be carried out. Examples of such express provisions are set forth in WAC 365-195-750.

(2) Absent a clear statement of legislative intent or judicial interpretation to the contrary, it should be presumed that neither the act nor other statutes are intended to be preemptive. Rather they should be considered together and, wherever possible, construed as mutually consistent.

PERMANENT

AMENDATORY SECTION (Amending WSR 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-710 (~~(Takings analysis.)~~) **Identification of other laws.** (~~Reserved.~~) (1) In the development of their comprehensive plans and implementing regulations, cities and counties planning under the act should attempt to identify other statutes and legal authorities affecting subjects addressed by the plans and regulations.

(2) To aid in this identification, state agencies, regional authorities, special districts and utilities should implement programs to inform the planning entities of relevant programs and provisions within their jurisdiction or expertise. Every effort should be made to provide this information before the plan drafting process is complete.

(3) Opportunities to comment on draft comprehensive plans or on related SEPA documents should be used by commenting agencies as additional occasions for advising planning jurisdictions of preexisting programs and related legal authorities.

NEW SECTION

WAC 365-195-715 Integrating external considerations. (1) Agencies administering existing programs have already generated data, performed analyses and developed effective approaches to many of the challenges posed by the act. Planners should take advantage of such experience and use it to shape the form and content of plans and regulations under the act where relevant.

(2) Governmental entities with expertise in subjects affecting or affected by the act and private companies which provide public services should, as practicable, offer assistance to counties and cities planning under the act in formulating their plans and regulations, through model ordinances, model plan provisions, direct drafting assistance, or other technical advice.

(3) The drafting of comprehensive plans and development regulations should involve the identification of other related laws, an evaluation of any potential areas of conflict and an effort to avoid such conflicts. Where the text of outside sources can appropriately serve local needs, consideration should be given to adoption of that text in local plans or regulations.

AMENDATORY SECTION (Amending WSR 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-720 (~~(State agency compliance.)~~) **Sources of law.** (~~Reserved.~~) (1) In seeking to identify other relevant legal authorities, planners should refer to sources at all levels of government, including federal and state Constitutions, federal and state statutes, federal and state administrative regulations, and judicial interpretations thereof.

(2) The categories set forth in WAC 365-195-725 through 365-195-755 are an attempt to assist planners by highlighting various kinds of external legal provisions with which planning under the act should be concerned. Some of the categories overlap. The listing is not exhaustive. It is intended to supplement, not substitute for, the informational efforts of state agencies, regional authorities, special districts and utilities.

NEW SECTION

WAC 365-195-725 Constitutional provisions. (1) Local plans and regulations adopted under the act are subject to the supremacy principle of Article VI, United States Constitution and of Article XI, Section 11, Washington state Constitution.

(2) Counties and cities planning under the act are required to use a process established by the state attorney general to assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights. This process is set forth in a publication entitled, "State of Washington, Attorney General's Recommended Process for Evaluation of Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property," first published in February 1992. Review and updating of this process by the attorney general is required on at least an annual basis to maintain consistency with changes in case law.

NEW SECTION

WAC 365-195-730 Federal authorities. (1) The drafting of plans and development regulations under the act should involve a consideration of the effects of federal authority over land or resource use within the planning area, including:

- (a) Treaties with Native Americans;
 - (b) Jurisdiction on land owned or held in trust by the federal government;
 - (c) Federal statutes or regulations imposing national standards;
 - (d) Federal permit programs and plans.
- (2) Examples of such federal standards, permit programs and plans are:
- (a) National ambient air quality standards, adopted under the Federal Clean Air Act;
 - (b) Drinking water standards, adopted under the Federal Safe Drinking Water Act;
 - (c) Effluent limitations, adopted under the Federal Clean Water Act;
 - (d) Dredge and fill permits issued by the Army Corps of Engineers under the Federal Clean Water Act;
 - (e) Licenses for hydroelectric projects issued by the Federal Energy Regulatory Commission;
 - (f) Plans created under the Pacific Northwest Electric Power Planning and Conservation Act;
 - (g) Recovery plans and the prohibition on taking listed species under the Endangered Species Act.

NEW SECTION

WAC 365-195-735 State and regional authorities. (1) The drafting of plans and development regulations under the act should involve a consideration of numerous state and regional regulatory and planning provisions affecting land use, resource management, environmental protection, utilities, or public facilities including:

- (a) State statutes and regulations imposing state-wide standards;
- (b) Programs involving state-issued permits or certifications;

(c) State statutes and regulations regarding rates, services, facilities and practices of utilities, and tariffs of utilities in effect pursuant to such statutes and regulations;

(d) State and regional plans;

(e) Regulations and permits issued by regional entities;

(f) Locally developed plans subject to approval or review by state or regional entities.

(2) Examples of state-wide standards are:

(a) Water quality standards and sediment standards, adopted by the department of ecology under the state Water Pollution Control Act;

(b) Drinking water standards adopted by the department of health pursuant to the Federal Safe Drinking Water Act;

(c) Minimum functional standards for solid waste handling, adopted by the department of ecology under the state Solid Waste Management Act;

(d) Minimum cleanup standards under the Model Toxics Control Act;

(e) Statutory requirements under the Shoreline Management Act and implementing guidelines and regulations adopted by the department of ecology;

(f) Standards for forest practices, adopted by the forest practices board under the state Forest Practices Act;

(g) Minimum requirements for flood plain management, adopted by the department of ecology under the Flood Plain Management Act.

(h) Minimum performance standards for construction pursuant to the state building code;

(i) Safety codes, such as the electrical construction code, adopted by the department of labor and industries.

(3) Examples of programs involving state issued permits or certifications are:

(a) Permits relating to forest practices, issued by the department of natural resources;

(b) Permits relating to surface mining reclamation, issued by the department of natural resources;

(c) National pollutant discharge elimination permits and waste discharge permits, issued by the department of ecology;

(d) Water rights permits, issued by department of ecology under state surface and ground water codes;

(e) Hydraulic project approvals, issued by departments of fisheries and wildlife under the state fisheries code;

(f) Water quality certifications, issued by the department of ecology;

(g) Operating permits for public water supply systems, issued by the state health department;

(h) Site certifications developed by the energy facility site evaluation council.

(i) Permits relating to the generation, transportation, storage or disposal of dangerous wastes, issued by the department of ecology.

(4) Examples of state and regional plans are:

(a) State implementation plan for ambient air quality standards under the Federal Clean Air Act;

(b) State transportation policy plan;

(c) Instream resource protection regulations for water resource inventory areas adopted under the Water Resources Act of 1971;

(d) Ground water management area programs, adopted pursuant to the ground water code;

(e) Puget Sound water quality management plan adopted by the puget sound water quality authority.

(f) State outdoor recreation and open space plan;

(g) State trails plan.

(5) Examples of regulations and permits issued by regional entities are:

(a) Solid waste disposal facility permits issued by health departments under the Solid Waste Management Act;

(b) Regulations adopted by regional air pollution control authorities.

(c) Operating permits for air contaminant sources issued by regional air pollution control authorities.

(6) Examples of locally developed plans subject to approval or review by state or regional agencies are:

(a) Shorelines master programs, approved by the department of ecology;

(b) The consistency requirement for lands adjacent to shorelines of the state set forth in RCW 90.58.340.

(c) Coordinated water system plans for critical water supply service areas, approved by the state health department;

(d) Plans for individual public water systems, approved by the state health department;

(e) Comprehensive sewage drainage basin plans, approved by the department of ecology;

(f) Local moderate risk waste plans, approved by the department of ecology;

(g) Plans required to be filed with the utilities and transportation commission in accordance with WAC 480-100-251.

NEW SECTION

WAC 365-195-740 Regional perspective. Some of the above authorities require planning for particular purposes for areas related by physical features, such as watersheds, rather than by political boundaries. Moreover, the systems addressed in resource management, service by utilities, fish and wildlife management and pollution control are generally not circumscribed by city and county lines. Planning entities should attempt to identify those subject areas which by law or logic require a regional planning approach and, where this is the case, work toward creating collaborative processes involving all agencies with jurisdiction in the relevant geographical area. This approach, where followed, should assist in achieving interjurisdictional consistency.

NEW SECTION

WAC 365-195-745 Special siting statutes. (1) Plans and regulations adopted under the act should accommodate situations where the state has explicitly preempted all local land use regulations, as for example, in the siting of major energy facilities under RCW 80.50.110.

(2) Where special statutes relate specifically to the setting aside of designated areas for particular purposes and under particular management programs, local land use regulations adopted under the act should be consistent with those purposes and programs. Examples in this category are the statutes relating to:

(a) Natural resource conservations areas;

(b) Natural area preserves;

(c) Seashore conservation area;

- (d) Scenic rivers.

NEW SECTION

WAC 365-195-750 Explicit statutory directions. (1) In approving the Growth Management Act, the legislature expressly amended numerous existing statutes. On the matters they address, these amendments define the relationship of such existing statutes to comprehensive plans and development regulations under the act. Examples are:

(a) RCW 19.27.097 (state building code - evidence of adequate supply of potable water.)

(b) RCW 35.13.005 (annexation of unincorporated areas - prohibited beyond urban growth areas)

(c) RCW 35.58.2795 (municipal corporations - six-year transit plan consistent with GMA comprehensive plans)

(d) RCW 35.77.010 (city streets - six-year comprehensive street program consistent with GMA comprehensive plans)

(e) RCW 35A.14.005 (annexation by code cities - prohibited beyond urban growth areas)

(f) RCW 36.81.121 (county roads - six-year comprehensive road program consistent with GMA comprehensive plans)

(g) RCW 36.94.040 (sewerage, water, drainage systems - incorporation of relevant comprehensive plan provisions into sewer or water general plan)

(h) RCW 56.08.020 (sewer districts - district comprehensive sewer plan consistent with urban growth area restrictions)

(i) RCW 57.16.010 (water districts - district comprehensive water plan consistent with urban growth area restrictions)

(j) RCW 58.17.060 (short plats - written findings about appropriate provisions for infrastructure)

(k) RCW 58.17.110 (subdivisions - written findings about appropriate provisions for infrastructure)

(l) RCW 58.18.440 (land development - authority of GMA planning entities to require relocation assistance)

(m) RCW 86.12.200 (comprehensive flood control management plans - may be incorporated into comprehensive plans under the act)

(2) Approval of the act included the creation of a new chapter (chapter 47.80 RCW) authorizing and assigning duties to regional transportation planning organizations (RTPO's). These organizations were expressly given responsibilities for ensuring the consistency of transportation planning throughout a region containing multiple local governmental jurisdictions.

(3) Approval of the act included the addition of new sections (RCW 82.02.050 through 82.02.090) concerning impact fees on development in counties or cities that plan under the GMA. These sections explicitly authorize and condition the use of such fees as part of the financing of public facility system improvements needed to serve new development.

NEW SECTION

WAC 365-195-755 Voluntary interjurisdictional planning efforts. Needs for regional and interagency planning coordination have in some areas been responded to in the past by innovative voluntary planning efforts, such as

the timber, fish and wildlife agreement and the Chelan agreement regional water resource planning process. Such efforts can provide a valuable source of prior analysis and serve as the basis for plan provisions which accomplish interjurisdictional consistency. Counties and cities planning under the GMA should evaluate such work for possible incorporation into their plans and regulations.

NEW SECTION

WAC 365-195-760 Integration of SEPA process with creation and adoption of comprehensive plans and development regulations. (1) The SEPA process is supplementary to other governmental decision-making processes, including the processes involved in creating and adopting comprehensive plans and development regulations under the act. The thoughtful integration of SEPA compliance with the overall effort to implement the act will provide understanding and insight of significant value to the choices growth management requires.

(2) The growth management process is designed to proceed in phases, moving, by and large, from general policy-making to more specific implementation measures. Phased review available under SEPA can be integrated with the growth management process through a strategy which identifies the points in that process where the requirements of the two statutes are connected and seeks to accomplish the requirements of both at those points.

(3) In an integrated approach major emphasis should be placed on the quality of SEPA analysis at the front end of the growth management process - the local legislative phases of plan adoption and regulation adoption. The objective should be to create nonproject impact statements and progressively more narrowly focused supplementary documents which are sufficiently informative that subsequent environmental analysis at the individual project stage will, ordinarily, need to be neither extensive nor time consuming.

(4) While not compromising SEPA's basic aim of ensuring consideration of environmental impacts in advance of development, this approach can serve the goal that project applications be processed in a timely manner.

(5) In the creation of SEPA documents, maximum advantage should be taken of relevant prior environmental analysis through identification and incorporation of statements prepared by other lead agencies in connection with other plans or projects.

(6) Planners are encouraged to consult the "SEPA/GMA Workbook" published by the department in January of 1993. The workbook deals in detail with the integration of the two statutory processes.

NEW SECTION

WAC 365-195-765 State agency compliance. (1) RCW 36.70A.103 declares that state agencies shall comply with the local comprehensive plans and development regulations and amendments thereto adopted pursuant to the act.

(2) The department construes the provision for state agency compliance to require that each state agency must meet local siting and building requirements when it occupies the position of an applicant proposing development, except where specific legislation explicitly dictates otherwise.

Generally this means that the development of state facilities is subject to local approval procedures and substantive provisions, including zoning, density, setbacks, bulk and height restrictions.

(3) RCW 36.70A.210(4) provides that adopted county-wide planning policies shall be adhered to by state agencies. Consistent with other statutory mandates, state programs should be administered in a manner which does not interfere with implementation of the county framework for interjurisdictional consistency.

(4) Overall, the broad sweep of policy contained in the act implies a requirement that all programs at the state level accommodate the outcomes of the growth management process wherever possible. State agencies are rarely concerned solely with the rote application of fixed standards. The exercise of statutory powers, whether in permit functions, grant funding, property acquisition or otherwise, routinely involves such agencies in discretionary decision-making. The discretion they exercise should now take into account the new reality of legislatively mandated local growth management programs.

(5) After local adoption of plans and regulations under the act, state agencies are encouraged to review their existing programs in light of the local plans and regulations. Within relevant legal constraints, this review should lead to redirecting the state's actions in the interests of consistency with the growth management effort.

NEW SECTION

WAC 365-195-770 Compliance by regional agencies and special districts. (1) Regional and special purpose government entities possess statutorily defined powers which include planning, development, regulatory, facility management and taxing functions. Such entities include regional air pollution control authorities, metropolitan municipal corporations, fire protection districts, port districts, public utility districts, school districts, sewer districts, water districts, irrigation districts, flood control districts, diking and drainage districts, park and recreation districts.

(2) Except where any specific enactment may state the contrary, the department interprets the GMA as requiring that regional agencies and special districts comply with the comprehensive plans and development regulations developed under the act.

AMENDATORY SECTION (Amending WSR 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-800 ~~((Consistency with))~~ **Relationship to comprehensive plans.** ~~((Reserved))~~ (1) Development regulations under the Growth Management Act are specific controls placed on development or land use activities by a county or city. Such regulations must be consistent with comprehensive plans developed pursuant to the act and they must implement those comprehensive plans.

"Implement" in this context has a more affirmative meaning than merely "consistent" (See WAC 365-195-210(5).) "Implement" connotes not only a lack of conflict but sufficient scope to carry out fully the goals, policies, standards and directions contained in the comprehensive plan.

(2) The legislature has specifically provided that the designation of interim urban growth areas shall be in the form of development regulations. Such interim designations shall generally precede the adoption of comprehensive plans.

NEW SECTION

WAC 365-195-805 Implementation strategy. Each county or city planning under the act should develop a detailed strategy for implementing its comprehensive plan. The strategy should describe the regulatory and nonregulatory measures (including actions for acquiring and spending money) to be used in order to apply the plan in full. The strategy should identify each of the specific development regulations needed.

(1) Selection. In determining the specific regulations to be adopted, jurisdictions may select from a wide variety of types of controls. The strategy should include consideration of:

(a) The choice of substantive requirements, such as the delineation of use zones; general development limitations concerning lot size, setbacks, bulk, height, density; provisions for environmental protection; urban design guidelines and design review criteria; specific requirements for affordable housing, landscaping, parking; levels of service, concurrency regulations and other measures relating to public facilities.

(b) The means of applying the substantive requirements, such as methods of prior approval through permits, licenses, franchises, or contracts.

(c) The processes to be used in applying the substantive requirements, such as permit application procedures, hearing procedures, approval deadlines, and appeals.

(d) The methods of enforcement, such as inspections, reporting requirements, bonds, permit revocation, civil penalties, and abatement.

(2) Identification. The strategy should include a list of all regulations identified as development regulations for implementing the comprehensive plan. Some of these regulations may already be in existence and consistent with the plan. Others may be in existence, but require amendment. Still others will need to be written.

(3) Adoption schedule. The strategy should include a schedule for the adoption or amendment of the development regulations identified. Individual regulations or amendments may be adopted at different times. However, all of the regulations identified should be adopted by the applicable final deadline for adoption of development regulations.

(4) The implementation strategy for each jurisdiction should be in writing and available to the public. A copy should be provided to the department. Completion of adoption of all regulations identified in the strategy will be construed by the department as completion of the task of adopting development regulations for the purposes of deadlines under the statute.

AMENDATORY SECTION (Amending WSR 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-810 ~~((Concurrency regulations))~~ **Timing of initial adoption.** ~~((Reserved))~~ (1) Except for interim regulations, required development regulations must be enacted either by the deadline for adoption of the compre-

hensive plan or within six months thereafter, if an extension is obtained. The possibility of a time gap between the adoption of a comprehensive plan and the adoption of development regulations pertains to the time frame after the initial adoption of the comprehensive plan. Subsequent amendments to the plan should not face any delay before being implemented by regulations. After adoption of the initial plan and development regulations, such regulations should at all times be consistent with the comprehensive plan. Whenever amendments to comprehensive plans are adopted, consistent implementing regulations or amendments to existing regulations should be enacted and put into effect concurrently. (See WAC 365-195-865.)

(2) To obtain an extension of the deadline for adopting development regulations, a county or city must notify the department of its need by letter prior to the initial deadline. Six-month extensions will be obtained whenever such letters are timely received, but no extensions will result from requests received after the initial deadline.

NEW SECTION

WAC 365-195-815 Review for compliance. (1) When adopting any development regulation intended, in part, to carry out a comprehensive plan, the proposing jurisdiction should review its terms to ensure that it is consistent with and implements the comprehensive plan and make a finding to that effect.

(2) When the implementation strategy has been completely developed, the proposing jurisdiction should review the total package to ensure that such implementation is consistent with the comprehensive plans of other counties or cities with which it shares common borders or related regional issues.

(3) Planning jurisdictions should consider the use or creation of regional entities (county-wide or broader) to provide an interjurisdictional overview of consistency issues raised by comprehensive plans and development regulations.

AMENDATORY SECTION (Amending WSR 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-820 (~~Alternative control mechanisms~~) **Submissions to state.** (~~Reserved~~) (1) Development regulations may be submitted to the department and other state agencies for comment individually as they are drafted. Except as set forth in subsection (2) of this section, the statutory requirement to notify the department of the intent to adopt development regulations at least sixty days prior to final adoption will apply each time any implementing regulation or amendment is proposed for adoption.

(2) The department construes the sixty-day notice requirement as inapplicable to interim regulations for natural resource lands and critical areas, and to regulations or amendments which are merely procedural or ministerial.

(3) Counties and cities should provide the department with notice of intent sixty days prior to adopting interim growth areas.

(4) Separate notice should be provided to the department of all preexisting regulations that are to be included in the implementation strategy without change.

NEW SECTION

WAC 365-195-825 Regulations specifically required by the act. (1) Conservation of natural resource lands.

(a) Lands designated as agricultural, forest and mineral lands of long-term commercial significance are collectively referred to as natural resource lands.

(b) "Conservation" in this context is construed to mean measures designed to assure that the natural resource lands will remain available to be used for commercial production of the resources designated.

(c) Classification, designation and designation amendment. The department has adopted minimum guidelines in chapter 365-190 WAC, detailing the process involved in establishing a natural resource lands conservation program. Included are criteria to be considered before any designation change should be approved. (See WAC 365-190-040 ((2)(g).))

(d) Initial adoption and subsequent review.

(i) The act requires the designation of natural resources lands by all counties and cities. The adoption of development regulations for the conservation of such lands by jurisdictions planning under the act is required to occur prior to the adoption of comprehensive plans.

(ii) Upon the adoption of the comprehensive plans, such designations and regulations must be reviewed and, where necessary altered, to ensure consistency with the plans.

(e) Review upon adoption of other development regulations.

(i) In connection with the adoption of the total package of development regulations implementing the comprehensive plan, each planning jurisdiction must again review the regulations for conserving natural resource lands to ensure consistency.

(ii) If any regulations for conserving natural resource lands are by their terms effective only in the interim before the regulations implementing comprehensive plans are adopted, the subject must be covered in the development regulation package, so that there will be no gap in the effectiveness of a natural resource lands conservation program.

(f) Statutory limitations.

(i) Prior uses. Regulations for the conservation of natural resource lands may not prohibit uses legally existing on any parcel prior to their adoption.

(ii) Adjacent lands. Such regulations shall assure that the use of lands adjacent to designated natural resource lands does not interfere with the continued use, in the accustomed manner and in accordance with the best management practices, of the natural resource lands.

(iii) Plats and permits. Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within three hundred feet, of designated natural resource lands contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

(g) Relationship to comprehensive plans. The act does not explicitly require that comprehensive plans address the conservation of natural resource lands. However, because

the required natural resource lands regulations must be consistent with the comprehensive plans, logic dictates that each comprehensive plan should set forth the underlying policies for the jurisdiction's natural resource lands program. In pursuing the natural resource industries goal of the act, such policies should identify nonregulatory measures for assuring the conservation of the designated lands as well as regulatory approaches. When such policies are incorporated into the plan (either as a separate element or as a part of the land use element), the consistency of the regulations can be readily assessed.

(h) Relationship to other programs. In designing development regulations and nonregulatory programs to conserve designated natural resource lands, counties and cities should endeavor to make such regulations and programs fit together with regional, state and federal resource management programs applicable to the same lands. Local plans and policies may in some respects be adequately implemented by adopting the provisions of such other programs as part of the local regulations.

(2) Protection of critical areas.

(a) Critical areas include the following areas and ecosystems: Wetlands, areas of critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas.

(b) "Protection" in this context is construed to mean measures designed to preserve the structure, values and functions of the natural environment or to safeguard the public from hazards to health and safety.

(c) Classification, designation and designation amendment. The department has adopted minimum guidelines in chapter 365-190 WAC detailing the process involved in establishing a program to protect critical areas.

(d) Initial enactment and subsequent review.

(i) The act requires the designation of critical areas and the adoption of regulations for the protection of such areas by all counties and cities. For jurisdictions planning under the act this is required to occur prior to the adoption of comprehensive plans.

(ii) Upon the adoption of the comprehensive plans, such designations and regulations must be reviewed and, where necessary altered, to ensure consistency with the plans.

(e) Review upon adoption of other development regulations.

(i) In connection with the adoption of the total package of development regulations implementing the comprehensive plan, each planning jurisdiction must again review the regulations for protecting critical areas to ensure consistency.

(ii) If any regulations for protecting critical areas are by their terms effective only in the interim before the regulations implementing comprehensive plans are adopted, the subject must be covered in the development regulation package, so that there will be no gap in the effectiveness of a critical area protection program.

(f) Relationship to comprehensive plans. The act does not explicitly require that comprehensive plans address the protection of critical areas. However, because the required critical area regulations must be consistent with the comprehensive plans, logic dictates that each comprehensive plan should set forth the underlying policies for the jurisdiction's critical areas program. In pursuing the environmental

protection and open space goals of the act, such policies should identify nonregulatory measures for protecting critical areas as well as regulatory approaches. When such policies are incorporated into the plan (either in a separate element or as a part of the land use element), the consistency of the regulations can be readily assessed.

(g) Relationship to other programs. In designing development regulations and nonregulatory programs to protect designated critical areas, counties and cities should endeavor to make such regulations and programs fit together with regional, state and federal programs directed to the same environmental, health, safety and welfare ends. Local plans and policies may in some respects be adequately implemented by adopting the provisions of such other programs as part of the local regulations.

(3) Interim urban growth area designations.

(a) The adoption of interim urban growth area designations shall be preceded by public notice, public hearing, compliance with SEPA and compliance with RCW 36.70A.110.

(b) The department construes compliance with RCW 36.70A.110 for interim growth areas to require the same consultation and attempted agreement process as is required for the adoption of final urban growth areas. Where an interim urban growth area is adopted without the agreement of any affected city, the county will prepare a written justification.

(4) Subdivisions.

(a) Regulations for subdivision approvals, including approvals of short subdivisions, shall require written findings that "appropriate provisions" have been made for the public health, safety, and general welfare, including open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds.

(b) Counties and cities may add other items related to the public health, safety and general welfare to the specific listing above, such as protection of critical areas, conservation of natural resource lands and affordable housing for all economic segments of the population.

(c) In drafting such regulations, "appropriate provisions" should be defined in a manner consistent with the requirements of other applicable laws and with any level of service standards or planning objectives established by the jurisdiction for the facilities involved.

(d) The definition of "appropriate provisions" could also cover the timing within which the facilities involved should be available for use, requiring, for example, that such timing be consistent with the definition of "concurrency" in this chapter. (See WAC 365-195-210(4).)

(5) Potable water.

(a) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an "adequate water supply" for the intended use of the building. By statute such evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply.

(b) Receipt of one of the statutory forms of evidence may not provide enough information for building departments to determine whether the proposed water supply is, in

fact, adequate. Local regulations should be designed to produce enough data to make such a determination, addressing both water quality and water quantity issues.

(c) Planning jurisdictions should give consideration to guidelines promulgated by the departments of ecology and health

on what constitutes an "adequate water supply." In addition, Attorney General's Opinion, AGO 1992 No. 17, should be consulted for assistance in determining what substantive standards should be applied.

(d) If the department of ecology has adopted rules on this subject, or any part of it, local regulations should be consistent with those rules.

(e) Counties and cities may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency.

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 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-830 (~~(Impact fees.)~~) **Optional authorizations.** (~~((Reserved.))~~) **(1) Relocation assistance.**

(a) Any county or city required to plan under the act is authorized to require property owners to provide their portion of reasonable relocation assistance to low-income tenants displaced by certain changes to residential property. The changes include demolition, substantial rehabilitation (whether due to code enforcement or any other reason), change of use and removal of use restrictions in an assisted-housing development.

(b) The regulations implementing the relocation assistance program shall be governed by the provisions of RCW 59.18.440.

(c) "Low-income tenants" means tenants whose combined total income per dwelling unit is at or below fifty percent of the median income, adjusted for family size, in the county where the tenants reside.

(d) For purposes of determining eligibility, the department shall annually inform counties and cities of the appropriate dollar limits to use for median income, adjusted for family size, in different areas within the state. In deciding on these limits, the department will refer to the county-by-county family income figures published annually by the federal department of housing and urban development. As soon as the federal figures become available each year, the department will review them and advise counties and cities promptly of the appropriate dollar limits and their effective dates.

(2) New communities.

(a) Any county planning under the act may reserve a portion of its twenty-year population projection for new fully contained communities, located outside of the initially designated urban growth areas.

(b) Proposals to authorize such communities shall be processed pursuant to development regulations which implement the criteria set forth in RCW 36.70A.350.

(3) Master planned resorts.

(a) Any county planning under the act may permit master planned resorts constituting urban growth outside of urban growth areas.

(b) Proposals to authorize such resorts shall be processed pursuant to development regulations which implement policies on the subject in the comprehensive plan. Approval criteria shall conform to the provisions of RCW 36.70A.360.

NEW SECTION

WAC 365-195-835 Concurrency regulations. (1) Each planning jurisdiction should produce a regulation or series of regulations which govern the operation of that jurisdiction's concurrency management system. This regulatory scheme will set forth the procedures and processes to be used to determine whether relevant public facilities have adequate capacity to accommodate a proposed development. In addition, the scheme should identify the responses to be taken when it is determined that capacity is not adequate to accommodate a proposal. Relevant public facilities for these purposes are those to which concurrency applies under the comprehensive plan. Adequate capacity refers to the maintenance of concurrency.

(2) Compliance with applicable environmental requirements, such as ambient air quality standards or water quality standards, should have been built into the determination of the facility capacities needed to accommodate anticipated growth.

(3) The variations possible in designing a concurrency management system are many. However, such a system could include the following features:

(a) Capacity monitoring — a process for collecting and maintaining real world data on use for comparison with evolving public facility capacities in order to show at any moment how much of the capacity of public facilities is being used.

(b) Capacity allocation procedures — a process for determining whether proposed new development can be accommodated within the existing or programmed capacity of public facilities.

This can include preassigning amounts of capacity to specific zones, corridors or areas on the basis of planned growth. For any individual development this may involve:

(i) A determination of anticipated total capacity at the time the impacts of development occur.

(ii) Calculation of how much of that capacity will be used by existing developments and other planned developments at the time the impacts of development occur.

(iii) Calculation of the amount of capacity available for the proposed development.

(iv) Calculation of the impact on capacity of the proposed development, minus the effects of any mitigation provided by the applicant. (Standardized smaller developments can be analyzed based on predetermined capacity impact values.)

(v) Comparison of available capacity with project impact.

(c) Provisions for reserving capacity — a process of prioritizing the allocation of capacity to proposed developments.

This might include:

(i) Setting aside a block or blocks of available or anticipated capacity for specified types of development fulfilling an identified public interest.

(ii) Adopting a first-come, first-served system of allocation, dedicating capacity to applications in the order received.

(iii) Adopting a preference system giving certain categories or specified types of development preference over others in the allocation of available capacity.

(d) Provisions specifying the response when there is insufficient available capacity to accommodate development.

(i) In the case of transportation, an ordinance must prohibit development approval if the development causes the level of service of a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan unless improvements or strategies to accommodate the impacts of development are made concurrent with development.

(ii) If the proposed development is consistent with the land use element, relevant levels of service should be reevaluated.

(iii) Other responses could include:

(A) Development of a system of deferrals, approving proposed developments in advance but deferring authority to construct until adequate public facilities become available at the location in question. Such a system should conform to and help to implement the growth phasing schedule contemplated in the land use and capital facilities elements of the plan.

(B) Conditional approval through which the developer agrees to mitigate the impacts.

(C) Denial of the development, subject to resubmission when adequate public facilities are made available.

(e) Form, timing and duration of concurrency approvals. The system should include provisions for how to show that a project has met the concurrency requirement, whether as part of another approval document (e.g., permit, platting decisions, planned unit development) or as a separate certificate of concurrency, possibly a transferable document. This choice, of necessity, involves determining when in the approval process the concurrency issue is evaluated and decided. Approvals, however made, should specify the length of time that a concurrency determination will remain effective, including requirements for development progress necessary to maintain approval.

(f) Provisions for interjurisdictional coordination.

(4) Planning jurisdictions should consider integrating SEPA compliance on the project-specific level with the case-by-case process for concurrency management.

AMENDATORY SECTION (Amending WSR 92-23-065, filed 11/17/92, effective 12/18/92)

WAC 365-195-840 (~~Method for adjusting regulations when comprehensive plan is amended.~~) **Essential public facilities.** (~~Reserved.~~) (1) Development regulations for identifying and siting essential public facilities shall be consistent with and implement the process for this purpose set forth in the comprehensive plan.

(2) The regulations should list those types of facilities which the planning jurisdiction has determined are essential, pursuant to the definition and the criteria established in the

comprehensive plan for identifying such facilities. The designated facilities should include those listed by the state office of financial management and those necessary to list in order to comply with county-wide planning policies. In addition, other facilities needed locally should be listed. These may include facilities which receive funding from the state or other governmental units, but which are not identified on the state list or by virtue of county-wide policies.

(3) Except where county-wide planning policies have otherwise dictated siting choices, provision should be made for the possibility of siting each of the listed essential public facilities somewhere within each jurisdiction's planning area.

(4) For the purposes of making the threshold determination on whether a proposal presents siting difficulties, the regulations should specify a method for publicizing applications for siting essential public facilities and for soliciting initial comment on the site(s) proposed. The regulations should describe how and by whom the threshold decision will be made.

(5) For proposals involving siting difficulties, the regulations should:

(a) Provide requirements for notice to other interested jurisdictions, and for public participation in the siting decision;

(b) Consistent with county-wide planning policies, require an evaluation of feasible alternative sites and of equity in geographical distribution;

(c) When appropriate interlocal agreements have been made, provide for an interjurisdictional process for facilities of a county-wide, regional or state-wide nature;

(d) Call for an evaluation of the extent to which design features or operational conditions can eliminate or reduce unwanted project impacts;

(e) Where appropriate, establish incentives or require amenities for siting in particular areas;

(f) Include in criteria for siting decisions a consideration of the need for the particular facility in light of established level of service standards or planning assumptions.

NEW SECTION

WAC 365-195-845 Permit process. The development regulations of planning jurisdictions should include provisions addressing the general procedures for processing applications for development, designed to promote timeliness, fairness and predictability.

(1) Centralized processing. Consideration should be given to the establishment of a master permit or centralized permit process which would allow an applicant to apply for all needed approvals at once and for the simultaneous processing by the local jurisdiction of all aspects of project approval.

(2) Time limits. Consistent with the requirements of SEPA, consideration should be given to adopting self-imposed permit processing deadlines, so that applicants will be able to plan with greater certainty in most cases.

(3) Fast tracking. Consistent with fairness, consideration should be given to expedited permit procedures for developments which include features which the planning jurisdiction particularly wishes to encourage. An example might be the inclusion of affordable housing in a residential development project.

(4) Vertical integration. In designing permit programs planning entities should review the permit requirements of regional, state and federal agencies on the same subjects and, working with those agencies, attempt to coordinate processing in order to avoid overlapping reviews and unnecessary time delays.

NEW SECTION

WAC 365-195-850 Impact fees. (1) Counties and cities planning under the act are authorized to impose impact fees on development activity as part of the financing for public facilities. However, the financing for system improvements to serve new development must provide a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

(2) The decision to use impact fees should be specifically implemented through development regulations. The impact fees:

(a) Shall only be imposed for system improvements that are reasonably related to the new development. "System improvements" (in contrast to "project improvements") are public facilities included in the capital facilities plan and designed to provide service to service areas within the community at large;

(b) Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and

(c) Shall be used for system improvements that will reasonably benefit the new development.

The implementing regulation should call for a specific finding on all three of the above limitations whenever an impact fee is imposed.

(3) Impact fees may be collected and spent only for the following capital facilities owned or operated by government entities: Public streets and roads; publicly owned parks, open space, and recreation facilities; school facilities; and fire protection facilities in jurisdictions that are not part of a fire district. These facilities must have been addressed in a capital facilities plan element which identifies:

(a) Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;

(b) Additional demands placed on existing public facilities by new development; and

(c) Additional public facility improvements required to serve new development.

(4) The local ordinance by which impact fees are imposed shall strictly conform to the provisions of RCW 82.02.060. The department recommends that jurisdictions include the authorized exemption for low-income housing.

NEW SECTION

WAC 365-195-855 Protection of private property. In the drafting of development regulations, consideration should be given to the attorney general's process of evaluation issued pursuant to RCW 36.70A.370, to assure that governmental actions do not result in an unconstitutional taking of private property. Procedures for avoiding takings, such as variances or exemptions, should be built into the overall regulatory scheme.

NEW SECTION

WAC 365-195-860 Housing for persons with handicaps. No county or city planning under the act may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. As used in this section, "handicaps" are as defined in the federal fair housing amendments of 1988 (42 U.S.C. Sec. 3602).

NEW SECTION

WAC 365-195-865 Supplementing, amending and monitoring. (1) New development regulations may be adopted from time to time as the need for supplementing the initial implementation strategy becomes apparent. However, because development regulations must be consistent with the comprehensive plans, substantive amendments to such regulations will frequently need to be accompanied by a comprehensive plan amendment. Since comprehensive plans can be amended only once a year (except in emergencies), consideration of significant changes in the land use management scheme will, by and large, become an annual affair.

(2) Cities and counties should institute an annual review of growth management implementation on a systematic basis. To aid in this process, planning jurisdictions should consider establishing a growth management monitoring program designed to measure and evaluate the progress being made toward accomplishing the act's goals and the provisions of the comprehensive plan. This program should be integrated with provisions for continuous public involvement. (See WAC 365-195-600 (2)(b).)

WSR 93-17-041

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5002—Filed August 11, 1993, 3:12 p.m.]

Date of Adoption: August 6, 1993.

Purpose: Restrictions on the use of microencapsulated methyl parathion in chapter 16-230 WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-230-280 and 16-230-300; and amending WAC 16-230-250, 16-230-260, and 16-230-290.

Statutory Authority for Adoption: Chapter 17.21 RCW.

Pursuant to notice filed as WSR 93-12-129 on June 2, 1993; and WSR 93-16-018 on July 23, 1993.

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

August 11, 1993

John King

Acting Director

AMENDATORY SECTION (Amending Order 1573, filed 4/21/78)

WAC 16-230-250 Microencapsulated methyl parathion—Area under order. (~~(This order will)~~) **WAC 16-230-260 through 16-230-290 shall** be in effect in all counties of the state of Washington.

AMENDATORY SECTION (Amending Order 1573, filed 4/21/78)

WAC 16-230-260 Microencapsulated methyl parathion—Definitions. (1) "Blossoming ((erops)) plants" as used in ~~((this order))~~ WAC 16-230-270 through 16-230-290 shall mean:

(a) When there are five or more blooms per square yard on the average in a given field((:)); or

(b) When there are one or more open blooms per tree or vine in an orchard or vineyard((, and)); or

(c) When there are five or more open weed blooms per square yard on the average for the area being measured for ground cover ((erops)) in orchards or vineyards, fence lines, ditch banks, or field, vineyard or orchard edges: *Provided*, That ((white blossomed pea plants and second bloom of pears shall be exempt from this definition)) this definition shall not apply to blossoming plants that are not attractive to bees such as barley, lentils, white blossomed peas, second bloom of pears, potatoes, and wheat.

(2) "Pollen shedding corn" shall mean that stage of growth when ~~((+))~~ ten percent or more of the corn plants in any one quarter portion of that field are showing spike anthers.

(3) "Properly marked honey bee apiaries" shall mean apiaries marked in accordance with RCW 15.60.030 ~~((as follows: "Each person owning or having bees in his possession shall register with the director the location of the bee yard, name, address, and phone number of the owner, and post at the bee yard a registration number as provided for herein, on or before April 1st each year. The director shall issue to each apiarist owning or operating more than twenty-five colonies in the state who is registered with the department a registration number, transferable, which shall be posted conspicuously at the entrance of each apiary at all times, not more than one hundred fifty feet from the bees. Bees placed in orchards for pollination shall be exempt from posting during placement."))~~ and rules adopted thereunder. See WAC 16-602-040.

(4) "Full bloom" shall ~~((be those dates as established by the state department of agriculture plant industry division for full bloom of red delicious apples))~~ mean when there are three open blooms per spur cluster on the north side of an apple tree or when eighty percent of the king blossoms are open.

AMENDATORY SECTION (Amending Order 1595, filed 3/16/79)

WAC 16-230-270 Microencapsulated methyl parathion—Restrictions~~((—Exemptions))~~. (1) Microencapsulated methyl parathion is hereby declared to be a restricted use pesticide and the use or application of the formulation, either directly or through drift, shall be prohibited on all blossoming ((erops)) plants and on pollen shedding corn~~((:—Provided, That (1) on or after October 15 through May 15 of the following year, applications of microencapsulated methyl parathion shall be allowed (using label restrictions) on winter wheat for aphid control in the wheat growing areas of Eastern Washington.~~

(2) The application of microencapsulated methyl parathion shall be allowed (using label restrictions) in the Palouse area of Spokane and Whitman counties. This area

shall be bounded on the north by an east west line along longitude 47°30', in the southern portion of Spokane County, to the southern boundary of Whitman County. Applications of microencapsulated methyl parathion on white blooming peas in this area shall be prohibited within 1/2 mile of the breaks of the Snake River Canyon).

~~((3))~~ Applications of microencapsulated formulations of methyl parathion shall be prohibited on orchards up to thirty days after full bloom of each year in the area under order.

~~((4))~~ The use (2) Applications of microencapsulated methyl parathion shall be ~~((allowed, (using label restrictions) during the period starting))~~ prohibited on orchards until thirty days after full bloom ~~((to sixty days after full bloom))~~ of red delicious apples in each year in all ~~((orchards within designated areas in the Wenatchee River Valley area from the mouth of the Wenatchee River through Leavenworth, excluding Mission Creek and Brender canyons; Entiat proper and the Entiat Valley area from the mouth of the Entiat River through Ardenvoir; and the Howard Flats area and the Chelan Manson area from the mouth of the Chelan River to the town of Lake Chelan on the south side of Lake Chelan and to Antilon Creek on the north side of Lake Chelan))~~ fruit growing districts: *Provided*, That applications of microencapsulated methyl parathion shall be further prohibited on orchards until fifty days after full bloom of red delicious apples in each year in all fruit growing districts located in Yakima and Benton counties.

NEW SECTION

WAC 16-230-281 Microencapsulated methyl parathion—Emergency clause—Permits. (1) In the event of an emergency, as declared by the director, the department may issue permits for the use of microencapsulated methyl parathion that are otherwise prohibited in WAC 16-230-270. An emergency under this section may be declared if the director determines that the risk and amount of economic harm to any agricultural crop substantially outweighs the risk and amount of damage likely to occur if a permit is issued.

(2) Application for a permit may be made by mail or in person to the Washington State Department of Agriculture, Pesticide Management Division, 2015 S. 1st Street, Yakima, WA 98903-2231. Applications may also be by facsimile ((509) 575-2210). Permits will not be granted by telephone.

(3) Any permit issued shall be subject to terms and conditions as prescribed by the director to prevent damage to apiaries. Conditions may include but not be limited to on-site monitoring by the department and locations of properly marked honey bee apiaries. A representative of the department may condition, deny, or revoke a permit at any time if the representative determines that the situation at the application site creates an unreasonable risk. Any denial or revocation of a permit is subject to provisions outlined in RCW 34.05.479.

AMENDATORY SECTION (Amending Order 1573, filed 4/21/78)

WAC 16-230-290 Microencapsulated methyl parathion—Distribution. (1) Microencapsulated methyl parathion shall not be distributed ~~((only by licensed pesticide dealers to certified applicators or their authorized representative. Microencapsulated methyl parathion shall be applied only by~~

~~certified applicators or by persons under the direct supervision of a certified applicator) unless the purchaser has obtained a written recommendation: *Provided*, That this shall not apply to applications performed by a licensed commercial applicator or public operator.~~

(2) A written recommendation shall be prepared by a licensed commercial pest control consultant, or public pest control consultant, and shall include the following information:

- (a) Customer name;
- (b) Crop or site to be treated;
- (c) Number of acres to be treated;
- (d) Legal description (to the nearest quarter/quarter section) or other clearly identifiable description of physical location;
- (e) Tentative date of application;
- (f) Pest(s) to be controlled;
- (g) Rate per acre and dilution of microencapsulated methyl parathion to be used;
- (h) Special precautions to be followed (e.g., bloom removal, drift control); and
- (i) Name and license number of the person making the recommendation.

(3) Pesticide dealers shall keep a copy of the written recommendation on file for a period of three years from the date of distribution. Written recommendations shall be available to the director immediately upon request.

(4) Pesticide dealers shall provide a copy of the microencapsulated methyl parathion rules to the purchaser at the time of distribution.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-230-280 Six-mile radius.
- WAC 16-230-300 Supersedure.

WSR 93-17-044
PERMANENT RULES
DEPARTMENT OF HEALTH

(Health Professions Quality Assurance Division)
 (Board on Fitting and Dispensing of Hearing Aids)
 [Filed August 12, 1993, 1:51 p.m.]

Date of Adoption: August 6, 1993.

Purpose: To establish rules for adjudicative proceeding authorized by boards having disciplinary authority.

Statutory Authority for Adoption: RCW 18.35.161(3).

Pursuant to notice filed as WSR 93-13-145 on June 23, 1993.

Changes Other than Editing from Proposed to Adopted Version: Condensed version was substituted to make adoption more efficient and to avoid future rules hearings to adopt amendments.

Effective Date of Rule: Thirty-one days after filing.
August 6, 1993

Dorothy Muto-Coleman
Board Chair

NEW SECTION

WAC 246-828-570 Adjudicative proceedings. The board adopts the Model Procedural Rules for Adjudicative Proceedings as adopted by the Department of Health and contained in chapter 246-11 WAC, including subsequent amendments

WSR 93-17-048
PERMANENT RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY

[Filed August 12, 1993, 1:58 p.m.]

Date of Adoption: August 5, 1993.

Purpose: Establish fees for blenders of oxygenated gasoline for sale in the Spokane control area.

Statutory Authority for Adoption: RCW 70.94.151.

Pursuant to notice filed as WSR 93-14-032 on June 29, 1993.

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

August 9, 1993

Ronald J. Edgar

Chief of Technical Services

NEW SECTION

Regulation I Section 10.12 Oxygenated Gasoline

As required by WAC 173-492-050 the Authority has set the following fees to be paid by blenders of oxygenated gasoline for sale in the Spokane Control Area. All definitions in this section are from Chapter 173-492 WAC.

Small Volume Blender	(<100,000 gallons/month)	\$500
Medium Volume Blender	(100,000 to <1,000,000 gallons/month)	\$1,000
Large Volume Blender	(1,000,000 to <15,000,000 gallons/month)	\$6,200
Very Large Volume Blender	(≥15,000,000 gallons/month)	\$15,500

WSR 93-17-050
PERMANENT RULES
OLYMPIC AIR

POLLUTION CONTROL AUTHORITY

[Filed August 13, 1993, 11:09 a.m.]

Date of Adoption: August 11, 1993.

Purpose: Requires air contaminant sources to register annually with Olympic Air Pollution Control Authority (Article 5); and requires all major sources to apply for and obtain a 5 year permit (Article 6).

Citation of Existing Rules Affected by this Order: Amending Regulation 1, Article 5.

Statutory Authority for Adoption: RCW 70.94.151 and 70.94.161.

Pursuant to notice filed as WSR 93-13-076 on June 17, 1993.

Changes Other than Editing from Proposed to Adopted Version: Some reorganization provide clarification.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Article 6 provisions will become effective upon delegation of the

operating permit program to Olympic Air Pollution Control Authority.

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

August 12, 1993
Mark V. Goodin
Mechanical Engineer

Reviser's note: The material contained in this filing will appear in the 93-18 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 93-17-060
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3622—Filed August 16, 1993, 4:25 p.m.]

Date of Adoption: August 16, 1993.

Purpose: Update language and cross references WAC 388-11-015 revises credits for dependent disability benefits under RCW 26.18.190. WAC 388-11-120 amendment and 388-11-115 repealment enhance the ability of service recipients to reopen adjudicative proceedings closed due to the recipient's failure to appear. New WAC 388-11-035 complies with federal regulations requiring support enforcement agencies to provide services to Medicaid recipients.

Citation of Existing Rules Affected by this Order: Amending chapter 388-11 WAC, Child support—Obligations.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: 45 CFR 302-33 (a)(5).

Pursuant to notice filed as WSR 93-13-067 on June 17, 1993.

Changes Other than Editing from Proposed to Adopted Version: Corrected cross references in WAC 388-11-015 and 388-11-035. In WAC 388-11-035, removed OSE's authority to establish a maximum premium amount more than 25% of the basic support obligation as, under RCW 26.09.105, that authority is reserved to the courts. WAC 388-11-120(4) removes reference to Civil Rule 60. WAC 388-11-120 (6)(b) removed the following wording "if the petitioner is the responsible parent."

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

August 16, 1993
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3081, filed 9/28/90, effective 10/29/90)

WAC 388-11-015 Credits allowed—Debt satisfaction.

(1) After the ~~((office of support enforcement (OSE) serves a notice and finding of financial responsibility or a notice and finding of parental responsibility on the responsible parent))~~ responsible parent has been advised of the obligation to make payments to the Washington state support registry (WSSR) by service of a notice under WAC 388-11-030, 388-11-032, 388-14-415, or 388-14-435, or by entry of a support order requiring payments to WSSR, the responsible

parent may only obtain credit against the parent's ~~((current and future))~~ support obligation:

(a) By cash, check, electronic funds transfer, or money order payments through ~~((OSE))~~ WSSR or payment of health insurance premiums; or

(b) As provided under subsections (3) and (6) of this section.

(2) OSE shall only allow credit against a responsible parent's support debt for family needs provided directly to a caretaker/custodian, a child, or provided through a vendor or third party ~~((only if))~~ when the:

(a) ~~((The))~~ Items are provided before service of the notice ~~((and finding of financial responsibility or the notice and finding of parental responsibility))~~ on a responsible parent;

(b) ~~((A))~~ Responsible parent proves the items provided were intended to satisfy the responsible parent's support obligation; and

(c) ~~((The))~~ Items are food, clothing, shelter, or medical attendance directly related to the care, support, and maintenance of a child.

(3) After service of the notice, a parent may only obtain credit against ~~((the parent's))~~ the parent's current support obligation ~~((only if))~~ when the responsible parent proves that the payments were made and:

(a) The department determines there:

(i) Is no prejudice to:

(A) A custodial parent, a child, or other person; or

(B) An agency entitled to receive the support payments.

(ii) Are special circumstances of an equitable nature justifying credit for payments~~((:));~~ or

(b) A court of competent jurisdiction determines credit should be granted after a hearing where all interested parties were given an opportunity to be heard.

(4) ~~((The parent shall prove credit should be given for the payments:~~

~~((5)))~~ The department shall not allow credit for shelter payments made before service of the notice ((shall not be)) in an amount more than the greater ((than)) of the:

(a) Shelter allocation in the public assistance standards for the period when payments were made; or

(b) One-half of the actual shelter payment((, whichever is the greater)).

(5) The department shall not allow credit for shelter payments made after service of the notice.

(6)~~((a))~~ Effective with benefits paid on or after July 1, 1990, ((and for months thereafter,)) the department shall give credit for disability benefits ((made)) paid on behalf of the responsible parent's child as a result of the responsible parent's injury or illness, by:

~~((i))~~ (a) Labor and industries or a self-insurer under chapter 51.32 RCW; or

~~((ii))~~ (b) The Social Security Administration.

~~((b))~~ The department shall only give credit against the current support obligation owed for the month in which the benefit is paid.

~~((e))~~ (7) The department shall credit disability payments under subsection (6) of this section:

(a) First against the current support obligation for the month in which the benefit is paid for the dependant child to whom the benefit was paid; and

(b) Second to the responsible parent's support debt for the child and physical custodian to whom the benefit was paid. In crediting the benefit amount against the support debt, the department shall credit:

(i) First against any support debt owned to the nonassistance support enforcement services recipient to whom the benefit was paid; and

(ii) Any remaining benefit amount against the responsible parent's support debt to the department for the dependent child and/or physical custodian to whom the benefit was paid.

(8) A responsible parent must prove payment of these benefits(

~~(d) A responsible parent~~) and has no right to:

(a) Reimbursement ((of disability benefits)) because of a credit allowed under this subsection;

(b) Credit for benefits actually paid prior to July 1, 1990.

~~((e)) (9) The department shall mail a notice of credit to the custodial parent if the department ((gives)) agrees to credit the responsible parent ((credit)) for disability benefits under this section ((without giving the custodial parent an opportunity to object. The notice shall state)) unless the agreement to credit occurred during a negotiation or an adjudicative proceeding in which the custodial parent was present and a party. The department shall:~~

(a) Include in the notice the amount of the credit; and

(b) Advise the custodial parent that;

(i) The parent may request an adjudicative proceeding to contest the credit(

~~(i) The custodial parent shall file)) by filing a written application for an adjudicative proceeding with the office of support enforcement within twenty-three days of the date of mailing of the notice(~~); and

(ii) If the custodial parent files an application for an adjudicative proceeding, the department shall give the responsible parent notice of and an opportunity to participate in the proceeding.

AMENDATORY SECTION (Amending Order 3081, filed 9/28/90, effective 10/29/90)

WAC 388-11-030 Notice and finding of financial responsibility. (1) The office of support enforcement's (OSE) notice and finding of financial responsibility shall include the:

(a) Amount the responsible parent owes as a support debt, and a demand for payment;

(b) Amount the responsible parent should pay for current and future support using:

(i) Actual income, if known;

(ii) ~~(Imputed)~~ Estimated income, if OSE has:

(A) Incomplete information;

(B) Information based on prevailing wages in the responsible parent's trade or profession; or

(C) Information that is not current.

~~(iii) Imputed income ((from the approximate median net income chart, when actual income is not known and cannot be imputed))~~ under RCW 26.19.071(6).

(c) Responsible parent's responsibility for medical support under WAC 388-11-215.

(2) OSE's notice and finding of financial responsibility shall also include the following information, when known:

(a) The residential parent's name and Social Security number;

(b) Each child's name, birthdate, and Social Security number on whose behalf support is sought;

(c) The responsible parent's name, address, and Social Security number;

(d) The responsible parent's employer; and

(e) A statement that:

(i) If the responsible parent objects to all or part of the notice and finding of financial responsibility, the responsible parent shall have a right, for not more than twenty days from date of service, to request a hearing to show cause why the finding of responsibility or the amounts stated are incorrect;

(ii) The responsible parent shall serve a written objection on the OSE field office issuing the notice and finding of financial responsibility;

(iii) The support debt or current support amount become final and subject to collection action without further action or notice if the responsible parent fails to object in writing, within twenty days;

(iv) OSE may issue a notice of payroll deduction under chapter 26.23 RCW or take other income withholding action under chapters 26.18 or 74.20A RCW, without further notice to the responsible parent, at any time;

(v) After service of the notice, the responsible parent shall make all payments intended to satisfy a current support obligation or support debt alleged in the notice directly to ~~((OSE))~~ the Washington state support registry (WSSR). ~~((OSE))~~ The WSSR shall not credit payments made to any other party against the support obligation whether or not the payment is in cash, check, money order, in-kind services, merchandise, or anything else of value, except as provided under WAC 388-11-015.

NEW SECTION

WAC 388-11-035 Notice and finding of medical responsibility. (1) The office of support enforcement (OSE) may serve a notice and finding of medical responsibility on the responsible parent when:

(a) The physical custodian or dependent child is receiving or is certified to be eligible to receive medical assistance and is not receiving AFDC benefits;

(b) The physical custodian has chosen medical support enforcement activity only, and has asked OSE in writing not to collect monetary child support; and

(c) There is no court order governing child support.

(2) OSE shall serve the notice and finding of medical responsibility like a summons in a civil action, or by certified mail, return receipt requested.

(3) The department shall include in the notice and finding of medical responsibility:

(a) A statement of the:

(i) Responsible parent's obligation to provide health insurance coverage for the dependant children under WAC 388-11-215;

(ii) Maximum premium amount the responsible parent is obligated to pay; and

(iii) Income basis for the maximum premium amount, based on the basic child support obligation according to the Washington state child support schedule.

(b) Notice that:

(i) OSE is not seeking a cash child support award;

(ii) The physical custodian may seek a cash child support award at any time;

(iii) The responsible parent may request a hearing under subsection (7) of this section;

(iv) The income stated in the notice, or in any subsequent order based on the notice, shall not be binding in any later action to set a cash child support award;

(v) Twenty days from the date of service, the notice and finding of medical responsibility will become an order, and OSE will take direct enforcement action under RCW 26.18.170, if the responsible parent fails to:

(A) Sign an agreed settlement with OSE establishing the obligation to provide medical insurance and authorizing the department to enroll the children in a medical insurance plan when a plan becomes available;

(B) Start a proceeding to contest the notice in superior court; or

(C) Request an adjudicative proceeding under subsection (7) of this section.

(vi) The responsible parent keep OSE informed of the availability of health insurance and of the policy numbers and extent of the health insurance coverage.

(4) OSE shall:

(a) Compute the basic support obligation under chapter 26.19 RCW;

(b) Compute the maximum premium amount under chapter 26.19 RCW; and

(c) Attach worksheets completed through the basic support obligation to the notice and finding of medical responsibility.

(5) The notice and finding of medical responsibility will become an order, and OSE shall take direct enforcement action under RCW 26.18.170, if the responsible parent fails to:

(a) Provide policy information for existing coverage for the dependent children;

(b) Sign an agreed settlement with OSE establishing the obligation and authorizing OSE to enroll the children in a medical insurance plan when a plan becomes available;

(c) Start a proceeding to contest the notice in superior court; or

(d) Request an adjudicative proceeding under subsection (7) of this section, within twenty days of the date OSE serves the notice.

(6) The responsible parent may request an adjudicative proceeding to contest the notice and finding of medical responsibility.

(a) The responsible parent shall:

(i) Request an adjudicative proceeding within twenty days of the date OSE serves the notice and finding of medical responsibility; and

(ii) Make the request in writing, and serve the request on OSE like a summons in a civil action, or by any form of mail requiring a return receipt.

(b) The department shall:

(i) Schedule an adjudicative proceeding to consider the responsible parent's objections to the notice and finding of medical responsibility; and

(ii) Notify the responsible parent and the physical custodian of the time and place of the adjudicative proceeding.

(c) A physical custodian who appears for an adjudicative proceeding shall be allowed to participate. Participation includes:

(i) Giving testimony;

(ii) Presenting evidence;

(iii) Being present for or listening to other evidence in the proceeding; and

(iv) Offering rebuttal to other evidence in the proceeding.

(7) If the responsible parent starts a proceeding in superior court, the responsible parent shall serve OSE and the office of the attorney general with notice of the proceeding.

(8) The responsible parent may petition for a late hearing under WAC 388-11-055.

(9) The responsible parent, the department, or a physical custodian may petition for a prospective modification of the maximum premium amount under WAC 388-11-140.

(10) In any adjudicative proceeding to consider the merits of an objection to a notice and finding of medical responsibility, or a petition for prospective modification of medical responsibility, the presiding officer shall determine:

(a) The basic support obligation, without deviations;

(b) The maximum premium amount under chapter 26.19 RCW and WAC 388-11-215; and

(c) Whether or not any order entered under this subsection by the presiding officer in a prior proceeding should be modified under WAC 388-11-140.

(11) In any adjudicative proceeding under this section, the responsible parent shall show cause why the:

(a) Presiding officer should not enter an order requiring the responsible parent to provide medical support; or

(b) Maximum premium amount is incorrect under RCW 26.09.105.

(12) OSE and the presiding officer shall include in agreed settlements and administrative orders for medical responsibility:

(a) Findings of fact regarding the:

(i) Basic support obligation; and

(ii) Maximum premium amount.

(b) Notice that:

(i) The responsible parent shall:

(A) Keep OSE informed of the availability of health insurance and of the policy numbers and extent of the health insurance coverage;

(B) Enroll the children in a health insurance plan under WAC 388-11-215(2) and (3).

(ii) The department will take direct action under WAC 388-14-480, if the responsible parent fails to comply with WAC 388-11-215, or upon the next open enrollment date if the responsible parent agrees to allow OSE to enroll the children in the health insurance plan.

(c) The name, address, employment information, and social security number of the responsible parent;

(d) Policy information of any health insurance coverage currently in effect, covering the dependent children;

(e) Names, Social Security Number, and dates of birth of the dependent children;

(f) Each parent shall notify OSE of a change in residence address; and

(g) A medical support obligation established under this chapter shall continue until:

(i) Modified under WAC 388-11-140;

(ii) Superseded by a superior court order; or

(iii) The child for whom support is assessed reaches the age of majority or is emancipated, unless the child is a full-time student in high school or its vocational equivalent, and is reasonably expected to graduate before turning nineteen years of age, in which case the support obligation will continue until earlier of the child's graduation from high school or the child's nineteenth birthday.

(13) Upon receipt of a request for full support enforcement services, OSE may, at any time before the entry of the initial decision and order, in an adjudicative proceeding requested under subsection (7) of this section, convert the proceeding to a proceeding on a notice and finding of financial responsibility under WAC 388-11-030. To convert the proceeding, OSE shall:

(a) File a copy of the notice and finding of financial responsibility with the presiding officer, and serve the notice on the responsible parent; and

(b) Agree to one continuance, if a party requests additional time to respond to the claim for monetary child support.

(14) The administrative law judge shall allow the office of support enforcement to orally amend the notice at the hearing to conform to the evidence. The administrative law judge may grant a continuance, when deemed necessary, to allow the parties additional time to present rebutting evidence or argument as to the amendment.

(15) The administrative law judge shall not require the office of support enforcement to produce or obtain information, documents, or witnesses to assist the responsible parent in proof of defenses to liability. However, this rule shall not apply to relevant, nonconfidential information or documents that the office of support enforcement has in its possession.

AMENDATORY SECTION (Amending Order 3344, filed 3/24/92, effective 4/24/92)

WAC 388-11-055 Petition for hearing after twenty days—Stay. (1) Any party expressly entitled to an adjudicative proceeding under provisions of chapters 388-11, 388-13, or 388-14 WAC may, at any time after the designated time period for filing a timely request for an adjudicative proceeding has expired, petition the secretary or the secretary's designee for a late adjudicative proceeding. The department shall schedule adjudicative proceedings to make findings and determinations as outlined in subsections (4) and (6) of this section. ~~((Throughout this section))~~ "Petitioner" means the individual petitioning for a late hearing ~~((shall be referred to as the petitioner))~~.

(2) The petitioner shall also serve a copy of the petition by certified mail, return receipt requested, or like a summons in a civil action on the office of support enforcement.

(3) The filing of a petition for a late adjudicative proceeding shall not stay:

(a) Any collection action ~~((being))~~ taken under chapters 26.18, 26.23, or 74.20A RCW;

(b) The effect of any qualified domestic relations order;
or

(c) Certification of the support debt to the Internal Revenue Service for income tax refund offset.

(4) The department shall schedule an adjudicative proceeding to determine whether or not the petitioner has good cause for failing to file a timely adjudicative proceeding request when the petitioner files the petition more than:

(a) Twenty days after the date of service of the notice the petitioner is objecting to, and the notice the petitioner is objecting to is a:

(i) Notice of proposed settlement;

(ii) Notice and finding of financial responsibility served before September 1, 1991;

(iii) Notice to payee;

(iv) Notice of support owed.

(b) Ninety days from the date of a notice described under WAC 388-14-270(11); or

(c) One year after the date of service of a:

(i) Notice and finding of parental responsibility;

(ii) Notice and finding of financial responsibility served after September 1, 1991; ~~((or))~~

(iii) Debt adjustment notice; or

(iv) Notice and finding of medical responsibility.

(5) If in any proceeding under subsection (4) of this section, the presiding officer finds that the petitioner has good cause for failing to make a timely adjudicative proceeding request:

(a) The presiding officer shall conduct an adjudicative proceeding on the merits of the petitioner's objection to the notice served; and

(b) If the petitioner is the responsible parent, any further collection or enforcement based on the notice served shall be stayed, except for any amounts exempted from a stay on collections by the regulations authorizing the notice when a timely request is filed.

(6) The department shall schedule an adjudicative proceeding to hear the merits of the petitioner's objection to the notice served if the petitioner:

(a) Files the petition for a late adjudicative proceeding more than twenty days, but one year or less from the date of service of the notice; and

(b) The petitioner is objecting to a:

(i) Notice and finding of financial responsibility served after September 1, 1991;

(ii) Debt adjustment notice; ~~((or))~~

(iii) Notice and finding of parental responsibility; or

(iv) Notice and finding of medical responsibility.

(7) If the responsible parent fails to make a timely request for an adjudicative proceeding, after proper service of a notice and finding of financial or parental responsibility, the department shall retain or distribute and shall not refund moneys withheld as a result of collection action taken more than twenty days after the date of service of a notice and finding of parental responsibility, or notice and finding of financial responsibility served after September 1, 1991. OSE shall disburse temporary current and future support paid, or collected during the pendency of the hearing or appeal when OSE receives such support.

AMENDATORY SECTION (Amending Order 3512, filed 2/10/93, effective 3/13/93)

WAC 388-11-120 Default—Vacate. (1) If the responsible parent fails to appear at a hearing, the administrative law judge shall, upon a showing of valid service, enter an initial decision and default order. The administrative law judge shall state in the decision that the:

(a) Support debt and the current support obligation stated in the notice and finding of financial or parental responsibility are assessed, determined, and subject to collection action; or

(b) Health insurance provisions of the notice and finding of medical responsibility are subject to direct enforcement action.

(2) Decisions and orders on default become final twenty-one days from the date of mailing under WAC 388-08-464.

(3) Any party against whom the administrative law judge has entered an initial decision and order on default may petition the secretary or the secretary's designee for vacation of the default order.

(4) The petitioning party shall:

(a) File the petition within one year from the:

(i) Effective date of this subsection; or

(ii) Date of notice of default.

(b) Serve a copy of the petition on the office of support enforcement like a summons in a civil action, or by any form of mail requiring a return receipt.

(5) The department shall:

(a) Schedule an adjudicative proceeding to determine whether or not the petitioner has good cause for vacating the default order; and

(b) Give any other parties to the proceeding notice of the time and date of the proceeding.

(6) If, in any proceeding under subsection (3) of this section, the presiding officer finds that the petitioner has good cause for vacating the default order, the presiding officer shall:

(a) Conduct an adjudicative proceeding on the merits of the petitioner's objection to the notice that was the basis for the proceeding at which the petitioner failed to appear; and

(b) Stay any further collection to the extent provided for under the regulations authorizing the notice the responsible parent originally objected to.

(7) "Good cause" is the same standard as that prescribed for failure to make a timely hearing request under WAC 388-11-011(12).

AMENDATORY SECTION (Amending Order 1605, filed 2/11/81)

WAC 388-11-135 Service. Service of the decision and order or notice of hearing pursuant to WAC 388-11-100 or 388-11-120 (~~or 388-11-130~~) shall be by mailing a copy of the decision and order or notice of hearing to the last known address of the:

(1) Appellant by certified mail(,); and (~~by mailing a copy of said decision and order or notice of hearing to the last known address of~~)

(2) Appellant's attorney or other representative at the hearing, if any.

AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-11-145 Notice to ((appellant)) parties. (1) It shall be the responsibility of the ((appellant)) parties to notify the department of ((his or her)):

(a) Their mailing ((address)) addresses at the time the request for hearing is made; and (~~also to notify the department of~~)

(b) Any subsequent change of mailing address during the pendency of the appeal including any review by the courts.

(~~Whenever~~) (2) When the department has notified ((the appellant)) a party of this responsibility, mailing by the department by certified mail to the ((appellant's)) party's last known address constitutes service of notice under chapters 388-11, 388-13, and 388-14 WAC.

AMENDATORY SECTION (Amending Order 3081, filed 9/28/90, effective 10/29/90)

WAC 388-11-170 Collection of debts determined. (1) As authorized under chapters 26.18, 26.23, 74.20, and 74.20A RCW, the office of support enforcement (OSE):

(a) Shall take action enforcing and collecting support obligations(~~—OSE~~); and

(b) May take collection action against the responsible parent's income and assets to collect a support debt even if the parent makes payments under a support order, unless OSE agrees, in writing, to limit OSE's right to take action.

(2) If a responsible parent fails to make the total support payment when due under an administrative order:

(a) The entire support debt shall become due in full; and

(b) The portion of the administrative order designating periodic payments to satisfy the support debt shall be deemed vacated without the necessity of further action by the presiding officer.

(3) After (~~vacating~~) a responsible parent fails to make payments when due, the presiding officer may not stop collection action by OSE and the (~~action is subject only to review by the~~) responsible parent may only seek review of collection in:

(a) Superior court under RCW 74.20A.200 or other applicable state statutes; or

(b) A conference board under WAC 388-14-385.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-11-115 Fraud—Vacation of decision.

WSR 93-17-062

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 93-13—Filed August 17, 1993, 8:20 a.m.]

Date of Adoption: August 16, 1993.

Purpose: Adoption of revised shoreline master program for the city of Port Townsend and Jefferson County into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-240 Jefferson County and 173-19-2401 City of Port Townsend shoreline master program.

Statutory Authority for Adoption: RCW 90-58-200 Shoreline Act of 1971.

Pursuant to notice filed as WSR 93-10-100 on May 5, 1993.

Effective Date of Rule: Thirty-one days after filing. August 16, 1993 Mary Riveland Director

AMENDATORY SECTION (Amending Order 92-60, filed 3/24/93, effective 4/24/93)

WAC 173-19-2401 Port Townsend, city of. City of Port Townsend master program approved December 20, 1974. Revision approved March 7, 1989. Approved for adoption March 23, 1993. Revision approved August 16, 1993.

AMENDATORY SECTION (Amending Order DE 88-56 and DE 88-56A, filed 3/24/89 and 3/14/90, effective 4/14/90)

WAC 173-19-240 Jefferson County. Jefferson County master program approved December 20, 1974. Revision approved August 12, 1982. Revision approved July 6, 1983. Revision approved March 7, 1989. Revision approved August 16, 1993.

WSR 93-17-063

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 93-12—Filed August 17, 1993, 8:25 a.m.]

Date of Adoption: August 16, 1993.

Purpose: Adoption of shoreline master program for the city of Montesano into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-2205 City of Montesano shoreline master program.

Statutory Authority for Adoption: RCW 90.58.200 Shoreline Act of 1971.

Pursuant to notice filed as WSR 93-09-062 on April 20, 1993.

Effective Date of Rule: Thirty-one days after filing. August 16, 1993 Mary Riveland Director

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

WAC 173-19-2205 Montesano, city of. City of Montesano master program approved ((---)) August 16, 1993.

WSR 93-17-090

PERMANENT RULES

PUGET SOUND AIR

POLLUTION CONTROL AGENCY

[Filed August 17, 1993, 1:50 p.m.]

Date of Adoption: August 12, 1993.

Purpose: To meet the requirements of the Federal Clean Air Act (FCAA) amendments for stationary air pollution sources.

Citation of Existing Rules Affected by this Order: Amending Puget Sound Air Pollution Control Agency Regulation I - Section 5.03.

Statutory Authority for Adoption: Chapter 70.94 RCW. Pursuant to notice filed as WSR 93-14-127 on July 6, 1993.

Changes Other than Editing from Proposed to Adopted Version: The adoption of Sections 7.01, 7.03, 7.05, and 7.07 of Regulation I was continued until October 28, 1993.

Effective Date of Rule: Thirty-one days after filing. August 16, 1993 David S. Kircher Manager - Engineering

AMENDATORY SECTION

REGULATION I SECTION 5.03 REGISTRATION REQUIRED

All air contaminant sources within the jurisdiction of the Agency shall be registered with the Agency, except any of the excluded sources which are listed in Exhibit A to this Regulation I, which by this reference is made a part hereof as now constituted or hereafter amended.

EXHIBIT A - INSIGNIFICANT SOURCES

Exclusions:

(1) ((Air conditioning or v)) Ventilating systems including fume hoods not designed to ((remove contaminant generated by or released from equipment)) prevent or reduce air contaminant emissions.

((2) Atmosphere generators used in connection with metal heat treating processes.

(3) Blast cleaning equipment which uses a suspension of abrasive in liquid water.

(4) Foundry sand mold forming equipment, unheated.

(5)) (2) Fuel burning equipment ((unless waste derived fuel as defined in Section 9.08 is burned, which)) that has a maximum input rate of:

(i) less than 0.5 million Btu per hour (0.15 million joules per second) burning waste-derived fuel; or

(ii) less than 10 million Btu per hour (3 million joules per second) burning natural gas, propane, or butane; or

(iii) less than 1 million Btu per hour (0.3 million joules per second) burning any other fuel.

((i) is used solely for a private dwelling serving less than five families; or

(ii) has an energy input of less than 1 GJ (1 million Btu) per hour.

(6) Waste derived fuel burning equipment as defined in Section 9.08, which has an energy input of less than 0.5 GJ (0.5 million Btu) per hour.

~~((7))~~ (3) Insecticide, pesticide, or fertilizer spray equipment.

~~((8))~~ (4) Internal combustion engines (~~(including gas turbine and jet engines, except stationary gas turbine engines and stationary internal combustion engines for which a United States Environmental Protection Agency (EPA) New Source Performance Standard has been adopted)~~) less than the size thresholds of the proposed United States Environmental Protection Agency (EPA) New Source Performance Standards (NSPS) 40 CFR Part 60 Subpart FF (Stationary Internal Combustion Engines, 44 FR 43152 7/23/79) or the promulgated EPA NSPS 40 CFR Part 60 Subpart GG (Stationary Gas Turbines).

~~((9))~~ (5) Laboratory (~~fume hoods~~) equipment used exclusively for chemical or physical analyses.

~~((10))~~ (6) Laundry dryers (~~(extractors, or tumblers used exclusively for the removal of water from fabric)~~) without control equipment.

(7) Dryers or ovens used solely to accelerate evaporation.

~~((11))~~ (8) Routing, turning, carving, cutting, and drilling equipment used for metal, wood, plastics, rubber, leather, or ceramics which does not release air contaminants to the ambient air.

~~((12) Sewing equipment.~~

(13) Steam cleaning equipment used exclusively for that purpose.

~~(14) Storage tanks, reservoirs, or containers which do not store substances capable of emitting air contaminants.~~

~~((15))~~ (9) Storage tanks(~~(reservoirs, or containers storing volatile organic compounds)~~):

(i) that do not store substances capable of emitting air contaminants; or

(ii) with a rated capacity of less than 1,000 gallons (3,780 liters) used for storage of gasoline; or

(iii) with a rated capacity of less than 10,000 gallons (38,000 liters) used for storage of volatile organic compounds; or

~~((i) of a capacity of 3,780 liters (1,000 gallons) or less; or~~

~~(ii) of a capacity of 15,000 liters (4,000 gallons) or less used for storage of substances other than gasoline; or~~

~~((iii))~~ (iv) (~~of a~~) with a rated capacity of ((150,000 liters (40,000 gallons) or less)) less than 40,000 gallons (150,000 liters) used for storage of ((substances)) volatile organic compounds with a true vapor pressure less than 0.01 kPa (0.002 psia).

~~((16) Vacuum cleaning systems used exclusively for industrial, commercial, or residential housekeeping, which do not release air contaminants into the ambient air.~~

(17) Vacuum producing devices used in laboratory operations, and vacuum producing devices which do not remove or convey air contaminant from or to another source.

~~((18))~~ (10) (Vents used exclusively for:

(i) sanitary or storm drainage systems(~~(or~~

(ii) safety valves; or

(iii) storage tanks)).

~~((19) Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.~~

(20) Water cooling towers and cooling ponds which do not emit any air contaminants.

~~((21))~~ (11) (~~Portable, manually operated w~~) Welding, brazing, or soldering equipment.

~~((22))~~ (12) Asphalt roofing and laying equipment (not including manufacturing or storage).

~~((23))~~ (13) Restaurants and other retail food-preparing establishments.

~~((24))~~ (14) Cold solvent cleaners using a solvent with a true vapor pressure less than or equal to 4.2 kPa (0.6 psia).

~~((25))~~ (15) Retail printing operations (not including web presses).

~~((26) Retail paint sales (not including manufacturing).~~
(27) (16) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings, or similar structures.

~~((28))~~ (17) Sources which due to the amount and nature of air contaminants produced, and potential to contribute to air pollution, are determined through review by the Control Officer not to warrant registration (~~(provided that for new sources, such determination shall be based upon review of a Notice of Construction)~~).

NEW SECTION

REGULATION I SECTION 6.11 NEW SOURCE PERFORMANCE STANDARDS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 60, Title 40, of the Code of Federal Regulations (CFR) in effect July 1, 1993 herein incorporated by reference.

NEW SECTION

REGULATION III SECTION 2.02 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 61, Title 40, of the Code of Federal Regulations (CFR) in effect July 1, 1993 herein incorporated by reference.

WSR 93-17-096

PERMANENT RULES

DEPARTMENT OF HEALTH

[Order 389—Filed August 17, 1993, 2:50 p.m.]

Date of Adoption: August 12, 1993.

Purpose: To increase license fees and bring them in line with costs.

Citation of Existing Rules Affected by this Order: Amending WAC 246-282-990.

Statutory Authority for Adoption: RCW 43.70.040.

Pursuant to notice filed as WSR 93-13-125 on June 22, 1993.

Changes Other than Editing from Proposed to Adopted Version: The fee increase was reduced from a 300% increase to a 200% increase.

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

August 12, 1993

Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90)]

WAC 246-282-990 Shellfish program certification fees. (1) Annual certificate fees shall be:

Type of Operation	Annual Fee
((Reshipper	\$110.
Repacker	\$290.)
Shellstock Shipper	
((0 - 10 Acres	\$110.
11 - 49 Acres	\$150.
50 - 99 Acres	\$180.
100 + Acres	\$225.)
0 - 49 Acres	\$250.
50 or greater Acres	\$400.
Shucker-Packer	
((1 - 5 Shuckers	\$180.
6 - 10 Shuckers	\$225.
11 - 15 Shuckers	\$255.
16 - 30 Shuckers	\$290.
30 - 50 Shuckers	\$300.
50 + Shuckers	\$325.)
Plants with floor space < 2000 sq. ft.	\$450.
Plants with floor space > 2000 sq. ft. and < 5000 sq. ft.	\$550.
Plants with floor space > 5000 sq. ft.	\$1,000.

(2) Type of operations are defined as follows:

(a) ~~((("Reshipper" shall mean shippers transshipping shucked stock in original containers, or shellstock from certified shellfish shippers to other dealers or to final consumers. (Reshippers are not authorized to shuck or repack shellfish.))~~

~~((((b) "Repacker" shall mean shippers, other than the original shucker, packing shucked shellfish into containers for delivery to the consumer. A repacker may shuck shellfish or act as a shellstock shipper if the repacker has the necessary facilities.~~

(e)) "Shellstock shipper" shall mean shippers growing, harvesting, buying, or selling shellstock. Shellstock shippers are not authorized to shuck shellfish or to repack shucked shellfish.

~~((((b))) (b) "Shucker-packer" shall mean shippers shucking and packing shellfish. A shucker-packer may act as a shellstock dealer.~~

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 93-17-097
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Pharmacy)

[Order 387B—Filed August 17, 1993, 2:55 p.m.]

Date of Adoption: May 12, 1993.

Purpose: Delineates responsibility for address changes and specifies procedures for reinstatement or reactivation.

Citation of Existing Rules Affected by this Order: Amending WAC 246-901-060 and 246-901-065.

Statutory Authority for Adoption: RCW 18.64.005.
 Pursuant to notice filed as WSR 93-08-107 on April 7, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-901-030 was withdrawn.

Effective Date of Rule: Thirty-one days after filing.
 July 14, 1993
 Donald Hobbs
 Board Chairman

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-901-060 Level A certification. Any person completing an approved pharmacy assistant training program and who wishes to perform in that capacity shall apply to the board for certification as a Level A pharmacy assistant, on forms to be supplied by the board, which shall include a verification of program competency by a notarized statement of the program director and a declaration by the applicant ~~((that he))~~ indicating whether he or she has ((never)) at any time been found guilty by any court of competent jurisdiction of any violation of any laws relating to drugs or the practice of pharmacy.

It is the responsibility of the pharmacy assistant to maintain a current mailing address with the board. Pharmacy assistants shall notify the state board of pharmacy of any change of mailing address within thirty days of the change. The board may rely upon the last mailing address for purposes of service or delivery of any official board documents, including the service of adjudicative proceeding documents. If, after a good faith but unsuccessful attempt to determine the actual address of a certificate holder, charges against the pharmacy assistant are mailed by certified mail to the address on file with the board and returned unclaimed or are unable to be delivered for any reason, the board may proceed against the assistant by default under RCW 34.05.440.

NEW SECTION

WAC 246-901-065 Reinstatement or reactivation of certificate. A pharmacy assistant who desires to reinstate or reactivate his or her certificate shall meet the following requirements, as applicable, in addition to paying the fee required in WAC 246-907-030:

(1) If the pharmacy assistant has allowed his or her certificate to lapse for less than five years, the pharmacy assistant shall pay the renewal fee for the present year and the penalty fee equal to the current original certification fee.

(2) If the pharmacy assistant has allowed his or her certificate to lapse for five years or more, the pharmacy assistant shall, within one year of application to the board for certification, complete the current certification requirements and pay the original certification fee.

(3) If the pharmacy assistant has been working in a position in another state with duties that are substantially equivalent to a Level A pharmacy assistant in Washington state, his or her certificate may be reinstated according to subsection (1) of this section upon presenting evidence from his or her employer verifying their duties.

WSR 93-17-098
PERMANENT RULES
GAMBLING COMMISSION

[Order 243—Filed August 17, 1993, 3:55 p.m., effective January 1, 1994]

Date of Adoption: August 13, 1993.

Purpose: WAC 230-12-030 amending RCW reference and adding Liquor Control Board WAC rule that allows liquor to be raffled during members only raffles when a permit is obtained; WAC 230-02-400 and 230-20-070 amending RCW references.

Citation of Existing Rules Affected by this Order: Amending WAC 230-12-030, 230-02-400 and 230-20-070.

Statutory Authority for Adoption: WAC 230-12-030 is RCW 9.46.070, 9.46.0315 and 9.46.0321; WAC 230-02-400 is RCW 9.46.070, 9.46.0281 and 9.46.0325; and WAC 230-20-070 is RCW 9.46.070, 9.46.0205, 9.46.0277, 9.46.0315, 9.46.0321, and 9.46.0331.

Pursuant to notice filed as WSR 93-13-061 on June 17, 1993.

Effective Date of Rule: January 1, 1994.

August 17, 1993
 Sharon M. Tolton
 Rules Coordinator

AMENDATORY SECTION (Amending Order 51, filed 4/30/76)

WAC 230-12-030 No beer or liquor as prizes. No beverages containing alcohol, including but not limited to, beer or liquor, shall be offered or awarded as a prize or in lieu of a prize for winning at any of the activities authorized by ~~((RCW 9.46.030))~~ chapter 9.46 RCW: Provided, That this section does not apply to activities that are authorized by RCW 9.46.0305 (Dice or coin contests for music, food, or beverage payment), and RCW 9.46.0315 (Raffles—No license required, when) conducted by bona fide charitable or bona fide nonprofit organizations. No such alcoholic beverages shall be furnished to any person participating in the activity by anyone except upon the participant paying the market price therefor. If liquor is offered for sale upon the premises where an authorized activity is being conducted then no one under the age of eighteen years shall be admitted to that portion of the premises used to conduct the authorized activity. The licensee and each person conducting the activity and each person physically operating the activity shall be responsible to see that no unauthorized person is admitted to that portion of the premises.

AMENDATORY SECTION (Amending Order 78, filed 11/17/77)

WAC 230-02-400 Card game. A card game for the purposes of these rules, is a social card game as defined by RCW ~~((9.46.020(20)))~~ 9.46.0281 and authorized under RCW ~~((9.46.030))~~ 9.46.0325, played by consenting adults wherein wagers are made and collected by the participants based upon the outcome of the game.

AMENDATORY SECTION (Amending Order 138, filed 11/15/83)

WAC 230-20-070 Regulation of managers, operators, and other employees. (1) Amusement games and raffles. No person other than a bona fide member of a qualified bona fide charitable or qualified bona fide nonprofit organization, shall take any part in the management or operation of, including (with respect to amusement games) the furnishing of equipment for, or work as an employee upon, amusement games or raffles conducted by that organization under a license from the commission: *Provided, however, That, except as to persons operating without a license under RCW ~~((9.46.030(2)))~~ 9.46.0315 and ~~((3))~~ 9.46.0321, employees of the organization on a regular or part time basis employed primarily for purposes other than the conduct of such activities, shall be considered members of the organization for the purposes of this subsection.*

(2) Bingo.

(a) No person other than a bona fide member or an employee of a charitable or nonprofit organization licensee shall take any part in the management or operation of bingo conducted under a license issued to that organization by the commission, and no licensee shall allow any person not one of its members or employees to do so. No person other than a bona fide member of a charitable or nonprofit organization operating without a license under RCW ~~((9.46.030(3)))~~ 9.46.0321 shall take any part in the management or operation of bingo conducted by that organization and no such organization shall allow any person not one of its members to do so.

(b) No person who takes any part in the management or operation of a bingo game conducted by one licensee shall take any part in the management or operation of any bingo game conducted by any other organization, or any other branch of the same organization: *Provided, That*

(i) A person participating in the conduct of bingo games by one Class A, B, or C licensee may also participate in the conduct of bingo games by other Class A, B, or C licensees on a voluntary basis only when such person receives no remuneration for services to other licensees and when the requirements of subsection (3) below are satisfied; or

(ii) A person participating in the operation of bingo games conducted by one licensee under any class of license may also participate in the operation of bingo games conducted by other licensees under any class of bingo license, but only when that person has no managerial or supervisory responsibilities in connection with the operation of bingo activities by any licensee and when the requirements of subsection (3) below are satisfied. An assistant bingo game manager as defined by WAC 230-02-418 shall not be deemed a person having managerial or supervisory responsibilities for the purpose of this section and may participate as an hourly employee in the bingo operations of other bingo licensees.

(3) Any licensee which desires to have any person who participates in any manner in the conduct of bingo games for another licensee participate in the conduct of its bingo games shall notify the commission, and local police officials, in writing, of the name and address of that person, the name and address of any licensees for whom that person is working, and the capacity in which that person is working

for each licensee prior to the time that person participates in the conduct of the licensee's bingo games. In addition, the licensee shall notify any other licensees for which the person works that the individual is now also working for it.

(4) No licensee shall allow any person to take any part in the management, supervision or operation of a bingo game except in conformance with this rule.

(5) Certain premises excepted. The limitations set forth above in (1) and (2) shall not apply to qualified agricultural fairs conducting amusement games or bingo.

WSR 93-17-001
EMERGENCY RULES
HEALTH CARE AUTHORITY
(Public Employees Benefits Board)
[Filed August 4, 1993, 1:38 p.m.]

Date of Adoption: August 4, 1993.

Purpose: Change PEBB group coverage to include family leave. This bill was enacted by the federal government.

Citation of Existing Rules Affected by this Order: Amending WAC 182-08-160 and 182-08-190.

Statutory Authority for Adoption: Chapter 41.05 RCW.

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

Reasons for this Finding: Effective date is necessary because of imminent peril to the public health, safety or general welfare of the public. RCW 34.05.380(3).

Effective Date of Rule: Immediately.

August 4, 1983 [1993]

Elin S. Meyer
Rules Coordinator

AMENDATORY SECTION (Amending WSR 86-16-061, Resolution No. 86-3, filed 8/5/86)

WAC 182-08-160 Group coverage when not in pay status. An employee who is temporarily not in pay status may retain state group coverages, except long term disability, by self-payment of premium during any authorized leave without pay, during a layoff because of a reduction in force, or while receiving time loss benefits under worker's compensation, subject to a maximum (~~self-pay~~) period of twenty-nine months. Provided, that with respect to medical and dental coverages, this twenty-nine month period shall be reduced by the number of months of self-pay allowed under (~~WAC 182-12-210~~) COBRA and the number of employer-paid months allowed under family and medical leave. Provided further, that part-time faculty may self-pay their life, medical and dental coverages between periods of employer paid coverage for a maximum of eighteen months. Medical only or medical and dental coverage may be self-paid but not dental only coverage. An employee may retain long term disability coverage by self-payment of premium up to twenty-four months during an authorized leave without pay, but only if such leave is an approved educational leave. An employee will retain employer paid medical, dental, basic life and basic long-term disability coverage during approved family and medical leave and may self-pay their optional life and long-term disability. With the exception of approved family leave, employees not in pay status are ineligible to receive credit for the employer premium contribution.

NEW SECTION

WAC 182-08-175 Group coverage while on family and medical leave. Employees on leave under the federal Family and Medical Leave Act of 1993, and regulations

implementing that act, shall continue to receive up to twelve weeks of employer-paid group medical, dental, basic life, and basic long-term disability insurance while on family and medical leave. If an employee fails to return to work after expiration of family and medical leave for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstance beyond the control of the employee, the employer may recover the premiums paid to maintain the employee's insurance coverage from the employee.

AMENDATORY SECTION (Amending Order 2-78, filed 1/10/78)

WAC 182-08-190 Employer contribution to the ((SEIB revolving fund)) public employees health insurance account. An employer contribution in the amount established by the board shall be made to the ((~~SEIB revolving fund~~) public employees health insurance account for each eligible employee in pay status for eight or more hours during a calendar month or for each eligible employee on family and medical leave.

WSR 93-17-002
EMERGENCY RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-394, Docket No. TG-930885—Filed August 4, 1993, 2:02 p.m.]

In the matter of amending WAC 480-149-120 relating to less than statutory notice for solid waste tariff filings.

This is an emergency rule-making proceeding that is designed to amend and adopt a rule immediately.

The Washington Utilities and Transportation Commission is conducting this rule-making pursuant to RCW 80.01.040 and 34.05.350. The proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The facts requiring emergency action are as follows:

A Washington statute, chapter 300, Laws of 1993, amended RCW 81.28.050 to require that companies filing solid waste tariffs give customers and the commission 45 days notice prior to a tariff's stated effective date. That law has become effective. WAC 480-149-120 is a rule that implements the statute; this emergency amendment will change the rule to be consistent with the statute, pending adoption of a parallel rule on a permanent basis in Docket No. A-930517. When effective, it will supersede the provisions adopted in this order.

The Washington Utilities and Transportation Commission finds that an emergency exists. It finds that the provisions of state law require immediate amendment of an existing commission rule.

This amendment to the existing rule adversely affects no economic values and has no adverse environmental affect.

In reviewing the entire record, the commission determines that it should amend WAC 480-149-120 to read as set

forth in Appendix A, shown below and included in it by this reference, to be effective immediately.

ORDER

THE COMMISSION ORDERS That WAC 480-149-120, as set forth in Appendix A shown below, is amended, to take effect immediately as an emergency rule of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.350 and 34.05.380(2).

THE COMMISSION ORDERS That this order and the rules set forth in Appendix A shown below, after being first recorded in the order register of the Washington Utilities and Transportation Commission, should be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, and effective this 4th day of August 1993.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Richard D. Casad, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-329, Docket No. T-900076, filed 10/31/90, effective 12/1/90)

WAC 480-149-120 Notice required—Less than statutory notice. (1) Unless ~~((two))~~ more copies are specifically requested by the commission, one copy of every tariff, supplement or revised page must be filed with the commission and notice must be given to the public by posting copies in a conspicuous place at each station affected thirty days before the effective date thereof except as provided for in the following sections of this rule or unless specifically authorized by the commission. Filings received on Saturdays, Sundays or holidays will be considered as being received on the following office day.

(2) The following tariffs may be filed on one day's notice to the commission and to the public:

(a) Providing for the opening or closing of navigation or traffic on rivers, harbors, lakes, highways or roads of the state.

(b) Providing for the movement of circuses.

(c) Providing rates for new lines or extensions of lines or service not heretofore covered by any similar form of transportation or service or not competitive with any similar form of transportation or service.

If the new line, extension or service is covered by any form of transportation or service, and/or is competitive therewith, the tariff or supplement so filed, must provide the same rates or fares as those of the existing company unless full statutory notice is given prior to the beginning of operations.

(d) Adoption, suspension or vacating supplements as provided for in WAC 480-149-110.

(3) In the case of a change proposed by a rail carrier, a change resulting in increased rates or decreased value of service shall not become effective for twenty days after the notice is filed with the commission, and a change resulting in decreased rates or increased value of service, or changes which result in neither increases nor reductions, shall not become effective for ten days after the notice is filed with the commission.

(4) In cases of actual emergency, or when real merit is shown, the commission may, in its discretion, permit tariffs to become effective on less than the notice and the publication time periods specified in the statute or this section L.S.N. Application for such authority must be on a form supplied by the commission.

Note: The commission will not accept a tariff for L.S.N. action unless the cover letter under which the tariff is filed clearly and prominently specifies that the tariff is submitted to become effective in less than thirty days.

On every tariff or supplement that is issued on less than thirty days' notice by ~~((permission or))~~ order or regulation of the commission, notation must be made that it is issued under L.S.N. order of the Washington utilities and transportation commission, number of (date) , or by authority of Rule W.U.T.C. Tariff Circular No. 6, or by authority of decision of the commission in Cause No.

(5) Whenever a carrier files a tariff on not less than thirty days' notice, containing increased rates and charges for collection and disposal of garbage, refuse, and debris, ~~((such))~~ the carrier shall ~~((at the same time, or prior thereto))~~ notify affected customers no later than the date of filing that a tariff of increased rates and charges is being filed with the Washington utilities and transportation commission, Olympia, Washington, proposed to become effective ((on a particular date)) the date stated in the filing. The amount of increased charges must also be indicated. Notice shall be in writing and sent to customers by United States mail. The notice shall state that the proposed rates shall not become effective until reviewed by the commission. The notice shall also include a statement that affected customers who oppose the increase may express that opposition in writing to reach the Washington utilities and transportation commission ~~((7 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002))~~ not later than fourteen days from the date of the notice and shall state the address of the commission headquarters office. A copy of the notice shall also be mailed or delivered to at least one newspaper of general circulation in the area. The tariff filed with the commission must be accompanied by a letter of transmittal fully setting forth the reasons justifying the proposed increased charges. The letter shall also state that notice has been given in the manner outlined above.

WSR 93-17-003

EMERGENCY RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-395, Docket No. TV-930886—Filed August 4, 1993, 2:05 p.m.]

In the matter of amending WAC 480-12-030, 480-12-126, 480-12-127, 480-12-130, 480-12-135, and 480-12-350 relating to base state registration compliance.

This is an emergency rule-making proceeding that is designed to amend and adopt rules immediately.

The Washington Utilities and Transportation Commission is conducting this rule-making pursuant to RCW 80.01.040 and 34.05.350. The proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the

Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The facts requiring emergency action are as follows:

A federal law, the Intermodal Surface Transportation Efficiency Act of 1991, codified at 49 USC sec. 11506, requires the termination of existing Washington state stamp and regulatory fees, for the operations of interstate carriers holding authority from the Interstate Commerce Commission. The federal law allows a substitute "base state" insurance registration program to be implemented. The Interstate Commerce Commission at 49 CFR 1023 has adopted requirements for states having such registration programs, and the Washington state legislature authorized the commission to participate in that registration program in section 1, chapter 97, Laws of 1993. The existing program terminates on December 31, 1993, and operations under the new program commence on January 1, 1994. In order to conduct operations on that date, registration must be allowed to start before then; the interstate registration program under federal law begins on August 1, 1993. These rule amendments are promulgated to permit the registration program to begin in concert with other participating states, as required by federal law. The amendments apply only to registration for operations to be conducted beginning January 1, 1994, and to the conduct of those operations. The amendments preserve the existing regulations for operations conducted prior to that time. The commission is engaging in rule-making to adopt parallel provisions on a permanent basis in Docket No. TV-930886, and when adopted and effective those rules will supersede the amendments adopted in this order.

The Washington Utilities and Transportation Commission finds that an emergency exists. It finds that the provisions of federal law and regulation and of Washington state law require immediate amendment of existing commission rules.

These amendments to the existing rules adversely affect no economic values, and they have no adverse environmental affect.

In reviewing the entire record, the commission determines that it should amend WAC 480-12-030, 480-12-126, 480-12-127, 480-12-135 and 480-12-350 to read as set forth in Appendix A, shown below and included in it by this reference, to be effective immediately.

ORDER

THE COMMISSION ORDERS That WAC 480-12-030, 480-12-126, 480-12-127, 480-12-130, 480-12-135, and 480-12-350 are amended as set forth in Appendix A shown below, to take effect immediately as emergency rules of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.350 and 34.05.380(2).

THE COMMISSION ORDERS That this order and the rules set forth in Appendix A shown below, after being first recorded in the order register of the Washington Utilities and Transportation Commission, be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and chapter 1-21 WAC:

DATED at Olympia, Washington, and effective this 4th day of August 1993.

Washington Utilities and Transportation Commission

Sharon L. Nelson, Chairman
Richard D. Casad, Commissioner

APPENDIX "A"

[AMENDATORY SECTION (Amending Order R-342, Docket No. TV-2322, filed 4/15/91)]

WAC 480-12-030 Applications. (1) Applications for permits or extensions for permanent or temporary common or contract authority, requests for permanent or temporary authority to transfer outstanding common or contract carrier permits, and requests for permanent or temporary authority to acquire control of common or contract carriers, shall be made on forms furnished by the commission and, in accordance with any instructions accompanying the forms, shall contain all the information required therein, and shall be accompanied by the documents and exhibits specified in the application form or instructions and the fee of two hundred dollars for applications for permanent authority including applications for extensions, one hundred dollars for applications for temporary authority, fifty dollars for applications for emergency temporary authority, and thirty-five dollars for applications for a change of corporate name. Effective January 1, 1992, the application fee for temporary authority will increase to one hundred fifty dollars. No application will be accepted for filing until all required information is supplied, and in the case of applications for permits or extensions, until the authority sought has been expressed in clear and acceptable permit terminology. In the case of a transfer of a portion of a permit, the applicant must also submit a proposed revision of the balance of the permit which complies with WAC 480-12-050(5), which proposed revision will be docketed along with the transfer application.

(2) ~~Notwithstanding the foregoing, applications to register ICC operating authority Interstate authority. Each carrier operating in interstate commerce on the public roads of the state of Washington shall apply to register its insurance with the commission shall be accompanied by the fee of twenty five dollars for motor carriers who have not previously filed currently effective applications for such registration and the fee of ten dollars for motor carriers who have previously filed currently effective applications for such registration pursuant to WAC 480-12-126 through 135. Every such application shall be granted if it contains all necessary information and documentation, if the information provided is true and correct, and if the required fee is paid.~~

(3) All exhibits or papers submitted with application must be plainly written or typed on one side of the paper only, such paper to be of standard letter size, 8 1/2 by 11 inches.

(4) The provisions of this emergency amendment apply only to interstate operations that are conducted or are to be conducted on or after January 1, 1994. Operations conducted on or before December 31, 1993, shall be conducted pursuant to the rule as it exists prior to this amendment.

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.

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 R-50, filed 8/8/73)]

WAC 480-12-126 ~~Registration of interstate authority~~
~~Interstate operations; requirements; definitions.~~ It shall be unlawful for any carrier to perform a any interstate transportation service for compensation upon the public highways roads of this state without first having secured appropriate authority from the Interstate Commerce Commission, if such that authority is required, and without first having registered such authority, if any, with the commission possessing valid insurance and valid evidence that it has registered as specified in these rules.

~~It shall also be unlawful for a carrier to perform a transportation service for compensation on the public highways of this state as an interstate carrier of commodities included in the exemptions provided in section 203(b) of the Interstate Commerce Act without having first registered as such a carrier with the commission.~~

~~Such registration shall be granted upon application, without hearing, upon payment of the appropriate filing fee, as set by WAC 480-12-030.~~

(1) Registered carriers. Carriers operating in interstate or foreign commerce under authority issued by the Interstate Commerce Commission are "registered carriers."

(2) Registered exempt carriers. Carriers operating in interstate or foreign commerce under the exemptions of the Federal Motor Carrier Act without interstate authority issued by the interstate commerce commission are "registered exempt carriers."

(3) Compliance required. Registered and registered exempt carriers in the conduct of interstate operations must comply with the laws and rules that apply to that activity and to equipment in which it is conducted. Interstate carriers conducting Washington intrastate operations must, as to the intrastate activity, comply with the laws and rules applicable to the activity and to equipment in which it is conducted.

(3) Trip permits. A carrier operating in interstate commerce on the public roads of this state but who has not registered the vehicle's insurance with Washington through its base state, if required to do so, or with the commission, if operating under interstate exemption, must secure a trip permit for each interstate trip as provided in WAC 480-12-131.

(4) The provisions of this emergency amendment apply only to interstate operations that are conducted or are to be conducted on or after January 1, 1994. Operations conducted on or before December 31, 1993, shall be conducted pursuant to the rule as it exists prior to this amendment.

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.

[AMENDATORY SECTION (Amending Order R-276, Cause No. TV-2092, filed 9/17/87)]

WAC 480-12-127 Registered carriers. ~~(1) Carriers engaged exclusively in interstate or foreign commerce are declared to be registered carriers. Those operating under authority issued by the Interstate Commerce Commission shall have their registration number prefixed by "RC." Those operating under the exemptions of the Federal Motor Carrier Act possessing no interstate authority shall be prefixed "RE." Those presently holding permits with the Washington utilities and transportation commission shall be automatically converted to registered carriers with the same registration number as under their present permit. Registered carriers need only comply with such rules and regulations as specifically refer to them or to equipment operated exclusively in interstate commerce across or between points in the state and points outside of the state.~~

~~(2) By reference, the Washington utilities and transportation commission hereby adopts the rules promulgated by the National Association of Regulatory Utility Commissioners and adopted by the Interstate Commerce Commission under PL 89-170 and codified as Part 1023 of Title 49 of the Code of Federal Regulations. Notwithstanding the provisions of any rule herein contained, carriers who qualify may elect to operate in strict accordance with such rules.~~

~~(3) "RC" carriers may meet insurance requirements by filing with the Washington utilities and transportation commission a copy of their insurance filing with the Interstate Commerce Commission. "RE" carriers must meet the same insurance requirements as for permit holders as required by WAC 480-12-350, 480-12-355, 480-12-360 and 480-12-365. It shall be unlawful for a carrier operating under authority issued by the interstate commerce commission to operate a vehicle in interstate commerce on the public roads of this state without having first secured valid insurance as required by the interstate commerce commission, registered with a base state as required in 49 CFR part 1023, paid the required Washington state registration fee for that vehicle, and without having in the vehicle a legible receipt showing base state registration. The receipt shall be subject to inspection at all times by the law enforcement agents and the Commission's representatives. In the alternative, the carrier shall first purchase a valid trip permit as provided in WAC 480-12-131.~~

~~(2) The registration fee for registered carriers in Washington state is \$10 for each vehicle operated within the state.~~

~~(3) Washington-based carriers. Washington is a participant in the base state insurance registration program established in 49 USC §11506 and 49 CFR part 1023. Any carrier whose base state as defined in federal regulation is Washington state shall register for interstate operations as follows.~~

~~(a) Between August 1 and November 30 of each year, each such Washington-based interstate carrier shall apply to the Commission to register for the following year.~~

~~(b) The registering carrier shall state the number of vehicles to be operated in each participating state, provide other required information, and submit the registration fee established by that state for each such vehicle.~~

~~(c) The Commission within 30 days will provide to the carrier a receipt or receipts showing, at a minimum, the~~

carrier's name and address, its ICC permit number, and the names of the states for which it has registered.

(d) The carrier shall place a receipt or an authorized copy in each vehicle for which it has paid the required fee.

(e) Any Washington-based carrier that begins interstate operations in a state for which it has not registered may register for that state at any time, stating the number of vehicles to be operated in each state and submitting the required information and registration fee for each vehicle. The commission will provide a new receipt, if the carrier has not previously registered, or supplemental receipt, if it has registered, showing the states for which the carrier has registered.

(4) No carrier may operate a vehicle in Washington state that is not registered as specified in this rule unless it is registered for interstate exempt traffic under WAC 480-12-130 or unless it is operated under a trip permit as provided in Commission rules.

(5) The provisions of this emergency amendment apply only to interstate operations that are conducted or are to be conducted on or after January 1, 1994. Operations conducted on or before December 31, 1993, shall be conducted pursuant to the rule as it exists prior to this amendment.

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.

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 R-348, Docket No. TV-910903, filed 9/17/91)]

WAC 480-12-130 Identification cards—Amendment—Substitution Interstate exempt carriers. (1) No carrier may operate any vehicle or combination of vehicles operated by a common or contract carrier or registered carrier upon the highways public roads of this state or the streets of regulated cities shall be so operated in interstate commerce under the exemptions of the federal motor carrier act without first registering with the Commission and having available within the cab of the motive power vehicle a valid identification cab card properly signed and with appropriate stamp affixed. Such identification card receipt showing that the carrier has provided Washington state with proof of insurance and paid the per-vehicle fee established by order of the commission. The receipt shall be subject to inspection by law enforcement agents and the commission's representatives at all times. In the alternative, the carrier shall first purchase a valid trip permit as provided in WAC 480-12-131.

(2) An application for sufficient number of identification stamps shall be filed with the commission, accompanied by the necessary stamp and regulatory fee, during the month of October. Each carrier conducting interstate exempt operations in interstate commerce within the state may apply to register its insurance between August 1 and November 30 of each year, or at any time thereafter that when it begins interstate

exempt operations within the state or when it identifies additional stamps are required. Such vehicles as operating in the state. Each application shall be on forms furnished by the commission and accompanied by the required fee. Except as provided in subsection (3) of this section, the schedule of stamp and maximum regulatory fees is as follows:

GROSS LICENSED WEIGHT	STAMP FEE	REGULATORY FEE
Less than 4,000 lbs.	\$10.00	\$ 7.00
4,000 to 7,999 lbs.	10.00	9.00
8,000 to 11,999 lbs.	10.00	11.00
12,000 to 15,999 lbs.	10.00	13.00
16,000 to 19,999 lbs.	10.00	15.00
20,000 to 23,999 lbs.	10.00	17.00
24,000 to 27,999 lbs.	10.00	19.00
28,000 to 31,999 lbs.	10.00	21.00
32,000 to 35,999 lbs.	10.00	23.00
36,000 to 39,999 lbs.	10.00	30.00
40,000 to 43,999 lbs.	10.00	32.00
44,000 to 47,999 lbs.	10.00	34.00
48,000 to 51,999 lbs.	10.00	36.00
52,000 to 55,999 lbs.	10.00	38.00
56,000 to 59,999 lbs.	10.00	40.00
60,000 to 63,999 lbs.	10.00	42.00
64,000 to 67,999 lbs.	10.00	44.00
68,000 to 71,999 lbs.	10.00	46.00
72,000 to 75,999 lbs.	10.00	48.00

Note: The above regulatory fees are maximum only. Under RCW 81.80.320 the commission may, by general order entered before October 1 of any year, reduce the fees on a proportional basis.

(3) The stamp fee named in subsection (2) applies to each stamp applied for. The regulatory fee is also payable in connection with each stamp and is determined as follows:

(a) On any "solo" vehicle, or in combinations pulling any trailer operated either in intrastate or interstate commerce, the regulatory fee shall be as stated in subsection (2) and shall be based upon the maximum gross weight thereof as set by the carrier in his application for his regular license plates plus any additional tonnage or log tolerance permits. In the event that trailers or semitrailers are separately licensed for gross weight and not included within the licensed gross weight of the motive power unit, the fees provided herein shall be computed on the basis of the licensed gross weight of the trailers, plus additional weight fees if any, in which case a separate identification cab card will be issued for such trailers in the same manner as for a motive power vehicle.

(b) In lieu of the payment of a full regulatory fee for each vehicle or combination of vehicles operated across or between points in the state and points outside the state exclusively in interstate or foreign commerce, and as to vehicles operated between points in this state and points outside the state in interstate commerce as well as points within this state in intrastate commerce, the regulatory fee may, at the request of the carrier, be paid on the basis of one of the following options:

Option 1. Floater regulatory fee cards.

~~Carriers who operate vehicles between points in this state and points outside this state exclusively in interstate commerce, and carriers who operate fleets in excess of 200 motive power units between points in this state and points outside this state in interstate commerce as well as points within this state in intrastate commerce may elect to purchase unassigned regulatory fee receipts at one hundred fifty percent of the applicable gross weight fee stated in subsection (2). One of these regulatory fee receipts must be carried within the cab of the motive power vehicle when such equipment is operated in this state and must be accompanied by a properly executed National Association of Regulatory Utility Commissioners uniform identification cab card and Washington utilities and transportation commission identification stamp. When applied for in this manner the fee must be that for the highest gross licensed weight of such solo or combination with which the receipt showing the payment of regulatory fees may be used.~~

~~The carrier must purchase for three dollars an identification stamp for each power unit.~~

~~In the case of unladen automobiles and trucks operated in interstate driveaway service across or between points in the state and points outside the state, the carrier may use unassigned National Association of Regulatory Utility Commissioners uniform identification cab cards and Washington utilities and transportation commission identification stamps upon payment of one hundred fifty percent of the applicable gross weight fee and the three dollar stamp fee for each unassigned cab card and stamp.~~

Option 2. Lump sum regulatory fee payment.

~~Carriers who operate fleets in excess of 200 motive power vehicles either exclusively in interstate or foreign commerce across or between points in this state and points outside this state or between points in this state and points outside this state in interstate commerce as well as points within this state in intrastate commerce, and who have so operated under Option 1, above, or this option for the immediately preceding calendar year, may elect to pay a lump sum regulatory fee based on the number of power units for which identification stamps have been purchased during the immediately preceding calendar year at the regulatory fee established by general order of the commission entered before October 1st of any year. These carriers must purchase a three dollar identification stamp for each power unit. With a properly executed National Association of Regulatory Utility Commissioners uniform identification cab card and Washington utilities and transportation commission identification stamp attached, no proof of regulatory fee payment need be carried.~~

Option 3. Single trip transit permit.

~~Carriers engaged exclusively in casual or occasional interstate or foreign commerce across or between points in the state and points outside the state may as an alternative to all other requirements of this chapter obtain a single trip transit permit, valid for ten days, authorizing a one way trip into, out of or across the state. This permit will be issued upon payment of a fee of ten dollars and must be carried in the cab of the power vehicle. The carrier must state the name and policy number or binder of the insurance company with whom the carrier has insurance which meets the provisions of WAC 480-12-350.~~

Option 4. Single trip regulatory fee card.

~~A carrier registered with the Washington utilities and transportation commission to engage in interstate or foreign commerce across or between points in this state and points outside of this state, may purchase single trip regulatory fee cards, valid for seventy two hours, authorizing a trip into, out of or across this state, for a fee of ten dollars each.~~

~~Prenumbered single trip regulatory fee cards must, be purchased at any commission office or port of entry, or from an authorized commission field agent. The card must be carried in the power unit.~~

~~(e) In intrastate or interstate commerce between points within the state of Washington the identification cab card and stamp may, at the request of the carrier, not be assigned to any particular motive power vehicle under the following circumstances:~~

~~(i) In connection with trucks or tractors to be operated under master leasing agreements provided for in WAC 480-12-210 (1)(h), in which case the cab card may be used only with vehicles operated under such master leasing agreements; and~~

~~(ii) In connection with unladen automobiles or trucks in driveaway service, in which case the cab card may be used only with such vehicles in driveaway service. The fees shall be as stated in subsection (3)(a) for the highest gross licensed weight (highest actual weight in driveaway service) on any power vehicle with which the identification cab card and stamp may be used.~~

~~(d) In intrastate commerce between points within the state of Washington, a common or contract carrier acquiring the use of private carrier equipment under the provisions of WAC 480-12-210 (1)(e) may, in connection with short term leases, elect to purchase single trip regulatory fee cards, valid for seventy two hours, authorizing a one way trip between points within this state, for a fee of ten dollars each, in lieu of payment of the full regulatory fee.~~

~~Prenumbered single trip regulatory fee cards must be purchased in advance and no refunds will be allowed for unused cards. Cards must, be filled out, in ink or by typewriter, by the carrier, showing the description of the vehicle, license number, state in which the vehicle is licensed, name of owner, the commodity to be transported, the origin and destination of the shipment and be signed by an officer, agent or employee of the carrier authorized to use the card. The card must be carried in the power unit. The vehicle operating under a single trip regulatory fee card shall be under the control and direction of the motor carrier issuing the card and shall be used only within the scope of the authority of that motor carrier.~~

~~At the end of each calendar month a report shall be sent to the commission, showing the card number, date used, origin of shipment, destination of shipment and vehicle number.~~

~~(4) On any truck or tractor for which the licensed capacity is increased during the year an IMMEDIATE APPLICATION accompanied by the amount of the increase in regulatory fee is necessary. The commission will provide for amendment of the cab card accordingly.~~

~~(5) No refund will be made on unused stamps.~~

~~(6) Any "lost" stamps will be replaced only at full stamp and regulatory fee. *Provided, however,* That in~~

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unusual circumstances the commission may, by order, waive all or a portion of the replacement cost.

(7) Each carrier shall obtain from the Washington utilities and transportation commission or from the National Association of Regulatory Utility Commissioners a sufficient number of blank identification cab cards to satisfy its requirements. Equipment which is used exclusively within the state, i.e., does not cross the state line, shall use the Washington utilities and transportation commission prescribed identification cab card. Equipment which is used exclusively in interstate or foreign commerce which crosses the state line shall use the National Association of Regulatory Utility Commissioners uniform identification cab card. Equipment used in both types of operation may use either cab card, however it is recommended that the National Association of Regulatory Utility Commissioners uniform identification cab card be used. Upon receipt of stamps from the commission, an identification cab card shall be duly completed by the carrier for each motive power unit and the appropriate stamp firmly affixed thereto. Such identification cab card shall be placed in the cab of each power unit in accordance with subsection (1).

(8) (3) All identification cab cards and stamps receipts issued for a particular calendar year expire January December 31 of each succeeding that year. However a stamp A receipt may be issued for the ensuing calendar year on or after the first day of October preceding, the preceding August and may be used from the date of issue.

(9) When a permit is revised or extended, the commission will provide a new copy of the revised or extended authority to be retained on the carrier's vehicle(s), in addition to the cab card.

(10) (4) All delinquent stamp fees, regulatory fees, tariff fees and tariff maintenance fees or penalties which are due and payable by the carrier to the commission must be paid at the time an application is made. The commission may refuse to issue identification stamps a receipt until all such fees are paid.

(11) An identification cab card may be reassigned to a substituted vehicle (power unit) only when the original vehicle has been destroyed or is being permanently withdrawn from the ownership or possession of the permittee.

(5) The provisions of this emergency amendment apply only to interstate operations that are conducted or are to be conducted on or after January 1, 1994. Operations conducted on or before December 31, 1993, shall be conducted pursuant to the rule as it exists prior to this amendment.

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.

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 R-276, Cause No. TV-2092, filed 9/17/87)]

WAC 480-12-135 Cards Permits and receipts—Return required—Loss of—Improper use of cards or stamps. (1) Upon revocation of When the commission ~~revokes a permit or cessation or abandonment of a receipt that it has issued, when a carrier stops or abandons service under a permit or receipt, or when a carrier's vehicle equipment is sold, abandoned, or repossessed, the holder thereof of the permit or receipt shall immediately return to the commission the each original permit, together with identification cab cards or receipt.~~

(2) The A carrier shall report to the commission immediately the physical loss or destruction of identification cab cards and/or stamps shall be immediately reported to the ~~commission a permit or receipt that the commission issued. The commission will replace a physically lost or destroyed current permit or registration receipt that it has issued, upon receiving a written application for replacement stating the reason replacement is needed, the circumstances leading to loss or destruction, and payment of a \$10 administrative fee.~~

(3) The use of an identification cab card a permit or registration receipt by any person or firm other than the carrier to whom the stamp it was issued is unlawful.

(4) The use of an identification cab card without the appropriate stamp firmly affixed is unlawful.

(5) Except as unassigned identification cab cards are properly used as provided for in WAC 480-12-130, each motive power vehicle must have its own assigned identification cab card, and the use of a card on a vehicle other than the one for which it has been prepared is unlawful.

(4) The provisions of this emergency amendment apply only to interstate operations that are conducted or are to be conducted on or after January 1, 1994. Operations conducted on or before December 31, 1993, shall be conducted pursuant to the rule as it exists prior to this amendment.

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.

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 R-268, Cause No. TV-2002, filed 12/5/86)]

WAC 480-12-350 Insurance. Within ten days after the date an applicant is notified ~~his~~ that its application has been granted, ~~and before~~ as a condition to issuing the permit ~~shall be issued~~, the applicant shall file with the commission evidence of currently effective liability and property damage insurance ~~having been~~ written by a company authorized to write such insurance in the state of Washington, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit granted, in the amount shown on the following table:

Commodity Transported	July 1 1983	January 1 1985
(1) Property (nonhazardous) . . .	\$ 500,000	\$ 750,000
(2) Hazardous substances, as defined in 49 CFR 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquified compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	1,000,000	5,000,000
(3) Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.	500,000	1,000,000
(4) Any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	1,000,000	5,000,000

~~The above amounts do not apply to taxicabs~~ Taxicabs whose only operation subject to commission jurisdiction is the operation of ~~express~~ small parcel general freight service under a permit issued pursuant to chapter 81.80 RCW. ~~Provided, That such carrier is in compliance~~ shall comply with the provisions of RCW 46.72.040 and 46.72.050 in lieu of the above. Such carrier carriers must also comply with the reporting requirements set forth in of this section.

Applications for permits to operate as temporary common carriers or temporary contract carriers shall be accompanied by evidence of the insurance coverage as required herein.

Carriers registering under WAC 480-12-127 as registered interstate carriers may provide evidence of insurance in the amount prescribed by the Interstate Commerce Commission written by a company authorized to write insurance in any state.

Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a permit.

Evidence of insurance shall be submitted either on a "uniform motor carrier bodily injury and property damage liability certificate of insurance," ~~(Form E)~~ filed in triplicate with the commission, or a written binder issued by an insurance agent or insurance company evidencing the ~~same~~ coverages as ~~hereinabove~~ required above. If a binder is submitted, the binder it shall be effective for not longer than sixty days, during which time the carrier must file the required Form E shall be filed evidence of insurance. Insurance presently on file for existing permit holders shall

~~be sufficient: Provided, The requirements set forth above are in effect.~~

The provisions of this emergency amendment apply only to interstate operations that are conducted or are to be conducted on or after January 1, 1994. Operations conducted on or before December 31, 1993, shall be conducted pursuant to the rule as it exists prior to this amendment.

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 93-17-004
EMERGENCY RULES
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed August 5, 1993, 8:10 a.m.]

Date of Adoption: July 14, 1993.

Purpose: Adds certain drugs that are safer and more effective for immobilization of certain wildlife species to those available to the Department of Wildlife for use.

Citation of Existing Rules Affected by this Order: Amending WAC 246-886-030.

Statutory Authority for Adoption: RCW 18.64.005.

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

Reasons for this Finding: The legend drugs currently available for use by Department of Wildlife are not the most effective drugs currently available. The use of less than maximally effective drugs for subduing wild animals may endanger animals, the agents and the public. Therefore, the board found that an immediate amendment was necessary for the preservation of public health, safety and welfare and observing time requirements of notice and opportunity to comment on adoption of a permanent rule would be contrary to public interest.

Effective Date of Rule: Immediately.

August 3, 1993
 Donald Hobbs
 Board Chairman

AMENDATORY SECTION (Amending Order 191B [277B], filed 8/30/91 [5/28/92], effective 9/30/91 [6/28/92])

WAC 246-886-030 Approved legend drugs. (1) The following legend drugs are hereby designated as "approved legend drugs" for use by registered humane societies or animal control agencies for limited purposes:

- (a) Acetylpromazine.
- (b) Ketamine.
- (c) Xylazine.

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(2) A humane society or animal control agency shall not be permitted to purchase, possess, or administer approved legend drugs unless that society or agency:

(a) Is registered with the board under RCW 69.50.310 and WAC 360-36-210 to purchase, possess, and administer sodium pentobarbital;

(b) Submits to the board written policies and procedures ensuring that only those of its agents and employees who have completed a board-approved training program will possess or administer approved legend drugs; and

(c) Has on its staff at least one individual who has completed a board-approved training program.

(3) The following legend drugs are hereby designated as "approved legend drugs" only for use by agents and biologists of the Washington State Department of Wildlife: Naltrexone, Detomidine, Metdetomidine and Yohimbine.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 93-17-005
EMERGENCY RULES
STATE BOARD OF EDUCATION

[Filed August 5, 1993, 10:42 a.m.]

Date of Adoption: July 21, 1993.

Purpose: To bring WAC 180-33-042 into compliance with the legislative directive to adopt amendments to the regulations concerning new and new-in-lieu of modernization funding for school construction projects.

Citation of Existing Rules Affected by this Order: Amending WAC 180-33-042.

Statutory Authority for Adoption: RCW 28A.525.020.

Other Authority: Section 708(5), chapter 22, Laws of 1993 1st sp.s.

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

Reasons for this Finding: Immediate adoption of amendments to WAC 180-33-042 Replacement option, which condition requirements for receipt of state assistance and set forth funding restrictions under certain conditions, shall provide for access to the \$238,000,000 biennial appropriation which is necessary to allow for needed construction and reconstruction of school building projects this summer.

Effective Date of Rule: Immediately.

August 4, 1993
Dr. Monica Schmidt
Executive Director/Secretary

AMENDATORY SECTION (Amending Order 8-85, filed 4/17/85)

WAC 180-33-042 Replacement option. A district with space eligible for modernization pursuant to WAC 180-33-015 and 180-33-025 may elect to replace such space through new construction in lieu of modernization. In such case, the district shall apply for a new school facility in accordance with applicable rules and regulations pertaining to new school plant facilities and the local board shall certify that after the new construction is finally completed:

(1) The existing building or space to be replaced will not be used for district instructional purposes; and

(2) The existing building or space will be ineligible for any future state financial assistance.

Further, if the existing building or space is subsequently returned by the district to instructional purposes in whole or in part, the district shall become ineligible for any state construction financial assistance for a period of ten years from the date that the executive director or the chief executive officer of the state board notifies the board during the course of an open public meeting or sends written notice to members of the board of the return of the building in whole or in part to instructional purposes. Except as otherwise provided in WAC 180-33-043, districts exercising this election shall be limited in state assistance to the provision of WAC 180-33-040. In the event the district elects to replace a facility and construct a new facility with more space than the facility being replaced, the additional space, in order to be eligible for state assistance shall meet the eligibility requirements for new construction or the new construction component requirement of WAC 180-33-015 (1)(c): *Provided*, That no new construction in lieu of modernization project may qualify for additional state assistance pursuant to WAC 180-27-115 unless the facility being replaced would have qualified pursuant to such section for additional state assistance as a modernization project.

WSR 93-17-008
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 93-74—Filed August 5, 1993, 3:58 p.m.]

Date of Adoption: August 5, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100Y; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable numbers of fall chinook are available in the area between Bonneville Dam and McNary Dam. This rule is consistent with the decision of the August 3, 1993, meeting of the Columbia River Compact.

Effective Date of Rule: Immediately.

August 5, 1993
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-32-05100Z Columbia River salmon seasons above Bonneville. (1) Notwithstanding the provisions of WAC 220-32-051 and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

- (a) Open for salmon and shad:
 - 6 a.m. August 9, 1993 to 6 p.m. August 14, 1993;
 - 6 a.m. August 18, 1993 to 6 p.m. August 21, 1993; and
 - 6 a.m. August 25, 1993 to 6 p.m. August 28, 1993.

Sturgeon may be retained only for subsistence purposes.

- (b) Open area: SMCRA 1F, 1G, and 1H

- (c) Mesh: no mesh restriction

(2) Notwithstanding the provisions of WAC 220-32-058, closed area at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2-mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of

the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek is those waters of the Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100Y	Columbia River salmon seasons above Bonneville. (93-70)
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**WSR 93-17-009
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 93-75—Filed August 5, 1993, 4:01 p.m., effective August 8, 1993, 12:01 a.m.]

Date of Adoption: August 5, 1993.
Purpose: Commercial fishing regulations.
Statutory Authority for Adoption: RCW 75.08.080.
Pursuant to RCW 34.05.350 the agency for good cause

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

Reasons for this Finding: Restrictions in Areas 6, 7, and 7A provide protection for United States and Canadian

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origin chinook stocks. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish region of origin. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: August 8, 1993, 12:01 a.m.

August 5, 1993
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-47-901 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday August 8th, 1993 until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Areas 6, 7, and 7A - Gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- * Areas 7B and 7C - Gillnets using 7-inch minimum mesh may fish from 7PM to 7AM nightly, Monday, Tuesday, and Wednesday August 9, 10, 11.
- * Areas 4B, 5, 6A, 6B, 6C, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

**WSR 93-17-010
EMERGENCY RULES
COUNTY ROAD
ADMINISTRATION BOARD**
[Filed August 6, 1993, 11:28 a.m.]

Date of Adoption: August 5, 1993.

Purpose: Update the definition of "arterials" to include rural arterials (Federal Functional Classes 02 and 06) for CAPA eligibility.

Citation of Existing Rules Affected by this Order: Amending WAC 136-310-010.

Statutory Authority for Adoption: Section 103(4), chapter 42, Laws of 1990.

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

Reasons for this Finding: As a result of the road jurisdiction study, counties can now classify roads as rural arterials (Federal Functional Classes 02 and 06). This amendment changes the definition of "arterials" for CAPA eligibility to include these classes of roads.

Effective Date of Rule: Immediately.

August 5, 1993
Vern E. Wagar
Executive Director

[AMENDATORY SECTION (Amending Order 81, filed 11/6/90, effective 12/7/90)]

WAC 136-310-010 Certification of county arterial mileage (1) ((e)) Classification. The act specifies that expenditure of CAPA funds is restricted to paved arterials in the unincorporated area of each county. Arterials are defined as being those county roads:

(a) In urban areas, classified as arterials (Federal Functional Classes 12, 13, 14, 15, and 16) or classified as collectors (Federal Functional Class 17);

(b) In rural areas, classified as arterials (Federal Functional Classes 02 and 06) or classified as major collectors (Federal Functional Class 07) or minor collectors (Federal Functional Class 08).

Paved roads are defined as those roads which at the time of CAPA allocation determination, are hardsurfaced thru the application of a bituminous surface treatment (BST), asphaltic concrete pavement (ACP), or portland cement concrete (PCC). Brick or block surfaces shall also be considered as paved.

(2) Source of information. The master county road log as maintained by the CRABoard in accordance with chapter 136-60 WAC shall be the source of official paved road mileages to be used for CAPA distribution.

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.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 93-17-011
EMERGENCY RULES
COUNTY ROAD
ADMINISTRATION BOARD**
[Filed August 6, 1993, 11:30 a.m.]

Date of Adoption: August 5, 1993.

Purpose: Update land area ratio determination as it affects biennial regional fund allocations.

Citation of Existing Rules Affected by this Order: Amending WAC 136-110-020.

Statutory Authority for Adoption: RCW 36.79.060.

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

Reasons for this Finding: Updated census data causes a change in the rural-urban land area ratio in the state. As fund allocations and resultant project approvals are based on this data, which are determined at the first CRABoard meeting in each biennium, accuracy and fairness require this action.

Effective Date of Rule: Immediately.

August 5, 1993
Vern E. Wagar
Executive Director

[AMENDATORY SECTION (Amending Order 56, filed 7/30/84)]

WAC 136-110-020 Computation of land area ratio.
~~((The rural land areas of each region, and the ratio which they bear to the total rural land area of the state are shown as follows:~~

REGION	RURAL	% OF
	LAND AREA	TOTAL RURAL
	SQUARE MILES	LAND AREA
Puget Sound	5,005	7.71
Northwest	8,069	12.43
Northeast	26,711	41.14
Southeast	14,748	22.72
Southwest	10,387	16.00
TOTAL	64,920	100.00))

The ratio which the total county rural land area of each region bears to the total rural land area of all counties of the state shall be computed from information provided by the Secretary of Transportation as of July 1, 1993 and each two years thereafter.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 93-17-016
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 93-76—Filed August 9, 1993, 3:55 p.m.]

Date of Adoption: August 9, 1993.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 22-56-35000T, 220-56-38000M, 220-56-35000U, and 220-56-38000N; and amending WAC 220-56-350 and 220-56-380.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: The inseason assessment shows the allowable harvest of clams or oysters has been taken or will be taken shortly.

Effective Date of Rule: Immediately.

August 9, 1993
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-56-35000V Hardshell clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-350, effective immediately until further notice:

- (1) Camano Island State Park - Closed to the harvest of clams.
- (2) Illahee State Park - Closed to the harvest of clams.
- (3) Mystery Bay - Closed to the harvest of clams.
- (4) Port Townsend Ship Canal - Closed to the harvest of clams.
- (5) Saltwater State Park - Closed to the harvest of clams.
- (6) Twanoh State Park - Closed to the harvest of clams.
- (7) West Dewatto (DNR 44A) - Closed to the harvest of clams.
- (8) DNR 69 - Closed to the harvest of clams.
- (9) Oak Bay West - Closed to the harvest of clams.
- (10) Wolfe Property State Park - Closed to the harvest of clams.
- (11) Fort Flagler State Park - Open for the harvest of clams.
- (12) Oak Bay East - Open for the harvest of clams.
- (13) Shine Tidelands - Open for the harvest of clams.

NEW SECTION

WAC 220-56-38000P Oysters—Areas and seasons. Notwithstanding the provisions of WAC 220-56-380, effective immediately until further notice:

- (1) West Dewatto (DNR 44A) - Closed to the harvest of oysters.
- (2) Twanoh State Park - Closed to the harvest of oysters.
- (3) Wolfe Property State Park - Closed to harvest of oysters.
- (4) Kitsap State Park - Open for the harvest of oysters.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-56-35000T	Clam area closures. (93-64)
WAC 220-56-38000M	Oysters—Areas and seasons. (93-64)
WAC 220-56-35000U	Hardshell clams—Areas and seasons. (93-65)
WAC 220-56-38000N	Oysters—Area and seasons. (93-65)

EMERGENCY

**WSR 93-17-052
EMERGENCY RULES**

DEPARTMENT OF FISHERIES

[Order 93-79—Filed August 13, 1993, 2:30 p.m.]

Date of Adoption: August 13, 1993.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-128.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Chinook and coho salmon returning to the Hoodspout Hatchery are in need of protection in order to meet escapement goals.

Effective Date of Rule: Immediately.

August 13, 1993
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-56-12800G Food fish fishing—Closed area—Hoodspout. Notwithstanding the provisions of WAC 220-56-128, effective immediately until further notice, it is unlawful to fish for or possess food fish taken for personal use from those waters of Hood Canal within a 1,000 foot radius of the mouth of Finch Creek at the entrance to the Hoodspout Hatchery.

**WSR 93-17-053
EMERGENCY RULES**

DEPARTMENT OF FISHERIES

[Order 93-78—Filed August 13, 1993, 2:32 p.m., effective August 15, 1993, 12:01 a.m.]

Date of Adoption: August 13, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-901.

Statutory Authority for Adoption: RCW 75.08.080.

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

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

Effective Date of Rule: August 15, 1993, 12:01 a.m.
August 13, 1993
Robert Turner
Director

NEW SECTION

WAC 220-47-902 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday August 15th, 1993 until further notice, it is unlawful to take, fish or, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Areas 6, 7, and 7A - Gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- * Areas 7B and 7C - Gillnets using 7-inch minimum mesh may fish from 7PM to 7AM nightly, Monday, Tuesday, and Wednesday August 16, 17, 18.
- * Areas 4B, 5, 6A, 6B, 6C, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-901 Puget Sound all-citizen commercial salmon fishery. (93-75)

**WSR 93-17-057
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed August 16, 1993, 11:00 a.m.]

Date of Adoption: August 16, 1993.

Purpose: The purpose of these rules is to clarify the intent of legislation requiring local jurisdictions and building officials to verify that general or specialty contractors purchasing building permits are properly registered as required by chapter 18.27 RCW.

Citation of Existing Rules Affected by this Order:
Amending chapter 296-200 WAC.

Statutory Authority for Adoption: RCW 18.27.125.

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

Reasons for this Finding: After being approached by statewide building officials, it became apparent it was necessary to clarify the intent of legislation requiring local

EMERGENCY

jurisdictions and building officials to verify that general or specialty contractors purchasing building permits are properly registered as required by chapter 18.27 RCW.

Effective Date of Rule: Immediately.

August 16, 1993
Mark O. Brown
Director

ESHB 1505
Proposed Emergency WAC Rules
August 10, 1993

NEW SECTION

WAC 296-200-110 Verification of registration number by a city, town or county. Verification of the contractor registration number for the purpose of issuing a building permit shall mean verification only of the registration of the general or specialty contractor who is applying for the building permit.

NEW SECTION

WAC 296-200-111 Verification of non-original registration card by city, town or county. A city, town, or county may accept, for the purposes of verification, a copy of the original contractor registration card, which has been attested to by the person who applied for that original registration card and which is notarized.

NEW SECTION

WAC 296-200-112 Liability to cities, towns and counties for failure to verify contractor registration. Failure to verify the contractor's registration number will result in liability, for the penalty amount specified in RCW 18.27.100 (6)(a), only to the city, town, or county that issued the building permit.

WSR 93-17-091
EMERGENCY RULES
HEALTH CARE AUTHORITY
(Public Employees Benefits Board)
[Filed August 17, 1993, 2:27 p.m.]

Date of Adoption: August 17, 1993.

Purpose: To amend PEBB eligibility rules to permit enrollment by school district and educational service district bargaining units; enrollment by retirees of school districts; and require Medicare eligible retirees to enroll in both Parts A and B of Medicare as a condition of eligibility. These changes are required by chapter 386, Laws of 1993 (SHB 1784).

Citation of Existing Rules Affected by this Order: Amending WAC 182-12-110, 182-12-111, 182-12-115, and 182-12-122.

Statutory Authority for Adoption: Chapter 41.05 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time

requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Effective date is necessary because of imminent peril to the public health, safety or general welfare of the public. RCW 34.05.380(3).

Effective Date of Rule: Immediately.

August 17, 1993
Elin S. Meyer
Rules Coordinator

AMENDATORY SECTION (Amending Order 5646, filed 2/9/76)

WAC 182-12-110 Purpose. The purpose of this chapter is to establish criteria of employee eligibility for all ~~((state))~~ public employees ~~((insurance))~~ benefits board approved plans.

AMENDATORY SECTION (Amending WSR 92-03-040, filed 1/10/92, effective 1/10/92)

WAC 182-12-111 Eligible entities. The employees and retirees of eligible entities and their dependents must meet the individual eligibility requirements set forth in WAC 182-12-115 in order to participate in ~~((SEBB))~~ PEBB insurance plans. Only individuals who participated in ~~((SEBB))~~ PEBB insurance plans as an active employee and their dependents are eligible to participate in ~~((SEBB))~~ PEBB insurance plans upon disability or retirement, except as provided in WAC 182-12-115(8) and 182-12-122 (2)(d) or (e). The following entities shall be eligible to participate in ~~((SEBB))~~ PEBB insurance plans subject to the terms and conditions set forth below.

(1) State agencies. Every department, division, or separate agency of state government including the higher education personnel board, higher education coordinating board, and the state board for community and technical colleges is eligible and required to participate in all board approved plans provided:

Employees of vocational-technical institutions who belong to collective bargaining units may participate in ~~((SEBB))~~ PEBB insurance plans only if the entire collective bargaining unit enrolls in the plans and such participation is consistent with section 83, chapter 238, Laws of 1991.

(2) Counties, municipalities, ~~((and))~~ political subdivisions, ~~((including K-12 school districts))~~ and employees of employee organizations representing state civil service employees. Counties, municipalities, ~~((and))~~ political subdivisions, ~~((including K-12 school districts))~~ and employees of employee organizations representing state civil service employees of the state may participate in ~~((SEBB))~~ PEBB insurance programs provided:

(a) All eligible employees of the entity transfer to ~~((SEBB))~~ PEBB plan coverage as a unit.

(b) The legislative authority or the board of directors obligates itself to participate in all ~~((SEBB))~~ PEBB insurance plans.

(c) The legislative authority of the entity ~~((or the board of directors of the school district))~~ submits an application together with employee census data and, if available, prior claims experience of the entity to the health care authority.

(d) The legislative authority or the board of directors agrees to maintain its ((SEBB)) PEBB plan participation through the end of the plan year.

(e) The legislative authority or the board of directors shall provide the health care authority written notice of its intent to terminate ((SEBB)) PEBB plan participation no later than thirty days prior to the effective date of termination. If a county, municipality, ((or)) political subdivision, ((including a K-12 school district)) or employees of employee organizations representing state civil service employees terminates coverage in ((SEBB)) PEBB insurance plans, retired and disabled employees who began participating after September 15, 1991, will no longer be eligible to participate in ((SEBB)) PEBB insurance plans beyond the mandatory extension requirements specified in WAC 182-12-215.

(f) The health care authority administrator approves the entity's application.

(3) School districts and educational service districts. This rule supersedes any existing health care authority or board rules that may be in conflict with this rule. Bargaining units and nonrepresented employees of school districts and educational service districts of the state may participate in PEBB insurance programs provided:

(a) The PEBB plans must be the only plans made available to the members of the bargaining unit through their employment by the school district or educational service district.

(b) All eligible employees of the bargaining unit transfer as a unit and all nonrepresented employees transfer as a unit.

(c) A bargaining unit employee or nonrepresented employee who would otherwise be considered an eligible employee under the rules established by the board may voluntarily waive enrollment in the programs and will no longer be considered an eligible employee for purposes of effectuating the transfer of the unit.

(d) The terms and conditions for the payment of insurance premiums shall be set forth in provisions of the bargaining agreement and shall comply with the employer contribution requirements specified in RCW 28A.400.280. These provisions of the collective bargaining agreement, including eligibility, shall be subject to review and approval by the board at the time of application for participation.

(e) The application to participate in the PEBB programs is subject to the approval of the authority.

(f) The eligibility requirements for dependents of school district and educational service district employees shall be the same as the requirements for dependents of state employees and retirees as defined in WAC 182-12-115(9).

(g) The bargaining unit or unit of nonrepresented employees must agree to maintain its PEBB plan participation through the end of the plan year.

AMENDATORY SECTION (Amending WSR 92-08-003, filed 3/18/92, effective 3/18/92)

WAC 182-12-115 Eligible employees, retirees, and dependents. The following definitions of eligible employees, retirees, and dependents of an eligible entity, as defined in WAC 182-12-111, shall apply for all ((SEBB)) PEBB approved plans except as otherwise stated in this chapter((:)). For purposes of defining eligible employees of school districts and educational service districts, the collective

bargaining agreement will supersede all definitions provided under this rule if approved by the PEBB and the authority in accordance with WAC 182-12-111 (3)(d).

(1) "Permanent employees." Those who are scheduled to work at least half-time per month and are expected to be employed for more than six months. Such employees shall be eligible effective with their first day of employment.

(2) "Nonpermanent employees." Those who are scheduled to work at least half-time and are expected to be employed for no more than six months. Such employees shall be eligible effective the first day of the seventh calendar month of employment.

(3) "Seasonal employees." Those who work at least half-time per month during a designated season for a minimum of three months but less than nine months per year and who have an understanding of continued employment with their agency season after season. These employees become eligible on the first day of such employment, however, they are not eligible for the employer contribution during the break between seasons of employment.

(4) "Part-time faculty." Faculty who are employed on a quarter/semester to quarter/semester basis become eligible beginning with the second consecutive quarter/semester of half-time or more employment at one or more state institutions of higher education, provided that:

(a) For determining eligibility, spring and fall may be considered consecutive quarters/semesters; and

(b) "Half-time or more employment" will be determined based on each institution's definition of "full-time"; and

(c) At the beginning of each quarter/semester, the employers of part-time faculty shall notify, in writing, all current and newly hired part-time faculty of their potential right to benefits under this section. The employee shall have the responsibility, each quarter, to notify the employers, in writing, of the employee's multiple employment. In no case will there be a requirement for retroactive coverage or employer contribution if a part-time faculty member fails to inform all of his/her employing institutions about employment at all institutions within the current quarter; and

(d) Where concurrent employment at more than one state higher education institution is used to determine total part-time faculty employment of half-time or more, the employing institutions will arrange to prorate the cost of the employer insurance contribution based on the employment at each institution. However, if the part-time faculty member would be eligible by virtue of employment at one institution, that institution will pay the entire cost of the employer contribution regardless of other higher education employment. In cases where the cost of the contribution is prorated between institutions, one institution will forward the entire contribution monthly to SEBB; and

(e) Once enrolled, if a part-time faculty member does not work at least a total of half-time in one or more state institutions of higher education, eligibility for the employer contribution ceases.

(5) "Appointed and elected officials." Legislators are eligible on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible on the date their term begins or they take the oath of office, whichever occurs first.

(6) "Judges." Justices of the supreme court and judges of the court of appeals and the superior courts become eligible on the date they take the oath of office.

(7) "Retirees and disabled employees." Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical, dental and life coverages provided the person:

(a) Immediately begins receiving a monthly retirement income benefit from such retirement system; or

(b) If not retiring under the public employees retirement system (PERS), would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the provisions of PERS I or PERS II for the same period of employment; or

(c) Must take a lump sum benefit because their monthly benefit would have been under fifty dollars.

Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are likewise eligible, provided they apply for retiree coverage before their SEBB active employee coverage ends. Persons retiring who do not have waiver of premium coverage from any SEBB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. Retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the SEBB program at the time of retirement or disability.

(8) "Retired and disabled school district and educational service district employees." The following persons are eligible to participate in PEBB medical and dental plans only, provided they meet the enrollment criteria stated below and if eligible for Medicare, be enrolled in Medicare Parts A and B or enroll in the next Medicare open enrollment period:

(a) Persons receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993, and who enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation begin to receive a retirement allowance under chapter 41.32 or 41.40 RCW. Such persons who retire on or after October 1, 1993, must elect PEBB coverage not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement whichever is later;

(c) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32 or 41.40 RCW. Such persons must enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year begin-

ning January 1, 1995, or sixty days following retirement, which ever is later.

(9) "Eligible dependents." The following are eligible as dependents under the medical and dental plans:

(a) Lawful spouse except that as of November 1, 1991, a lawful spouse who works full time and who is eligible for coverage as a subscriber on a plan or plans offered by a K-12 school district and who has waived that coverage is not eligible for employer-paid coverage as a dependent on a SEBB plan.

(b) Dependent children through age nineteen. As used in this section, "children" includes natural children, stepchildren, legally adopted children, and married children who qualify as dependents of the employee/retiree under the Internal Revenue Code or as specified in a court order or divorce decree, and foster children approved by the health care authority. To qualify for HCA approval, a foster child must:

(i) Be living with the subscriber in a parent-child relationship;

(ii) Be dependent upon the subscriber for financial support;

(iii) Not be eligible for coverage under Medicare, Medicaid, or similar government entitlement programs; and

(iv) Not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(c) Dependent children age twenty through age twenty-three who are dependent upon the employee/retiree for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters and for the quarter following graduation provided the employee/retiree is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(d) Dependent children of any age who are incapable of self-support due to developmental disability or physical handicap, provided such condition occurs prior to age twenty or during the time the dependent was covered under a SEBB plan as a full-time student. Proof of such disability and dependency must be furnished prior to the dependent's attainment of age twenty or loss of eligibility for student coverage, and as periodically requested thereafter.

(e) "Dependent parents." Parents of the employee/retiree or their spouse who qualify as dependents under the Internal Revenue Code and who were covered as dependents under SEBB medical/dental plans prior to July 1, 1990, may continue SEBB coverage on a self-pay basis.

((9)) (10) Notwithstanding any of the foregoing, employees who are not mandatorily, by election, or otherwise covered by industrial insurance under Title 51 RCW shall not be considered "eligible employees" within the meaning of this section.

AMENDATORY SECTION (Amending Resolution No. 86-3, filed 8/5/86)

WAC 182-12-122 Surviving dependents eligibility.

(1) The following classes of surviving eligible dependents may continue their medical and dental coverages (~~up to the age limits for dependent children by premium withholding or direct payment of premium~~) on a self-pay basis: ((+))

(a) Surviving spouse and/or eligible dependent children of a deceased state retiree who were covered as dependents under ((these coverages)) a PEBB plan at the time of the retiree's death((, and (2));

(b) Surviving spouse and/or eligible dependent children of a deceased state employee who were covered ((as dependents)) under ((these coverages)) a PEBB plan at the time of the employee's death ((and who will immediately begin receiving a monthly retirement income benefit)) provided they are eligible to receive an allowance from a Washington state sponsored retirement system((. Application for surviving dependents coverage must be made within sixty days from the date of death of the retiree/employee. Coverage is retroactive to the date retiree/employee medical coverage terminated. Surviving dependents are not eligible for an employer premium contribution. Surviving dependents are not eligible for retiree life insurance.));

(c) Surviving spouses and/or eligible dependent children of deceased retired or disabled school district and educational service employees who were enrolled under a PEBB plan at the time of the retiree's death;

(d) Surviving spouses and/or eligible dependent children of a deceased school district or educational school district employee who was not enrolled in a PEBB plan at the time of death; provided, the employee died on or after October 1, 1993 and the dependents immediately began receiving a retirement benefit allowance under chapter 41.32 or 41.40 RCW;

(e) Surviving spouses and/or eligible dependent children of deceased retired or disabled school district or educational service district employees who died prior to October 1, 1993, and who would have been eligible to enroll pursuant to WAC 182-12-115 (8)(a).

(2)(a) Applications for surviving dependents coverage under subsections (1)(a),(b) and (c) must be made in writing on the enrollment form approved by the Health Care Authority within sixty days from the date of death of the employee or retiree. Coverage is retroactive to the date the employee or retiree coverage terminated subject to the payment of premium.

(b) Application for surviving dependents coverage under (1)(d) and (e) must be made before the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995. The effective date of coverage will be the first day of the month following the receipt of the completed application.

(3) The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system under subsection (1)(b) of this section for Washington State University cooperative extension service employees who held a federal civil service appointment and who were covered under the ((SEIB)) PEBB program at the time of death.

WSR 93-17-092

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 93-80—Filed August 17, 1993, 2:39 p.m.]

Date of Adoption: August 17, 1993.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-19000R; and amending WAC 220-56-190.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Catch Record Card Area 4 east of the Bonilla-Tatoosh line is opened to salmon angling on Fridays and Saturdays starting August 20, 1993. In Catch Record Card Area 2, the 25 fathom line is lifted, in accordance with the recommendations of the Pacific Fisheries Management Council.

Effective Date of Rule: Immediately.

August 17, 1993

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-56-19000S Coastal salmon - Saltwater seasons and bag limits. Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from Catch Record Card Areas 2, and 4, except as provided for in this section:

(1) Areas and times open to salmon angling are as follows:

(a) Catch Record Card Area 4 - July 12 through September 30 or the coho quota, whichever comes first. Waters west of the Bonilla-Tatoosh line closed Fridays and Saturdays. Bag limit F except that no more than six salmon may be retained in any seven consecutive days.

(b) Catch Record Card Area 2 - July 11 through September 30 or the coho quota, whichever comes first. Closed to salmon angling each Friday and Saturday. Bag limit F except that no more than four salmon may be retained in any seven consecutive days.

(c) For purposes of this section, all salmon retained from Catch Record Card Areas 1, 2, 3 and 4 during the entire coastal saltwater salmon season, and salmon retained from Grays Harbor and Willapa Bay Catch Record Card Areas 2-1 and 2-2 prior to August 16, count as part of the cumulative catch for each consecutive seven day period.

(2) Terminal gear is limited to single point barbless hooks only.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000R Coastal salmon-Saltwater seasons and bag limits (93-63).

WSR 93-17-093
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 93-81—Filed August 17, 1993, 2:40 p.m.]

Date of Adoption: August 17, 1993.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-191.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Depressed summer stocks in Hood Canal are in need of protection.

Effective Date of Rule: Immediately.

August 17, 1993
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-56-19100C Puget Sound salmon—Saltwater seasons and bag limits. Notwithstanding the provisions of WAC 220-56-191, effective immediately through October 15, 1993, it is unlawful to fish for or possess chum salmon in those waters of Catch Record Card Area 12.

WSR 93-17-108
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 93-82—Filed August 18, 1993, 11:24 a.m., effective August 19, 1993, 12:01 a.m.]

Date of Adoption: August 18, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-902.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Restrictions in Areas 6, 7, and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish region of origin, and to reduce wastage. Additional fishing time is necessary to compensate for low effort occurring due to Fraser Panel fisheries overlapping nontreaty openings in Areas 7B and 7C. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: August 19, 1993, 12:01 a.m.

August 18, 1993
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-47-903 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Thursday August 19th, 1993 until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Areas 6, 7, and 7A - Gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- * Areas 7B and 7C - Gillnets using 7-inch minimum mesh may fish from 7PM to 7AM Nightly, August 19, 22, 23, 24, 25.
- * Areas 4B, 5, 6A, 6B, 6C, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. August 18, 1993:

WAC 220-47-902 Puget Sound all-citizen commercial salmon fishery. (93-78)

EMERGENCY

WSR 93-17-013
NOTICE OF PUBLIC MEETINGS
COUNCIL ON
VOCATIONAL-TECHNICAL EDUCATION

[Memorandum—August 6, 1993]

August 17-18, 1993
 Spokane, Washington

The meeting site is barrier free. People needing special accommodations should contact the council office at (206) 753-3715.

WSR 93-17-014
PERMANENT RULES
COLUMBIA RIVER
GORGE COMMISSION

[Filed August 6, 1993, 4:10 p.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.

CERTIFICATE AND ORDER FOR FILING
PERMANENT ADMINISTRATIVE RULES WITH THE
OFFICE OF THE CODE REVISER

I HEREBY CERTIFY that the copy shown below is a true, full and correct copy of PERMANENT rule(s) adopted on July 27, 1993, by the Columbia River Gorge Commission to become effective upon filing.

The within matter having come before the Columbia River Gorge Commission after all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises.

Notice of Intended Action in Code Reviser's Register: Yes.

NOW THEREFORE, IT IS HEREBY ORDERED that the following action to be taken: Adopting 350-70, 350-80, 350-90, 350-100, and 350-110 as Administrative Rules of the Columbia River Gorge Commission.

DATED this 2nd day of August, 1993.

Allen Bell
 Acting Executive Director

Statutory Authority: RCW 43.97.015 to 43.97.035, chapter 499, Laws of 1987.

For Further Information Contact: Jan Brending, Rules Coordinator, (509) 493-3323.

Reviser's note: The material contained in this filing will appear in the 93-19 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 93-17-024
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
COMMUNITY DEVELOPMENT

[Memorandum—August 9, 1993]

The Washington State Department of Community Development will hold a public hearing on the proposed 1994 state

plan for the community services block grant (CSBG) program.

The hearing will be held Friday, September 17, 1993, at the John L. O'Brien Building, House Hearing Room E, at 8:00 a.m.

WSR 93-17-026
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 93-06]

IMPROVING STATE REGULATORY ACTIVITIES

I, Mike Lowry, Governor of the State of Washington, by virtue of the power vested in me declare my commitment to improve Washington's regulatory climate. It is, therefore, the purpose of this executive order to accomplish the following:

- To institute immediate management improvements in state regulatory functions by reducing inefficiencies, conflicts, and delays.
- To develop long-term solutions to complex regulatory issues that, if left unresolved, could impede the orderly growth and sustained economic development of the state.
- To ensure that any regulatory reform solutions designed to support economic benefits also ensure continued protection of the environment, the health, and the safety of our citizens.

To accomplish these purposes, I hereby direct the following actions:

I. Creation of the Governor's Task Force on Regulatory Reform

There is created the Governor's Task Force on Regulatory Reform to consist of not more than 23 members. Membership shall reflect the interests of business, agriculture, labor, the environment, other citizens, the Legislature, cities and counties, and state agencies. Representatives from state agencies will serve as nonvoting, ex officio members. Members shall be appointed by the Governor and the Governor shall select the chair. Staffing for the Task Force shall be provided by the Office of Financial Management, with assistance from state agencies and the Legislature, as may be made available. State agencies shall provide the Task Force with information and assistance, as needed.

The charge of the Task Force is to develop recommendations for statutory and administrative changes that lead to more reasonable, efficient, cost-effective, and coordinated regulatory actions. The recommendations shall support economic benefits for the state while ensuring continued protection of the environment and the health and safety of citizens.

The Task Force shall commence operations upon appointment in August 1993 and terminate on December 31, 1994. The Task Force shall submit interim recommendations to the Governor by December 1, 1993, and final recommendations by December 1, 1994.

The Task Force shall develop recommendations to respond to the following issues:

- A. How should the state’s environmental and growth management requirements and processes be integrated so that the goals of environmental protection, orderly and planned growth, and sustained economic development are achieved?
- B. What improvements should be made in project approval, permitting, and appeals processes and structures to make them faster and simpler without undercutting environmental protection?
- C. In addition to actions directed by this executive order, what other mechanisms, structures, and procedures should be instituted to achieve better coordination and consistency in regulatory actions within agencies, between agencies, and between jurisdictions?
- D. Are there effective performance-based, market-based, and other regulatory models that will achieve more efficient and effective regulation than current command and control and technology-based regulatory approaches?
- E. In addition to actions directed by this executive order, are there other ways to expand the use of alternative decision making and dispute resolution models designed to reach consensus and resolve conflict on regulatory issues without resorting to litigation?
- F. Is there a need to amend the state’s Administrative Procedure Act or related statutes that would lead to more reasonable, efficient, timely, cost-effective, and coordinated rule-making and adjudication?

II. Expedited Resolution of Interagency Disputes

In partial fulfillment of the intent of Chapter 279, Laws of 1993 (Substitute Senate Bill 5634), any agency that has regulatory responsibilities over areas in common with, or related to, the duties of other agencies is hereby requested to develop jointly with those other agencies procedures for the resolution of interagency disputes regarding regulatory matters. The purpose of these procedures is to avoid litigation and time-consuming delays in regulatory actions by providing commonly understood procedures to expedite the resolution of disputes between agencies. The procedures may include, but are not limited to, the delineation of stages of dispute resolution designed to elevate issues to higher administrative levels within agencies so that the issues may be resolved in a timely manner. Such processes shall be established through the use of memorandums of understanding between agencies, or by other appropriate means. The Office of Financial Management shall monitor and assist in developing model interagency dispute resolution processes for use by agencies. The Office of Financial Management shall cooperate with the Attorney General’s Office in the development of these processes.

III. Agency Rule Coordinating Committees

Any agency that anticipates the adoption of rules affecting regulatory programs in other agencies or jurisdictions is hereby requested to convene a temporary agency rule coordinating committee (ARCC), consisting of representatives from those affected agencies or jurisdictions. An ARCC shall be created by the agency originating the rule in the early stages of rule development to ensure that substantial coordination of regulatory programs is achieved. The purpose of an ARCC is to identify and resolve, to the extent practicable, any potential conflicts, jurisdictional overlaps, or duplication of effort before formal rule adoption occurs.

IV. Implementing and Promoting Negotiated Rule Making and the Pilot Rule Process

To assist in the implementation of Chapter 202, Laws of 1993 (Substitute Senate Bill 5088), the Office of Financial Management shall develop, in cooperation with the Attorney General’s Office and other agencies, model policies, procedures, and other information to promote the use by agencies of negotiated rule making and the pilot rule process. Negotiated rule making includes procedures and methods for reaching agreement among interested parties, when possible, on proposed rules before publication of notice and hearings. The pilot rule process is designed to reduce unreasonable economic, procedural, and technical burdens on the regulated community by measuring or testing, in advance, the feasibility of compliance. It includes the use of voluntary pilot study groups.

The purpose of these processes is to involve the regulated community and other affected groups and individuals at the early stages of rule development, thereby improving compliance and acceptance of the rule and reducing the potential for litigation. Agencies are encouraged to review future rule making and identify those instances where negotiated rule making and the pilot rule process may be appropriate.

V. Improving Regulatory Information and Education

It is the goal of state government to improve public information about current and future regulatory actions and better educate agency personnel about managing regulatory activities. To achieve this goal, agencies are hereby requested to comply with the following:

- A. To the extent possible, no later than December of each year, identify and prepare a list of major subjects of potential rule making anticipated for the ensuing calendar year. The list shall be made available, upon request, to affected members of the regulated community and other groups and individuals, including other agencies and jurisdictions. Early identification of potential rule making will facilitate interagency rule coordination and early involvement of interested parties in rule making. Failure to identify a subject of rule making on the list in no way limits or affects an agency’s authority to adopt rules on that subject.
- B. Inventory existing publications or other communication materials used to disseminate regulatory information to the public and submit copies of

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those materials to the state's Business Assistance Center. Using this information, the Business Assistance Center, working with agencies, shall develop proposals for consistent and coordinated approaches for agencies to better inform the public about regulatory requirements.

- C. Participate, as appropriate, in the regulatory fairness training program being developed by the state's Business Assistance Center. The purpose of the training is to further educate agency regulatory personnel about business costs and concerns, help agencies achieve competency in statutory rule making requirements, share innovative and effective ways to involve and inform the public about rule making and mitigate regulatory impacts, improve the quality of rule writing, and facilitate the establishment of agency rule coordinating committees.
- D. Utilize the services of the Department of Licensing's Business License Center in developing cost-effective delivery of information and one-stop master licensing for agency permits, licenses, certificates, or approvals to perform business activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 9th day of August, A.D., nineteen hundred and ninety-three.

Mike Lowry
Governor of Washington

BY THE GOVERNOR:

Ralph Munro
Secretary of State

WSR 93-17-046
NOTICE OF PUBLIC MEETINGS
OLYMPIC COLLEGE
[Memorandum—August 9, 1993]

The board of trustees has changed the date and location of the regular board meeting that was scheduled to be held on August 24, 1993, at 7:30 p.m. in the Board Room at Olympic College, District No. 3, Bremerton, Washington, to August 31, 1993, at 7:30 p.m. at Olympic College Shelton, Shelton, Washington.

WSR 93-17-047
NOTICE OF PUBLIC MEETINGS
CLEMENCY AND PARDONS BOARD
[Memorandum—August 9, 1993]

The Washington State Board of Clemency and Pardons hereby files with the code reviser for publication the following changes of dates for its September and December 1993 meetings: The September meeting will be held on September 3, 1993, in House Hearing Room A, John L. O'Brien

Building, Olympia, Washington. The December meeting will be held on December 3, 1993, in the Governor's Conference Room on the second floor of the Legislative Building, Olympia, Washington. These meetings are scheduled to begin to 9:00 a.m.

WSR 93-17-054
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
[Memorandum—August 13, 1993]

The Washington State Human Rights Commission will hold its September regular commission meeting in Yakima, Washington, on September 22 and 23, 1993. The meeting on September 22, will be held at the Yakima City Hall, City Council Chambers, 129 North 2nd Street, Yakima, and will be a planning and training session beginning at 7:00 p.m. The regular business meeting on September 23, will be held at the Yakima Valley Community College, Martin Luther King Room, Hopf Student Union, South 16th Avenue and Nob Hill Boulevard, Yakima, beginning at 9:00 a.m.

WSR 93-17-055
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
[Memorandum—August 16, 1993]

The Interagency Committee for Outdoor Recreation will meet Thursday, September 23, 1993, and Friday, September 24, 1993, in the Bellevue Hilton's Snoqualmie North Meeting Room beginning at 9:00 a.m.

If you plan to participate or have materials for committee review, please submit information to IAC no later than September 3, 1993. This will allow time for distribution to committee members in a timely fashion.

Interagency Committee public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting Interagency Committee by Thursday, September 9, 1993, at 206/902-3000.

Laura Eckert
Director

WSR 93-17-056
DEPARTMENT OF ECOLOGY
[Filed August 16, 1993, 10:39 a.m.]

Comments Sought on Washington's Draft Submittal for
Delegation of the Operating Permit Program

In coordination with the Washington's seven local air pollution control authorities, the Energy Facility Site Evaluation Council (EFSEC), and the Department of Health, the Department of Ecology is seeking public comments on the state's draft submittal for delegation of the operating permit program. The 1990 federal Clean Air Act amendments require all states to develop a renewable permit program for

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industrial and commercial sources of air pollution. States must apply to the U.S. Environmental Protection Agency (EPA) for delegation of the program by November 15, 1993.

The public is encouraged to comment on Washington's statewide program from September 13, 1993, through October 13, 1993. During this time, ecology will also seek comment on the amendments to chapter 173-401 WAC which establish ecology's fees for the program. The following hearings have been scheduled:

Tuesday, October 5, 1993, at 7 p.m.
Fire Station 58, District 5
17408 S.E. 15th Street
Vancouver
(206) 892-4323

Wednesday, October 6, 1993, at 11 a.m.
South Seattle Community College
6000 16th Avenue S.W.
Seattle
(206) 764-5364

Thursday, October 7, 1993, at 7 p.m.
Spokane Falls Community College
3410 West Fort George Wright Drive
Student Union Building #17
Conference Room G
Spokane
(509) 533-3554

Locations for Viewing the Draft: Ecology's draft submittal will be combined with draft submittals from each of the seven local air authorities and EFSEC. A copy of ecology's draft submittal will be available for viewing during business hours at ecology, each local authority office, and at EFSEC. Also available will be the draft submittal from that agency. The locations are:

Ecology, Air Quality Program, 4550 Third Avenue S.E., Lacey, Contact: Joyce Grigsby, (206) 438-8100.

Benton-Franklin-Walla Walla Clean Air Authority, 650 George Washington Way, Richland, Contact: Dave Lauer, (509) 943-3396.

Energy Facility Site Evaluation Council, 925 Plum Street S.E., Townsquare Building 4, Olympia, Contact: Jason Zellar, (206) 956-2047 or Alan Fiksdal, (206) 956-2152.

Puget Sound Air Pollution Control Authority, 110 Union Street, Suite 500, Seattle, Contact: Stella Nehen, (206) 689-4011.

Olympic Air Pollution Control Authority, 909 Sleater-Kinney Road, Suite 1, Lacey, Contact: Mark Goodin, (206) 438-8768, ext. 108.

Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Suite A, Vancouver, Contact: Mary Allen, (206) 574-3058.

Spokane Air Pollution Control Authority, West 1101 College Avenue, Suite 403, Spokane, Contact: Kelle Vigeland, (509) 456-4727.

Northwest Air Pollution Authority, 302 Pine Street, #207, Mt. Vernon, Contact: Valerie Logan, (206) 428-1617.

Yakima Clean Air Authority, 6 South 2nd Street, Room 1016, Yakima, Contact: Bob Godwin, (509) 575-4116.

Contents of Draft Submittal: Ecology's draft submittal contains: A letter from the governor requesting delegation; a description of the program; the state permitting regulations; an opinion from the attorney general's office; the permitting program documentation; a synopsis of the provisions in the regulations, procedures, guidelines, or policies for implementing the program; the permit fee demonstration; compliance tracking and enforcement; a provision for implementing other titles of the federal Clean Air Act amendments; and a plan for professional engineer review of the permits.

Draft submittals from all other permitting agencies applying for delegation contain similar elements that correspond to their respective board of directors or council and to their regulations. (Many of the local board of directors are still reviewing and updating their regulations. For those local authorities, draft of their proposed rules are included in their submittal package.)

Background:

In 1990, Congress passed comprehensive amendments to the federal Clean Air Act. Title V of those amendments establishes a nationwide operating permit system for stationary sources to be implemented by states. The accompanying federal rule, 40 CFR Part 70, outlines the elements needed for each state program.

Washington's Clean Air Act, chapter 70.94 RCW, was amended in 1991 to incorporate the federal changes. Washington's Clean Air Act lays the groundwork for translating the goals of the 1990 federal Clean Air Act amendments into a consistent, statewide operating permit program. The state act requires a uniform statewide approach to administering and issuing operating permits to stationary sources of air pollution. In supporting this approach, the legislature required ecology to develop and oversee a statewide operating permits program consistent with the federal requirements. The program would be administered by ecology and delegated permitting agencies.

Washington's air quality regulations are administered and enforced by ecology, the state's seven local air pollution control authorities, the Energy Facility Site Evaluation Council, and the Department of Health. The Washington Clean Air Act establishes distinct roles for each agency with regards to operating permits. Ecology, the local air pollution control authorities, and the Energy Facility Site Evaluation Council are responsible for permit issuance to sources under their jurisdictions according to the procedures established in the state's operating permit regulation, chapter 173-401 WAC. The Department of Health is responsible for implementing ecology's standards for emission of radionuclides.

Washington's Clean Air Act creates a pass-through system of program delegation. This system assures consistent program implementation. Ecology is authorized to develop the state's operating permit program and submit that program for EPA approval. Each local air pollution control authority board and EFSEC must apply to ecology for a delegation order authorizing the administration of the federally approved operating permit program for sources under that

agency's jurisdiction. Ecology's delegation of the program to a local air authority or EFSEC is subject to EPA approval.

Department of Ecology

Ecology divides responsibilities for permit issuance among three regional offices, and retains preemptive permitting authority over certain source categories and the Hanford Nuclear Reservation.

The regional offices of ecology will issue operating permits to all sources located in the following sixteen counties: Northwest Regional Office: San Juan County; Central Regional Office: Chelan, Douglas, Kittitas, Klickitat, and Okanogan counties; and Eastern Regional Office: Adams, Asotin, Columbia, Ferry, Garfield, Grant, Lincoln, Pend Orielle, Stevens, and Whitman counties.

Ecology also retains preemptive statewide jurisdiction for permit issuance for these sources: Chemical pulp mills and primary aluminum smelters. The industrial section of central programs is responsible for regulating air emissions from these industries; and all sources located on the Hanford Nuclear Reservation. The nuclear and mixed waste program coordinates all activities related to this site in Eastern Washington.

Air Pollution Control Authorities:

The local air pollution control authorities are separate municipal corporations, each operating under its own board of directors. Each board has the authority to adopt its own air quality regulations, tailored to meet the needs of its particular jurisdiction. However, similar to ecology's relationship with EPA, local regulations cannot be less stringent than the state's.

The seven air pollution control authorities have jurisdiction over 23 of the 39 counties in Washington. Within their respective jurisdictions, local authorities have responsibility for issuing operating permits to all sources, except to those preempted by ecology and EFSEC. Benton-Franklin-Walla Walla Counties Air Pollution Control Authority: Benton, Franklin, and Walla Walla counties; Northwest Air Pollution Authority: Island, Skagit, and Whatcom counties; Olympic Air Pollution Control Authority: Clallam, Grays Harbor, Jefferson, Mason, Pacific, and Thurston counties; Puget Sound Air Pollution Control Agency: King, Kitsap, Pierce, and Snohomish counties; Southwest Air Pollution Control Authority: Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties; Spokane County Air Pollution Control Authority: Spokane County; and Yakima County Clean Air Authority: Yakima County.

Other Agencies:

Energy Facility Site Evaluation Council. This one-stop state agency retains jurisdiction for operating permit issuance to large energy-related facilities under chapter 70.94 RCW.

The Department of Health. While Washington's Clean Air Act grants ecology the authority to establish standards for sources with radionuclide emissions, the Department of Health maintains authority as the primary regulator of these sources using ecology established standards. Consequently, the Department of Health retains authority for the portion of the operating permit concerned with regulating radionuclide

air emissions. Both chapter 70.94 RCW and chapter 173-401 WAC recognize the Department of Health's requirements established under its regulation as applicable requirements within the operating permit.

Further information:

For more information on the state's draft submittal or the delegation process, contact:

Judy Geier
Department of Ecology
Air Quality Program
P.O. Box 47600
Olympia, WA 98504-7600

WSR 93-17-058
NOTICE OF PUBLIC MEETINGS
GAMBLING COMMISSION
[Memorandum—August 6, 1993]

The Gambling Commission changed the location for the September commission meeting. The regular meetings for the remainder of the year will be held on the following dates at the following locations: Best Western Lakeway, 714 Lakeway Drive, Bellingham, WA 98226, on September 10, 1993; Cavannaugh's River Inn, North 700 Division, Spokane, WA 99202, on October 15, 1993; SeaTac Radisson, 17001 Pacific Highway South, Seattle, WA 98188, on November 19, 1993; and no meeting December, 1993.

WSR 93-17-087
NOTICE OF PUBLIC MEETINGS
COMMISSION ON JUDICIAL CONDUCT
[Memorandum—August 16, 1993]

The Friday, September 3, 1993 regular meeting of the Commission on Judicial Conduct has been cancelled.

David Akana
Executive Director

WSR 93-17-088
NOTICE OF PUBLIC MEETINGS
MARINE OVERSIGHT BOARD
[Memorandum—August 16, 1993]

The following public meetings previously scheduled under WSR 93-14-001:

September 17, 1993
October 22, 1993

1 p.m. and to held at: Seattle-Tacoma International Airport, Theater, Door No. 5132, Ticketing Level (behind MarkAir ticketing area).

Change location to (same meeting dates and times):

September 17, 1993, at 1 p.m.
Department of Natural Resources Building
1111 Washington Street S.E., Room 172
Olympia, WA

October 22, 1993, at 1 p.m.
John L. O'Brien Building, Capitol Campus
Hearing Room C, First Floor
Olympia, Washington
Contact: Staff Director, Olympia
(206) 664-9130, SCAN 366-9130, FAX (206) 664-8761

70.105D RCW, when the entity operates a stormwater system which conveys a hazardous substance to a receiving site.

93-8-1 Request by Senator von Reichbauer

Questions related to a possible conflict between the provisions of Initiatives 601 and 602, and how such a conflict, if it exists, would be resolved.

WSR 93-17-101
NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD

[Memorandum—August 16, 1993]

The regular meeting of the Community Economic Revitalization Board (CERB) scheduled for September 16, 1993 has been canceled. Any questions regarding the CERB meetings should be sent to: CERB Administrator, Community Economic Revitalization Board, c/o Department of Trade and Economic Development, 2001 6th Avenue, Suite 2700, Seattle, WA 98121.

WSR 93-17-104
ATTORNEY GENERAL'S OPINION

[Filed August 18, 1993, 11:03 a.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 September 10, 1993. 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 September 10, 1993, 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 (206) 753-4114, or by writing to the Solicitor General, Office of the Attorney General, 905 Plum Street, P.O. Box 40100, Olympia, Washington 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 requests.

93-7-6 Request by Representative Jim Johanson

Question related to the liability of a governmental entity for clean-up under the Model Toxics Control Act, chapter

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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
- OBJEC = 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 previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

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.

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4-25-040	REP	93-12-064	4-25-720	NEW	93-12-070	16-54-010	AMD-P	93-16-089
4-25-060	REP-P	93-17-075	4-25-721	NEW-P	93-08-100	16-54-020	AMD-P	93-16-089
4-25-080	AMD-P	93-17-074	4-25-721	NEW	93-12-069	16-54-035	AMD-P	93-16-089
4-25-100	REP-P	93-17-075	4-25-722	NEW-P	93-17-072	16-54-135	AMD-P	93-16-089
4-25-120	REP-P	93-17-075	4-25-730	NEW-P	93-08-101	16-70-005	NEW-P	93-16-090
4-25-130	REP-P	93-17-075	4-25-730	NEW	93-12-068	16-70-010	AMD-P	93-16-090
4-25-140	REP-P	93-08-089	4-25-740	NEW-P	93-08-102	16-70-020	AMD-P	93-16-090
4-25-140	REP	93-12-064	4-25-740	NEW	93-12-067	16-78-001	REP-P	93-16-091
4-25-141	REP-P	93-08-089	4-25-750	NEW-P	93-17-073	16-78-002	REP-P	93-16-091
4-25-141	REP	93-12-064	4-25-755	NEW-P	93-08-103	16-78-003	REP-P	93-16-091
4-25-142	REP-P	93-08-089	4-25-755	NEW	93-12-066	16-78-010	REP-P	93-16-091
4-25-142	REP	93-12-064	4-25-760	NEW-P	93-08-104	16-78-020	REP-P	93-16-091
4-25-190	REP-P	93-08-089	4-25-760	NEW	93-12-065	16-78-030	REP-P	93-16-091
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16-88-030	NEW-P	93-16-092	16-228-910	NEW	93-10-047	16-230-290	AMD-P	93-12-129
16-88-040	NEW-P	93-16-092	16-228-915	NEW-P	93-04-114	16-230-290	AMD	93-17-041
16-201-010	NEW-P	93-12-044	16-228-915	NEW-W	93-06-007	16-230-300	REP-E	93-12-038
16-201-020	NEW-P	93-12-044	16-228-915	NEW-P	93-06-075	16-230-300	REP-P	93-12-129
16-201-025	NEW-P	93-12-044	16-228-915	NEW	93-10-047	16-230-300	REP	93-17-041
16-201-028	NEW-P	93-12-044	16-228-920	NEW-P	93-04-114	16-354-020	AMD-P	93-13-090
16-201-030	NEW-P	93-12-044	16-228-920	NEW-W	93-06-007	16-354-020	AMD	93-17-019
16-201-040	NEW-P	93-12-044	16-228-920	NEW-P	93-06-075	16-400-210	AMD-E	93-04-078
16-201-050	NEW-P	93-12-044	16-228-920	NEW	93-10-047	16-400-210	AMD-P	93-04-103
16-201-060	NEW-P	93-12-044	16-228-925	NEW-P	93-04-114	16-400-210	AMD	93-07-105
16-201-070	NEW-P	93-12-044	16-228-925	NEW-W	93-06-007	16-403	AMD-C	93-17-102
16-201-080	NEW-P	93-12-044	16-228-925	NEW-P	93-06-075	16-403-220	AMD-P	93-13-141
16-201-100	NEW-P	93-12-044	16-228-925	NEW	93-10-047	16-409-015	AMD-W	93-05-022
16-201-110	NEW-P	93-12-044	16-228-930	NEW-P	93-04-114	16-409-065	REP-W	93-05-022
16-201-120	NEW-P	93-12-044	16-228-930	NEW-W	93-06-007	16-409-075	AMD-W	93-05-022
16-201-130	NEW-P	93-12-044	16-228-930	NEW-P	93-06-075	16-415	PREP	93-07-053
16-201-140	NEW-P	93-12-044	16-228-930	NEW	93-10-047	16-432	PREP	93-07-053
16-201-150	NEW-P	93-12-044	16-229-010	NEW-P	93-12-044	16-461-011	NEW-P	93-08-060
16-201-160	NEW-P	93-12-044	16-229-015	NEW-P	93-12-044	16-461-011	NEW-W	93-12-047
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16-201-240	NEW-P	93-12-044	16-229-080	NEW-P	93-12-044	16-555-020	AMD	93-10-063
16-201-250	NEW-P	93-12-044	16-229-090	NEW-P	93-12-044	16-561-100	NEW-P	93-16-070
16-201-260	NEW-P	93-12-044	16-229-100	NEW-P	93-12-044	16-561-110	NEW-P	93-16-070
16-201-270	NEW-P	93-12-044	16-229-110	NEW-P	93-12-044	16-561-120	NEW-P	93-16-070
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16-218-001	AMD-P	93-12-134	16-229-140	NEW-P	93-12-044	16-602-020	AMD-P	93-15-099
16-218-001	AMD	93-15-069	16-229-150	NEW-P	93-12-044	16-602-040	NEW-E	93-12-039
16-218-010	AMD-P	93-12-134	16-229-160	NEW-P	93-12-044	16-602-040	NEW-P	93-15-100
16-218-010	AMD	93-15-069	16-229-170	NEW-P	93-12-044	16-620-150	NEW-P	93-17-059
16-218-02001	AMD-P	93-12-134	16-229-180	NEW-P	93-12-044	16-620-270	AMD-P	93-17-059
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16-219-015	NEW-E	93-13-038	16-229-260	NEW-P	93-12-044	16-674-090	NEW	93-03-079
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16-219-025	NEW-E	93-13-046	16-229-480	NEW-P	93-12-044	44-01-170	AMD-E	93-14-081
16-219-025	NEW	93-16-017	16-230	AMD-C	93-16-018	44-10-030	AMD-E	93-07-017
16-219-030	NEW-P	93-12-128	16-230-250	AMD-E	93-12-038	50-14-020	AMD-P	93-11-087
16-219-030	NEW-E	93-13-038	16-230-250	AMD-P	93-12-129	50-14-020	AMD	93-13-142
16-219-030	RESCIND	93-13-045	16-230-250	AMD	93-17-041	50-14-030	AMD-P	93-11-087
16-219-030	NEW-E	93-13-046	16-230-260	AMD-E	93-12-038	50-14-030	AMD	93-13-142
16-219-030	NEW	93-16-017	16-230-260	AMD-P	93-12-129	50-14-040	AMD-P	93-11-087
16-228-900	REP-P	93-04-114	16-230-260	AMD	93-17-041	50-14-040	AMD	93-13-142
16-228-900	REP-W	93-06-007	16-230-270	AMD-E	93-12-038	50-14-050	AMD-P	93-11-087
16-228-900	REP-P	93-06-075	16-230-270	AMD-P	93-12-129	50-14-050	AMD	93-13-142
16-228-900	REP	93-10-047	16-230-270	AMD	93-17-041	50-14-060	AMD-P	93-11-087
16-228-905	NEW-P	93-04-114	16-230-280	REP-E	93-12-038	50-14-060	AMD	93-13-142
16-228-905	NEW-W	93-06-007	16-230-280	REP-P	93-12-129	50-14-070	AMD-P	93-11-087
16-228-905	NEW-P	93-06-075	16-230-280	REP	93-17-041	50-14-070	AMD	93-13-142
16-228-905	NEW	93-10-047	16-230-281	NEW-E	93-12-038	50-14-080	AMD-P	93-11-087
16-228-910	NEW-P	93-04-114	16-230-281	NEW-P	93-12-129	50-14-080	AMD	93-13-142
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50-14-100	AMD	93-13-142	51-11-0628	AMD-P	93-16-113	51-11-1422	NEW-P	93-08-077
50-14-110	AMD-P	93-11-087	51-11-0629	AMD-P	93-16-113	51-11-1423	NEW-P	93-08-077
50-14-110	AMD	93-13-142	51-11-0630	AMD-P	93-16-113	51-11-1424	NEW-P	93-08-077
50-14-130	AMD-P	93-11-087	51-11-0631	AMD-P	93-08-077	51-11-1430	NEW-P	93-08-077
50-14-130	AMD	93-13-142	51-11-0631	AMD-W	93-08-084	51-11-1431	NEW-P	93-08-077
50-20-130	AMD-P	93-13-144	51-11-0700	AMD-P	93-08-077	51-11-1432	NEW-P	93-08-077
50-20-130	AMD	93-16-033	51-11-1000	AMD-P	93-08-077	51-11-1433	NEW-P	93-08-077
50-30-030	AMD-P	93-13-143	51-11-1006	AMD-P	93-16-113	51-11-1434	NEW-P	93-08-077
50-30-030	AMD	93-16-032	51-11-1100	NEW-P	93-08-077	51-11-1435	NEW-P	93-08-077
50-48-100	AMD-P	93-05-052	51-11-1101	NEW-W	93-08-084	51-11-1436	NEW-P	93-08-077
50-48-100	AMD	93-07-113	51-11-1102	NEW-W	93-08-084	51-11-1437	NEW-P	93-08-077
51-04-015	AMD-W	93-14-017	51-11-1103	NEW-W	93-08-084	51-11-1440	NEW-P	93-08-077
51-04-015	AMD-P	93-16-110	51-11-1104	NEW-W	93-08-084	51-11-1441	NEW-P	93-08-077
51-04-018	AMD-W	93-14-017	51-11-1105	NEW-W	93-08-084	51-11-1442	NEW-P	93-08-077
51-04-018	AMD-P	93-16-110	51-11-1106	NEW-W	93-08-084	51-11-1450	NEW-P	93-08-077
51-04-020	AMD-W	93-14-017	51-11-1107	NEW-W	93-08-084	51-11-1451	NEW-P	93-08-077
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51-04-025	AMD-W	93-14-017	51-11-1109	NEW-W	93-08-084	51-11-1453	NEW-P	93-08-077
51-04-025	AMD-P	93-16-110	51-11-1110	NEW-P	93-08-077	51-11-1454	NEW-P	93-08-077
51-04-030	AMD-W	93-14-017	51-11-1120	NEW-P	93-08-077	51-11-1454	NEW-C	93-16-111
51-04-030	AMD-P	93-16-110	51-11-1130	NEW-P	93-08-077	51-11-1501	NEW-P	93-08-077
51-04-060	AMD-W	93-14-017	51-11-1131	NEW-P	93-08-077	51-11-1501	NEW-W	93-08-084
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51-11-0502	AMD-P	93-16-113	51-11-1201	NEW-W	93-08-084	51-11-1522	NEW-P	93-08-077
51-11-0503	AMD-P	93-08-077	51-11-1210	NEW-P	93-08-077	51-11-1530	NEW-P	93-08-077
51-11-0503	AMD-W	93-08-084	51-11-1301	NEW-P	93-08-077	51-11-1531	NEW-P	93-08-077
51-11-0505	AMD-P	93-08-077	51-11-1301	NEW-W	93-08-084	51-11-1532	NEW-P	93-08-077
51-11-0505	AMD-W	93-08-084	51-11-1302	NEW-P	93-08-077	51-11-1532	NEW-C	93-16-111
51-11-0525	AMD-P	93-16-113	51-11-1302	NEW-W	93-08-084	51-11-1601	NEW-W	93-08-084
51-11-0527	AMD-P	93-16-113	51-11-1303	NEW-P	93-08-077	51-11-1602	NEW-W	93-08-084
51-11-0528	AMD-P	93-08-077	51-11-1303	NEW-W	93-08-084	51-11-1603	NEW-W	93-08-084
51-11-0528	AMD-W	93-08-084	51-11-1310	NEW-P	93-08-077	51-11-1604	NEW-W	93-08-084
51-11-0529	AMD-P	93-08-077	51-11-1310	NEW-C	93-16-111	51-11-1605	NEW-W	93-08-084
51-11-0529	AMD-W	93-08-084	51-11-1311	NEW-P	93-08-077	51-11-1606	NEW-W	93-08-084
51-11-0531	AMD-P	93-08-077	51-11-1311	NEW-C	93-16-111	51-11-1607	NEW-W	93-08-084
51-11-0531	AMD-W	93-08-084	51-11-1312	NEW-P	93-08-077	51-11-1608	NEW-W	93-08-084
51-11-0532	AMD-P	93-08-077	51-11-1313	NEW-P	93-08-077	51-11-1701	NEW-P	93-08-077
51-11-0532	AMD-W	93-08-084	51-11-1314	NEW-P	93-08-077	51-11-1701	NEW-W	93-08-084
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51-11-0542	AMD-P	93-08-077	51-11-1332	NEW-P	93-08-077	51-11-2002	NEW-P	93-08-077
51-11-0542	AMD-W	93-08-084	51-11-1333	NEW-P	93-08-077	51-11-2002	NEW-W	93-08-084
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51-11-0601	AMD-W	93-08-084	51-11-1334	NEW-C	93-16-111	51-11-2003	NEW-W	93-08-084
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51-11-0601	AMD-P	93-16-113	51-11-1401	NEW-W	93-08-084	51-11-2004	NEW-W	93-08-084
51-11-0602	AMD-P	93-16-113	51-11-1402	NEW-P	93-08-077	51-11-2005	NEW-P	93-08-077
51-11-0603	AMD-P	93-16-113	51-11-1402	NEW-W	93-08-084	51-11-2005	NEW-W	93-08-084
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51-11-0605	AMD-W	93-08-084	51-11-1411	NEW-P	93-08-077	51-11-2006	NEW-W	93-08-084
51-11-0606	AMD-P	93-08-077	51-11-1412	NEW-P	93-08-077	51-11-2006	NEW-C	93-16-111
51-11-0606	AMD-W	93-08-084	51-11-1412	NEW-C	93-16-111	51-11-2007	NEW-P	93-08-077
51-11-0607	AMD-P	93-08-077	51-11-1413	NEW-P	93-08-077	51-11-2007	NEW-W	93-08-084
51-11-0607	AMD-W	93-08-084	51-11-1414	NEW-P	93-08-077	51-11-2008	NEW-P	93-08-077
51-11-0608	AMD-P	93-08-077	51-11-1414	NEW-C	93-16-111	51-11-2008	NEW-W	93-08-084
51-11-0608	AMD-W	93-08-084	51-11-1415	NEW-P	93-08-077	51-11-2009	NEW-P	93-08-077
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51-11-99901	NEW-S	93-10-004	118-04-320	NEW-P	93-15-087
51-11-99902	NEW-S	93-10-004	118-04-340	NEW-P	93-15-087
51-11-99903	NEW-S	93-10-004	118-04-360	NEW-P	93-15-087
51-11-99904	NEW-S	93-10-004	118-04-380	NEW-P	93-15-087
51-13-101	AMD	93-02-056	118-04-400	NEW-P	93-15-087
51-13-202	AMD	93-02-056	118-04-420	NEW-P	93-15-087
51-13-300	AMD	93-02-056	131-16-091	AMD-P	93-10-103
51-13-302	AMD	93-02-056	131-16-091	AMD	93-14-008
51-13-303	AMD	93-02-056	131-16-092	AMD-P	93-10-103
51-13-304	AMD	93-02-056	131-16-092	AMD	93-14-008
51-13-401	AMD	93-02-056	131-16-093	AMD-P	93-10-103
51-13-402	AMD	93-02-056	131-16-093	AMD	93-14-008
51-13-502	AMD	93-02-056	131-47-010	NEW-E	93-09-047
51-13-503	AMD	93-02-056	131-47-010	NEW-P	93-14-052
55-01-001	AMD-E	93-14-089	131-47-010	NEW-E	93-14-053
55-01-010	AMD-E	93-14-089	131-47-015	NEW-E	93-09-047
55-01-020	AMD-E	93-14-089	131-47-015	NEW-P	93-14-052
55-01-030	AMD-E	93-14-089	131-47-015	NEW-E	93-14-053
55-01-040	AMD-E	93-14-089	131-47-020	NEW-E	93-09-047
55-01-050	AMD-E	93-14-089	131-47-020	NEW-P	93-14-052
55-01-060	AMD-E	93-14-089	131-47-020	NEW-E	93-14-053
55-01-070	AMD-E	93-14-089	131-47-025	NEW-E	93-09-047
55-01-080	AMD-E	93-14-089	131-47-025	NEW-P	93-14-052
67-35-030	AMD-P	93-07-117	131-47-025	NEW-E	93-14-053
67-35-030	AMD	93-10-067	131-47-030	NEW-E	93-09-047
67-35-040	AMD-P	93-06-048	131-47-030	NEW-P	93-14-052
67-35-040	AMD	93-09-013	131-47-030	NEW-E	93-14-053
67-35-055	REP-P	93-06-048	131-47-035	NEW-E	93-09-047
67-35-055	REP	93-09-013	131-47-035	NEW-P	93-14-052
67-35-056	REP-P	93-06-048	131-47-035	NEW-E	93-14-053
67-35-056	REP	93-09-013	131-47-040	NEW-E	93-09-047
98-60-010	NEW-P	93-03-063	131-47-040	NEW-P	93-14-052
98-60-010	NEW	93-07-040	131-47-040	NEW-E	93-14-053
98-60-020	NEW-P	93-03-063	131-47-045	NEW-E	93-09-047
98-60-020	NEW	93-07-040	131-47-045	NEW-P	93-14-052
98-60-030	NEW-P	93-03-063	131-47-045	NEW-E	93-14-053
98-60-030	NEW	93-07-040	131-47-050	NEW-E	93-09-047
98-60-040	NEW-P	93-03-063	131-47-050	NEW-P	93-14-052
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98-60-050	NEW-P	93-03-063	131-47-055	NEW-E	93-09-047
98-60-050	NEW	93-07-040	131-47-055	NEW-P	93-14-052
98-70-010	AMD-P	93-03-062	131-47-055	NEW-E	93-14-053
98-70-010	AMD	93-07-041	131-47-060	NEW-E	93-09-047
118-04-010	REP-P	93-15-087	131-47-060	NEW-P	93-14-052
118-04-020	NEW-P	93-15-087	131-47-060	NEW-E	93-14-053
118-04-030	REP-P	93-15-087	131-47-065	NEW-E	93-09-047
118-04-040	NEW-P	93-15-087	131-47-065	NEW-P	93-14-052
118-04-050	REP-P	93-15-087	131-47-065	NEW-E	93-14-053
118-04-060	NEW-P	93-15-087	131-47-070	NEW-E	93-09-047
118-04-070	REP-P	93-15-087	131-47-070	NEW-P	93-14-052
118-04-080	NEW-P	93-15-087	131-47-070	NEW-E	93-14-053
118-04-090	REP-P	93-15-087	131-47-075	NEW-E	93-09-047
118-04-100	NEW-P	93-15-087	131-47-075	NEW-P	93-14-052
118-04-110	REP-P	93-15-087	131-47-075	NEW-E	93-14-053
118-04-120	NEW-P	93-15-087	131-47-080	NEW-E	93-09-047
118-04-130	REP-P	93-15-087	131-47-080	NEW-P	93-14-052
118-04-140	REP-P	93-15-087	131-47-080	NEW-E	93-14-053
118-04-150	REP-P	93-15-087	131-47-085	NEW-E	93-09-047
118-04-160	NEW-P	93-15-087	131-47-085	NEW-P	93-14-052
118-04-170	REP-P	93-15-087	131-47-085	NEW-E	93-14-053
118-04-180	NEW-P	93-15-087	131-47-090	NEW-E	93-09-047
118-04-190	REP-P	93-15-087	131-47-090	NEW-P	93-14-052
118-04-200	NEW-P	93-15-087	131-47-090	NEW-E	93-14-053
118-04-210	REP-P	93-15-087	131-47-095	NEW-E	93-09-047
118-04-220	NEW-P	93-15-087	131-47-095	NEW-P	93-14-052
118-04-230	REP-P	93-15-087	131-47-095	NEW-E	93-14-053
118-04-240	NEW-P	93-15-087	131-47-100	NEW-E	93-09-047
118-04-250	REP-P	93-15-087	131-47-100	NEW-P	93-14-052
118-04-260	NEW-P	93-15-087	131-47-100	NEW-E	93-14-053
118-04-270	REP-P	93-15-087	131-47-105	NEW-E	93-09-047
118-04-280	NEW-P	93-15-087	131-47-105	NEW-P	93-14-052
118-04-290	REP-P	93-15-087	131-47-105	NEW-E	93-14-053
118-04-300	NEW-P	93-15-087	131-47-110	NEW-E	93-09-047
131-47-110	NEW-P	93-14-052	131-47-110	NEW-E	93-14-053
131-47-110	NEW-E	93-14-053	131-47-115	NEW-E	93-09-047
131-47-115	NEW-E	93-14-053	131-47-115	NEW-P	93-14-052
131-47-115	NEW-P	93-14-052	131-47-115	NEW-E	93-14-053
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131-47-125	NEW-E	93-14-053	131-47-125	NEW-E	93-14-052
131-47-130	NEW-E	93-09-047	131-47-130	NEW-E	93-09-047
131-47-130	NEW-P	93-14-052	131-47-130	NEW-P	93-14-052
131-47-130	NEW-E	93-14-053	131-47-135	NEW-E	93-14-053
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131-47-135	NEW-P	93-14-052	131-47-135	NEW-P	93-14-052
131-47-135	NEW-E	93-14-053	131-47-140	NEW-E	93-14-053
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131-47-140	NEW-E	93-14-053	131-47-145	NEW-E	93-14-053
131-47-145	NEW-E	93-09-047	131-47-145	NEW-P	93-09-047
131-47-145	NEW-P	93-14-052	131-47-145	NEW-E	93-14-052
131-47-150	NEW-E	93-14-053	131-47-150	NEW-E	93-14-053
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131-47-150	NEW-E	93-14-052	131-47-150	NEW-E	93-14-052
131-47-150	NEW-E	93-14-053	131-47-155	NEW-E	93-14-053
131-47-155	NEW-E	93-09-047	131-47-155	NEW-P	93-09-047
131-47-155	NEW-E	93-14-052	131-47-155	NEW-E	93-14-052
131-47-160	NEW-E	93-14-053	131-47-160	NEW-E	93-14-053
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131-47-160	NEW-E	93-14-052	131-47-165	NEW-E	93-14-053
131-47-165	NEW-E	93-09-047	131-47-165	NEW-P	93-14-052
131-47-165	NEW-P	93-14-052	131-47-165	NEW-E	93-14-053
131-48-010	NEW-E	93-14-053	131-48-010	NEW-E	93-14-010
131-48-020	NEW-E	93-09-047	131-48-020	NEW-E	93-14-010
131-48-030	NEW-E	93-14-052	131-48-030	NEW-E	93-14-010
131-48-040	NEW-E	93-14-053	131-48-040	NEW-E	93-14-010
131-48-050	NEW-E	93-09-047	131-48-050	NEW-E	93-14-010
131-48-060	NEW-E	93-14-052	131-48-060	NEW-E	93-14-010
131-48-070	NEW-E	93-14-053	131-48-070	NEW-E	93-14-010
131-48-080	NEW-E	93-09-047	131-48-080	NEW-E	93-14-010
131-48-090	NEW-E	93-14-052	131-48-090	NEW-E	93-14-010
131-48-100	NEW-E	93-14-053	131-48-100	NEW-E	93-14-010
131-48-110	NEW-E	93-09-047	131-48-110	NEW-E	93-14-010
131-48-120	NEW-E	93-14-052	131-48-120	NEW-E	93-14-010
131-48-130	NEW-E	93-14-053	131-48-130	NEW-E	93-14-010
131-48-140	NEW-E	93-09-047	131-48-140	NEW-E	93-14-010
132G-116-010	REP	93-02-063	132G-116-010	REP	93-02-063
132G-116-020	AMD	93-02-063	132G-116-020	AMD	93-02-063
132G-116-025	NEW	93-02-063	132G-116-025	NEW	93-02-063
132G-116-030	AMD	93-02-063	132G-116-030	AMD	93-02-063
132G-116-035	NEW	93-02-063	132G-116-035	NEW	93-02-063
132G-116-040	REP	93-02-063	132G-116-040	REP	93-02-063
132G-116-045	NEW	93-02-063	132G-116-045	NEW	93-02-063
132G-116-050	REP	93-02-063	132G-116-050	REP	93-02-063
132G-116-055	NEW	93-02-063	132G-116-055	NEW	93-02-063
132G-116-060	REP	93-02-063	132G-116-060	REP	93-02-063
132G-116-080	AMD	93-02-063	132G-116-080	AMD	93-02-063
132G-116-090	AMD	93-02-063	132G-116-090	AMD	93-02-063
132G-116-095	NEW	93-02-063	132G-116-095	NEW	93-02-063
132G-116-100	REP	93-02-063	132G-116-100	REP	93-02-063
132G-116-105	NEW	93-02-063	132G-116-105	NEW	93-02-063
132G-116-110	REP	93-02-063	132G-116-110	REP	93-02-063
132G-116-115	NEW	93-02-063	132G-116-115	NEW	93-02-063
132G-116-120	REP	93-02-063	132G-116-120	REP	93-02-063
132G-116-125	NEW	93-02-063	132G-116-125	NEW	93-02-063
132G-116-130	REP	93-02-063	132G-116-130	REP	93-02-063
132G-116-135	NEW	93-02-063	132G-116-135	NEW	93-02-063
132G-116-140	REP	93-02-063	132G-116-140	REP	93-02-063
132G-116-145	NEW	93-02-063	132G-116-145	NEW	93-02-063
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132G-116-170	REP	93-02-063	132J-116-150	AMD-P	93-15-119	132J-128-110	REP-P	93-15-120
132G-116-175	NEW	93-02-063	132J-116-160	AMD-P	93-15-119	132J-128-120	REP-P	93-15-120
132G-116-180	REP	93-02-063	132J-116-170	AMD-P	93-15-119	132J-128-130	REP-P	93-15-120
132G-116-185	NEW	93-02-063	132J-116-180	AMD-P	93-15-119	132J-128-140	REP-P	93-15-120
132G-116-190	REP	93-02-063	132J-116-190	AMD-P	93-15-119	132J-128-200	NEW-P	93-15-120
132G-116-195	NEW	93-02-063	132J-116-200	REP-P	93-15-119	132J-128-210	NEW-P	93-15-120
132G-116-200	REP	93-02-063	132J-116-210	AMD-P	93-15-119	132J-136-020	REP-P	93-15-121
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132G-116-210	REP	93-02-063	132J-116-240	AMD-P	93-15-119	132J-136-030	REP-P	93-15-121
132G-116-215	NEW	93-02-063	132J-120-010	REP	93-04-022	132J-136-040	REP-P	93-15-121
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132G-116-225	NEW	93-02-063	132J-120-030	REP	93-04-022	132L-133-020	NEW-P	93-06-067
132G-116-230	REP	93-02-063	132J-120-040	REP	93-04-022	132L-133-020	NEW	93-13-050
132G-116-235	NEW	93-02-063	132J-120-050	REP	93-04-022	132N-156-300	AMD-P	93-15-081
132G-116-240	REP	93-02-063	132J-120-060	REP	93-04-022	132N-156-310	AMD-P	93-15-081
132G-116-245	NEW	93-02-063	132J-120-070	REP	93-04-022	132N-156-320	AMD-P	93-15-081
132G-116-250	REP	93-02-063	132J-120-080	REP	93-04-022	132N-156-330	AMD-P	93-15-081
132G-116-255	NEW	93-02-063	132J-120-090	REP	93-04-022	132N-156-400	AMD-P	93-15-081
132G-116-260	REP	93-02-063	132J-120-100	REP	93-04-022	132N-156-420	AMD-P	93-15-081
132G-116-265	NEW	93-02-063	132J-120-110	REP	93-04-022	132N-156-430	AMD-P	93-15-081
132G-116-270	AMD	93-02-063	132J-120-120	REP	93-04-022	132N-156-440	AMD-P	93-15-081
132G-116-275	NEW	93-02-063	132J-120-130	REP	93-04-022	132N-156-450	AMD-P	93-15-081
132G-116-280	REP	93-02-063	132J-125-010	NEW	93-04-022	132N-156-460	AMD-P	93-15-081
132G-116-285	NEW	93-02-063	132J-125-020	NEW	93-04-022	132N-156-500	AMD-P	93-15-081
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132G-116-305	NEW	93-02-063	132J-125-065	NEW	93-04-022	132N-156-540	AMD-P	93-15-081
132G-116-310	REP	93-02-063	132J-125-070	NEW	93-04-022	132N-156-550	AMD-P	93-15-081
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132G-116-320	REP	93-02-063	132J-125-080	NEW	93-04-022	132N-156-570	AMD-P	93-15-081
132G-116-330	REP	93-02-063	132J-125-085	NEW	93-04-022	132N-156-580	AMD-P	93-15-081
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132H-120-220	AMD	93-12-008	132J-125-135	NEW	93-04-022	132N-156-730	AMD-P	93-15-081
132H-120-225	AMD-P	93-08-068	132J-125-140	NEW	93-04-022	132N-156-740	AMD-P	93-15-081
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132H-120-335	AMD	93-12-008	132J-125-180	NEW	93-04-022	132P-136-050	AMD-P	93-12-099
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132H-120-475	AMD	93-12-008	132J-125-200	NEW	93-04-022	132T-20-010	REP-P	93-15-079
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132H-160-180	AMD	93-16-050	132J-125-220	NEW	93-04-022	132T-20-030	REP-P	93-15-079
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132H-160-185	NEW	93-16-051	132J-125-240	NEW	93-04-022	132T-20-050	REP-P	93-15-079
132J-108-020	AMD	93-04-022	132J-125-250	NEW	93-04-022	132T-20-052	REP-P	93-15-079
132J-108-050	AMD	93-04-022	132J-125-260	NEW	93-04-022	132T-20-054	REP-P	93-15-079
132J-108-050	AMD-P	93-15-118	132J-125-270	NEW	93-04-022	132T-20-058	REP-P	93-15-079
132J-116-010	AMD-P	93-15-119	132J-125-280	NEW	93-04-022	132T-20-060	REP-P	93-15-079
132J-116-020	REP-P	93-15-119	132J-125-290	NEW	93-04-022	132T-20-070	REP-P	93-15-079
132J-116-021	NEW-P	93-15-119	132J-125-300	NEW	93-04-022	132T-20-075	REP-P	93-15-079
132J-116-040	AMD-P	93-15-119	132J-125-310	NEW	93-04-022	132T-20-090	REP-P	93-15-079
132J-116-050	AMD-P	93-15-119	132J-128-010	REP-P	93-15-120	132T-20-095	REP-P	93-15-079
132J-116-060	AMD-P	93-15-119	132J-128-020	REP-P	93-15-120	132T-20-100	REP-P	93-15-079
132J-116-070	REP-P	93-15-119	132J-128-030	REP-P	93-15-120	132T-20-105	REP-P	93-15-079
132J-116-080	AMD-P	93-15-119	132J-128-040	REP-P	93-15-120	132T-20-115	REP-P	93-15-079
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132T-24-020	REP-P	93-15-079	162-18-080	REP-P	93-15-122	173-50-100	AMD-P	93-13-127
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132V-120-310	AMD-P	93-13-049	162-22-080	AMD-P	93-15-122	173-164-040	REP-P	93-09-064
132V-120-320	AMD-P	93-13-049	162-22-090	AMD-P	93-15-122	173-164-040	REP	93-14-116
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132V-300-020	AMD-P	93-14-021	162-26-020	AMD-P	93-15-122	173-164-060	REP	93-14-116
132V-300-030	NEW	93-03-078	162-26-030	AMD-P	93-15-122	173-164-070	REP-P	93-09-064
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173-351-740	NEW-P	93-12-110	173-420-050	NEW	93-04-006	173-430-050	AMD-P	93-03-090
173-351-750	NEW-P	93-12-110	173-420-060	NEW	93-04-006	173-430-050	AMD-E	93-04-002
173-351-760	NEW-P	93-12-110	173-420-070	NEW	93-04-006	173-430-060	AMD-P	93-03-090
173-351-990	NEW-P	93-12-110	173-420-080	NEW	93-04-006	173-430-060	AMD-E	93-04-002
173-400	AMD-C	93-03-065	173-420-090	NEW	93-04-006	173-430-060	AMD-E	93-12-012
173-400	AMD-C	93-15-052	173-420-100	NEW	93-04-006	173-430-060	AMD	93-14-022
173-400-030	AMD-S	93-05-048	173-420-110	NEW	93-04-006	173-430-070	AMD-P	93-03-090
173-400-040	AMD-S	93-05-048	173-422	AMD-C	93-17-061	173-430-070	AMD-E	93-04-002
173-400-070	AMD-W	93-07-042	173-422-010	AMD-P	93-03-092	173-430-070	AMD-E	93-12-012
173-400-075	AMD	93-05-044	173-422-010	AMD	93-10-062	173-430-070	AMD	93-14-022
173-400-080	NEW-S	93-05-048	173-422-020	AMD-P	93-03-092	173-430-080	AMD-P	93-03-090
173-400-100	AMD-S	93-05-048	173-422-020	AMD	93-10-062	173-430-080	AMD-E	93-04-002
173-400-105	AMD-S	93-05-048	173-422-030	AMD-P	93-03-092	173-430-080	AMD-E	93-12-012
173-400-107	NEW-S	93-05-048	173-422-030	AMD	93-10-062	173-430-080	AMD	93-14-022
173-400-110	AMD-S	93-05-048	173-422-035	AMD-P	93-03-092	173-433-100	AMD	93-04-105
173-400-112	NEW-S	93-05-048	173-422-035	AMD	93-10-062	173-433-110	AMD	93-04-105
173-400-113	NEW-S	93-05-048	173-422-040	AMD-P	93-03-092	173-433-170	AMD	93-04-105
173-400-114	NEW-S	93-05-048	173-422-040	AMD	93-10-062	173-460-020	AMD-P	93-14-118
173-400-115	AMD	93-05-044	173-422-050	AMD-P	93-03-092	173-460-030	AMD-P	93-14-118
173-400-116	NEW-W	93-07-042	173-422-050	AMD	93-10-062	173-460-040	AMD-P	93-14-118
173-400-120	AMD-S	93-05-048	173-422-060	AMD-P	93-03-092	173-460-050	AMD-P	93-14-118
173-400-131	AMD-S	93-05-048	173-422-060	AMD	93-10-062	173-460-060	AMD-P	93-14-118
173-400-136	AMD-S	93-05-048	173-422-065	NEW-P	93-03-092	173-460-060	AMD-P	93-14-118
173-400-141	AMD-S	93-05-048	173-422-065	NEW	93-10-062	173-460-080	AMD-P	93-14-118
173-400-171	AMD-S	93-05-048	173-422-070	AMD-P	93-03-092	173-460-090	AMD-P	93-14-118
173-400-180	AMD-S	93-05-048	173-422-070	AMD	93-10-062	173-460-100	AMD-P	93-14-118
173-400-230	AMD	93-05-044	173-422-070	AMD	93-10-062	173-460-110	AMD-P	93-14-118
173-400-250	AMD-S	93-05-048	173-422-075	NEW-P	93-03-092	173-460-150	AMD-P	93-14-118
173-401	NEW-C	93-15-053	173-422-075	NEW	93-10-062	173-460-160	AMD-P	93-14-118
173-401-100	NEW-P	93-07-062	173-422-080	REP-P	93-03-092	173-461-020	AMD-P	93-04-108
173-401-200	NEW-P	93-07-062	173-422-080	REP	93-10-062	173-491-020	AMD	93-13-011
173-401-300	NEW-P	93-07-062	173-422-090	AMD-P	93-03-092	173-491-040	AMD-P	93-04-108
173-401-400	NEW-P	93-07-062	173-422-090	AMD	93-10-062	173-491-040	AMD	93-13-011
173-401-500	NEW-P	93-07-062	173-422-095	NEW-P	93-03-092	173-491-050	AMD	93-03-089
173-401-510	NEW-P	93-07-062	173-422-095	NEW	93-10-062	173-491-050	AMD-P	93-04-108
173-401-520	NEW-P	93-07-062	173-422-100	AMD-P	93-03-092	173-491-050	AMD	93-13-068
173-401-600	NEW-P	93-07-062	173-422-100	AMD	93-10-062	182-12-110	AMD-E	93-17-091
173-401-605	NEW-P	93-07-062	173-422-110	REP-P	93-03-092	182-12-111	AMD-E	93-17-091
173-401-610	NEW-P	93-07-062	173-422-110	REP	93-10-062	182-12-115	AMD-E	93-17-091
173-401-615	NEW-P	93-07-062	173-422-120	AMD-P	93-03-092	182-12-122	AMD-E	93-17-091
173-401-620	NEW-P	93-07-062	173-422-120	AMD	93-10-062	180-16-222	AMD-P	93-04-116
173-401-625	NEW-P	93-07-062	173-422-130	AMD-P	93-03-092	180-16-222	AMD	93-07-102
173-401-630	NEW-P	93-07-062	173-422-130	AMD	93-10-062	180-16-223	AMD-P	93-04-116
173-401-635	NEW-P	93-07-062	173-422-130	AMD-P	93-12-080	180-16-223	AMD	93-07-102
173-401-640	NEW-P	93-07-062	173-422-140	AMD-P	93-03-092	180-20-005	NEW-P	93-04-117
173-401-645	NEW-P	93-07-062	173-422-140	AMD-E	93-12-081	180-20-005	NEW	93-08-007
173-401-650	NEW-P	93-07-062	173-422-150	AMD	93-10-062	180-20-030	NEW-P	93-04-117
173-401-700	NEW-P	93-07-062	173-422-150	REP-P	93-03-092	180-20-030	NEW	93-08-007
173-401-705	NEW-P	93-07-062	173-422-160	AMD-P	93-03-092	180-20-031	NEW-P	93-04-117
173-401-710	NEW-P	93-07-062	173-422-160	AMD	93-10-062	180-20-031	NEW	93-08-007
173-401-720	NEW-P	93-07-062	173-422-170	AMD-P	93-03-092	180-20-034	NEW-P	93-04-117
173-401-722	NEW-P	93-07-062	173-422-170	AMD	93-10-062	180-20-034	NEW	93-08-007
173-401-725	NEW-P	93-07-062	173-422-180	REP-P	93-03-092	180-20-035	NEW-P	93-04-117
173-401-730	NEW-P	93-07-062	173-422-180	REP	93-10-062	180-20-035	NEW	93-08-007
173-401-735	NEW-P	93-07-062	173-430	AMD-P	93-03-090	180-20-040	NEW-P	93-04-117
173-401-750	NEW-P	93-07-062	173-430	AMD-E	93-04-002	180-20-040	NEW	93-08-007
173-401-800	NEW-P	93-07-062	173-430	AMD-C	93-09-063	180-20-045	NEW-P	93-04-117
173-401-805	NEW-P	93-07-062	173-430-010	AMD-P	93-03-090	180-20-045	NEW	93-08-007
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180-20-055	NEW-P	93-04-117	180-51-025	AMD	93-04-115	192-30-200	REP-P	93-17-012
180-20-055	NEW	93-08-007	180-51-030	AMD	93-04-115	192-30-210	REP-P	93-17-012
180-20-060	NEW-P	93-04-117	180-51-055	AMD	93-04-115	192-30-220	REP-P	93-17-012
180-20-060	NEW	93-08-007	180-51-100	AMD	93-04-115	192-30-230	REP-P	93-17-012
180-20-065	NEW-P	93-04-117	180-72-040	AMD-E	93-14-009	194-10-030	AMD	93-02-033
180-20-065	NEW	93-08-007	180-72-045	AMD-E	93-14-009	194-10-100	AMD	93-02-033
180-20-070	NEW-P	93-04-117	180-72-050	AMD-E	93-14-009	194-10-110	AMD	93-02-033
180-20-070	NEW	93-08-007	180-72-060	AMD-E	93-14-009	194-10-130	AMD	93-02-033
180-20-075	NEW-P	93-04-117	180-72-065	AMD-E	93-14-009	194-10-140	AMD	93-02-033
180-20-075	NEW	93-08-007	180-72-070	AMD-E	93-14-009	196-24-041	NEW-P	93-09-024
180-20-080	NEW-P	93-04-117	180-78-010	AMD-P	93-04-120	196-24-041	NEW	93-13-064
180-20-080	NEW	93-08-007	180-78-010	AMD	93-07-101	196-24-097	NEW-P	93-09-022
180-20-090	NEW-P	93-04-117	180-79-010	AMD-P	93-04-120	196-24-097	NEW	93-13-065
180-20-090	NEW	93-08-007	180-79-010	AMD	93-07-101	196-24-098	NEW-P	93-09-023
180-20-095	NEW-P	93-04-117	180-79-236	AMD	93-05-007	196-24-098	NEW	93-13-066
180-20-095	NEW	93-08-007	180-87-001	REP-P	93-17-077	196-26-020	AMD-P	93-07-111
180-20-100	REP-P	93-04-117	182-08-160	AMD-E	93-17-001	196-26-020	AMD	93-10-057
180-20-100	REP	93-08-007	182-08-175	NEW-E	93-17-001	204-10-120	AMD-P	93-05-029
180-20-101	NEW-P	93-04-117	182-08-190	AMD-E	93-17-001	204-10-120	AMD	93-11-018
180-20-101	NEW	93-08-007	182-12-110	AMD-E	93-17-091	204-30-010	REP-P	93-16-067
180-20-105	REP-P	93-04-117	182-12-111	AMD-E	93-17-091	204-30-020	REP-P	93-16-067
180-20-105	REP	93-08-007	182-12-115	AMD-E	93-17-091	204-30-030	REP-P	93-16-067
180-20-106	REP-P	93-04-117	182-12-122	AMD-E	93-17-091	204-30-040	REP-P	93-16-067
180-20-106	REP	93-08-007	192-10-010	REP-P	93-17-012	204-30-050	REP-P	93-16-067
180-20-111	NEW-P	93-04-117	192-10-015	REP-P	93-17-012	204-30-060	REP-P	93-16-067
180-20-111	NEW	93-08-007	192-10-020	REP-P	93-17-012	204-30-070	REP-P	93-16-067
180-20-115	NEW-P	93-04-117	192-10-030	REP-P	93-17-012	204-30-080	REP-P	93-16-067
180-20-115	NEW	93-08-007	192-10-040	REP-P	93-17-012	204-44-040	NEW-P	93-05-028
180-20-120	NEW-P	93-04-117	192-10-050	REP-P	93-17-012	204-44-040	NEW	93-11-017
180-20-120	NEW	93-08-007	192-10-060	REP-P	93-17-012	204-82A-070	AMD-P	93-10-002
180-20-123	NEW-P	93-04-117	192-10-070	REP-P	93-17-012	204-82A-070	AMD	93-15-075
180-20-123	NEW	93-08-007	192-10-080	REP-P	93-17-012	204-84-010	REP-P	93-05-029
180-20-125	NEW-P	93-04-117	192-10-090	REP-P	93-17-012	204-84-010	REP	93-11-018
180-20-125	NEW	93-08-007	192-10-100	REP-P	93-17-012	204-84-010	REP-P	93-05-029
180-20-130	NEW-P	93-04-117	192-10-110	REP-P	93-17-012	204-84-020	REP	93-11-018
180-20-130	NEW	93-08-007	192-10-120	REP-P	93-17-012	204-84-020	REP-P	93-05-029
180-20-135	NEW-P	93-04-117	192-10-130	REP-P	93-17-012	204-84-030	REP	93-11-018
180-20-135	NEW	93-08-007	192-10-140	REP-P	93-17-012	204-84-030	REP	93-11-018
180-20-140	NEW-P	93-04-117	192-10-150	REP-P	93-17-012	204-84-040	REP-P	93-05-029
180-20-140	NEW	93-08-007	192-10-160	REP-P	93-17-012	204-84-040	REP	93-11-018
180-20-145	NEW-P	93-04-117	192-10-170	REP-P	93-17-012	204-84-050	REP-P	93-05-029
180-20-145	NEW	93-08-007	192-10-180	REP-P	93-17-012	204-84-050	REP	93-11-018
180-20-150	NEW-P	93-04-117	192-10-190	REP-P	93-17-012	204-84-060	REP-P	93-05-029
180-20-150	NEW	93-08-007	192-10-200	REP-P	93-17-012	204-84-060	REP	93-11-018
180-20-155	NEW-P	93-04-117	192-10-210	REP-P	93-17-012	204-84-070	REP-P	93-05-029
180-20-155	NEW	93-08-007	192-10-220	REP-P	93-17-012	204-84-070	REP	93-11-018
180-20-160	NEW-P	93-04-117	192-10-230	REP-P	93-17-012	204-84-080	REP-P	93-05-029
180-20-160	NEW	93-08-007	192-10-240	REP-P	93-17-012	204-84-080	REP	93-11-018
180-20-200	REP-P	93-04-117	192-10-250	REP-P	93-17-012	204-84-090	REP-P	93-05-029
180-20-200	REP	93-08-007	192-10-265	REP-P	93-17-012	204-84-090	REP	93-11-018
180-20-205	REP-P	93-04-117	192-10-280	REP-P	93-17-012	204-84-100	REP-P	93-05-029
180-20-205	REP	93-08-007	192-10-290	REP-P	93-17-012	204-84-100	REP	93-11-018
180-20-210	REP-P	93-04-117	192-10-300	REP-P	93-17-012	212-12	NEW-C	93-04-060
180-20-210	REP	93-08-007	192-10-310	REP-P	93-17-012	212-12-001	NEW-E	93-04-061
180-20-215	REP-P	93-04-117	192-10-330	REP-P	93-17-012	212-12-001	NEW	93-05-032
180-20-215	REP	93-08-007	192-12-141	AMD-P	93-07-086	212-12-005	NEW-E	93-04-061
180-20-220	REP-P	93-04-117	192-12-141	AMD	93-10-025	212-12-005	NEW	93-05-032
180-20-220	REP	93-08-007	192-12-158	REP-P	93-17-012	212-12-011	NEW-E	93-04-061
180-20-225	REP-P	93-04-117	192-12-180	AMD-P	93-13-137	212-12-011	NEW	93-05-032
180-20-225	REP	93-08-007	192-12-180	AMD	93-16-053	212-12-015	NEW-E	93-04-061
180-20-230	REP-P	93-04-117	192-12-182	AMD-P	93-13-137	212-12-015	NEW	93-05-032
180-20-230	REP	93-08-007	192-12-182	AMD	93-16-053	212-12-020	NEW-E	93-04-061
180-26-020	AMD-P	93-04-118	192-12-184	AMD-P	93-13-137	212-12-020	NEW	93-05-032
180-26-020	AMD	93-07-104	192-12-184	AMD	93-16-053	212-12-025	NEW-E	93-04-061
180-26-025	AMD-P	93-04-119	192-12-186	AMD-P	93-13-137	212-12-025	NEW	93-05-032
180-26-025	AMD-W	93-07-100	192-12-186	AMD	93-16-053	212-12-030	NEW-E	93-04-061
180-27-070	AMD-P	93-08-041	192-16-070	NEW-E	93-13-007	212-12-030	NEW	93-05-032
180-27-070	AMD	93-13-026	192-16-070	NEW-P	93-15-115	212-12-035	NEW-E	93-04-061
180-27-115	AMD-P	93-17-079	192-30-010	REP-P	93-17-012	212-12-035	NEW	93-05-032
180-27-505	AMD	93-04-019	192-30-020	REP-P	93-17-012	212-12-040	NEW-E	93-04-061
180-33-042	AMD-E	93-17-005	192-30-030	REP-P	93-17-012	212-12-040	NEW	93-05-032
180-33-042	AMD-P	93-17-078	192-30-040	REP-P	93-17-012	212-12-044	NEW-E	93-04-061
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212-45-110	REP-E	93-04-061	212-56A-010	REP	93-05-032	212-64-043	REP-E	93-04-061
212-45-110	REP	93-05-032	212-56A-015	REP-E	93-04-061	212-64-043	REP	93-05-032
212-45-115	REP-E	93-04-061	212-56A-015	REP	93-05-032	212-64-045	REP-E	93-04-061
212-45-115	REP	93-05-032	212-56A-020	REP-E	93-04-061	212-64-045	REP	93-05-032
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212-52-001	REP	93-05-032	212-56A-030	REP-E	93-04-061	212-64-050	REP	93-05-032
212-52-002	REP-E	93-04-061	212-56A-030	REP	93-05-032	212-64-055	REP-E	93-04-061
212-52-002	REP	93-05-032	212-56A-035	REP-E	93-04-061	212-64-055	REP	93-05-032
212-52-005	REP-E	93-04-061	212-56A-035	REP	93-05-032	212-64-060	REP-E	93-04-061
212-52-005	REP	93-05-032	212-56A-040	REP-E	93-04-061	212-64-060	REP	93-05-032
212-52-012	REP-E	93-04-061	212-56A-040	REP	93-05-032	212-64-065	REP-E	93-04-061
212-52-012	REP	93-05-032	212-56A-045	REP-E	93-04-061	212-64-065	REP	93-05-032
212-52-016	REP-E	93-04-061	212-56A-045	REP	93-05-032	212-64-067	REP-E	93-04-061
212-52-016	REP	93-05-032	212-56A-050	REP-E	93-04-061	212-64-067	REP	93-05-032
212-52-018	REP-E	93-04-061	212-56A-050	REP	93-05-032	212-64-068	REP-E	93-04-061
212-52-018	REP	93-05-032	212-56A-055	REP-E	93-04-061	212-64-068	REP	93-05-032
212-52-020	REP-E	93-04-061	212-56A-055	REP	93-05-032	212-64-069	REP-E	93-04-061
212-52-020	REP	93-05-032	212-56A-060	REP-E	93-04-061	212-64-069	REP	93-05-032
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212-52-025	REP	93-05-032	212-56A-065	REP-E	93-04-061	212-64-070	REP	93-05-032
212-52-027	REP-E	93-04-061	212-56A-065	REP	93-05-032	212-65-001	REP-E	93-04-061
212-52-027	REP	93-05-032	212-56A-070	REP-E	93-04-061	212-65-001	REP	93-05-032
212-52-028	REP-E	93-04-061	212-56A-070	REP	93-05-032	212-65-005	REP-E	93-04-061
212-52-028	REP	93-05-032	212-56A-075	REP-E	93-04-061	212-65-005	REP	93-05-032
212-52-030	REP-E	93-04-061	212-56A-075	REP	93-05-032	212-65-010	REP-E	93-04-061
212-52-030	REP	93-05-032	212-56A-080	REP-E	93-04-061	212-65-010	REP	93-05-032
212-52-037	REP-E	93-04-061	212-56A-080	REP	93-05-032	212-65-015	REP-E	93-04-061
212-52-037	REP	93-05-032	212-56A-085	REP-E	93-04-061	212-65-015	REP	93-05-032
212-52-041	REP-E	93-04-061	212-56A-085	REP	93-05-032	212-65-020	REP-E	93-04-061
212-52-041	REP	93-05-032	212-56A-090	REP-E	93-04-061	212-65-020	REP	93-05-032
212-52-045	REP-E	93-04-061	212-56A-090	REP	93-05-032	212-65-025	REP-E	93-04-061
212-52-045	REP	93-05-032	212-56A-095	REP-E	93-04-061	212-65-025	REP	93-05-032
212-52-050	REP-E	93-04-061	212-56A-095	REP	93-05-032	212-65-030	REP-E	93-04-061
212-52-050	REP	93-05-032	212-56A-100	REP-E	93-04-061	212-65-030	REP	93-05-032
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212-70-070	REP	93-05-032	220-32-05500C	REP-E	93-12-010	220-52-07100K	NEW-E	93-09-028
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212-70-160	REP	93-05-032	220-40-02100U	NEW-E	93-14-108	220-56-10500B	NEW-E	93-08-016
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212-70-170	REP	93-05-032	220-40-027	AMD-P	93-09-074	220-56-116	AMD-W	93-17-065
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212-70-180	REP	93-05-032	220-40-027	AMD	93-14-042	220-56-124	NEW	93-08-034
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212-70-190	REP	93-05-032	220-44-050	AMD-P	93-04-095	220-56-126	AMD	93-08-034
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212-70-210	REP	93-05-032	220-44-05000C	REP-E	93-10-094	220-56-131	AMD-P	93-04-096
212-70-220	REP-E	93-04-061	220-44-05000D	NEW-E	93-10-094	220-56-131	AMD	93-08-034
212-70-220	REP	93-05-032	220-44-05000D	REP-E	93-12-078	220-56-132	AMD-P	93-04-096
212-70-230	REP-E	93-04-061	220-44-05000E	NEW-E	93-12-078	220-56-132	AMD	93-08-034
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220-24-02000U	REP-E	93-15-097	220-52-01901	AMD	93-15-051	220-56-220	AMD-P	93-04-096
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220-56-25500S	REP-E	93-15-068	220-57-255	AMD-P	93-04-096	222-30-020	AMD	93-12-001
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220-56-36000D	NEW-E	93-08-017	220-57-50500U	NEW-E	93-08-016	230-20-064	AMD	93-13-062
220-56-36000D	REP-E	93-10-096	220-57-51500I	NEW-E	93-08-016	230-20-070	AMD-P	93-13-061
220-56-36000E	NEW-E	93-10-096	220-57-51500I	REP-E	93-13-029	230-20-070	AMD	93-17-098
220-56-380	AMD-P	93-04-096	220-57-51500J	NEW-E	93-13-029	230-20-111	NEW-E	93-07-080
220-56-380	AMD	93-08-034	220-57A-183	AMD-P	93-04-096	230-20-111	NEW-P	93-07-083
220-56-38000L	NEW-E	93-09-027	220-57A-183	AMD	93-08-034	230-20-111	NEW	93-15-041
220-56-38000L	REP-E	93-15-022	220-88-030	AMD-P	93-12-092	230-20-242	NEW-P	93-10-042
220-56-38000M	NEW-E	93-15-022	220-88-030	AMD-P	93-15-051	230-20-242	NEW	93-13-062
220-56-38000M	REP-E	93-17-016	222-08-040	AMD-P	93-05-010	230-20-246	AMD-P	93-10-042
220-56-38000N	NEW-E	93-15-032	222-08-040	AMD	93-12-001	230-20-246	AMD	93-13-062
220-56-38000N	REP-E	93-17-016	222-10-110	AMD-P	93-05-010	230-20-670	AMD-P	93-07-082
220-56-38000P	NEW-E	93-17-016	222-10-110	AMD	93-12-001	230-20-670	AMD	93-12-082
220-56-382	AMD-P	93-04-096	222-12-020	AMD-P	93-05-010	230-20-670	AMD-P	93-15-042
220-56-382	AMD	93-08-034	222-12-020	AMD	93-12-001	230-20-685	AMD-P	93-07-082
220-56-390	AMD-P	93-04-096	222-12-050	AMD-P	93-05-010	230-20-685	AMD	93-12-082
220-56-390	AMD	93-08-034	222-12-050	AMD	93-12-001	230-25-160	AMD-P	93-07-081
220-57-137	AMD-P	93-04-096	222-16-010	AMD-P	93-05-010	230-25-160	AMD	93-12-082
220-57-137	AMD	93-08-034	222-16-010	AMD-E	93-07-060	230-30-060	AMD-P	93-07-081
220-57-14000N	NEW-E	93-14-040	222-16-010	AMD	93-12-001	230-30-060	AMD	93-12-082
220-57-160	AMD-P	93-04-096	222-16-010	AMD-E	93-15-071	230-30-072	AMD-P	93-08-066
220-57-160	AMD	93-08-034	222-16-050	AMD-P	93-05-010	230-30-072	AMD	93-13-063
220-57-16000Q	NEW-E	93-04-043	222-16-050	AMD	93-12-001	230-30-075	AMD	93-04-007
220-57-16000R	NEW-E	93-06-013	222-16-070	AMD-P	93-05-010	230-30-080	AMD-P	93-07-083
220-57-16000R	REP-E	93-06-068	222-16-070	AMD	93-12-001	230-30-080	AMD	93-12-082
220-57-16000S	NEW-E	93-08-018	222-16-080	AMD-P	93-05-010	230-30-095	REP-P	93-07-083
220-57-175	AMD-P	93-04-096	222-16-080	AMD-E	93-07-060	230-30-095	REP	93-12-082
			222-16-080	AMD	93-12-001	230-30-097	NEW-P	93-07-087

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230-30-100	AMD-P	93-07-083	232-28-61918	REP-P	93-13-140	236-22-034	NEW-P	93-09-030
230-30-100	AMD	93-12-082	232-28-61919	REP-P	93-13-140	236-22-034	NEW	93-16-079
230-30-106	AMD-P	93-06-036	232-28-61923	NEW	93-04-046	236-22-035	NEW-P	93-09-030
230-30-106	AMD	93-10-005	232-28-61923	REP-P	93-13-140	236-22-035	NEW	93-16-079
230-30-300	AMD-P	93-06-036	232-28-61924	NEW	93-04-047	236-22-036	NEW-P	93-09-030
230-30-300	AMD	93-10-005	232-28-61924	REP-P	93-13-140	236-22-036	NEW	93-16-079
230-40-055	AMD-P	93-07-082	232-28-61925	NEW	93-04-049	236-22-037	NEW-P	93-09-030
230-40-055	AMD	93-12-082	232-28-61925	REP-P	93-13-140	236-22-037	NEW	93-16-079
230-40-120	AMD-P	93-04-044	232-28-61926	NEW	93-04-050	236-22-038	NEW-P	93-09-030
230-40-120	AMD-W	93-17-064	232-28-61926	REP-P	93-13-140	236-22-038	NEW	93-16-079
230-40-125	AMD-P	93-10-042	232-28-61927	NEW	93-04-051	236-22-040	NEW-P	93-09-030
230-40-125	AMD	93-13-062	232-28-61927	REP-P	93-13-140	236-22-040	NEW	93-16-079
232-12-001	AMD-P	93-13-140	232-28-61928	NEW	93-04-048	236-22-050	NEW-P	93-09-030
232-12-007	AMD-P	93-14-110	232-28-61928	REP-P	93-13-140	236-22-050	NEW	93-16-079
232-12-007	AMD-C	93-15-055	232-28-61929	NEW	93-04-052	236-22-060	NEW-P	93-09-030
232-12-011	AMD-P	93-14-111	232-28-61929	REP-P	93-13-140	236-22-060	NEW	93-16-079
232-12-011	AMD-C	93-15-056	232-28-61930	NEW	93-04-053	236-22-070	NEW-P	93-09-030
232-12-014	AMD-P	93-14-112	232-28-61930	REP-P	93-13-140	236-22-070	NEW	93-16-079
232-12-014	AMD-C	93-15-057	232-28-61931	NEW-E	93-03-039	236-22-080	NEW-P	93-09-030
232-12-017	AMD	93-04-039	232-28-61932	NEW-P	93-06-021	236-22-080	NEW	93-16-079
232-12-019	AMD-P	93-06-019	232-28-61932	NEW	93-10-055	236-22-100	AMD-P	93-09-030
232-12-019	AMD-P	93-06-020	232-28-61932	REP-P	93-13-140	236-22-100	AMD	93-16-079
232-12-019	AMD	93-10-011	232-28-61933	NEW-P	93-06-022	236-22-200	NEW-P	93-09-030
232-12-019	AMD	93-10-012	232-28-61933	NEW	93-10-053	236-22-200	NEW	93-16-079
232-12-021	AMD	93-04-040	232-28-61933	REP-P	93-13-140	236-22-210	NEW-P	93-09-030
232-12-045	NEW-E	93-04-083	232-28-61934	NEW-E	93-06-061	236-22-210	NEW	93-16-079
232-12-064	AMD	93-04-038	232-28-61935	NEW-P	93-06-057	242-02-220	AMD-P	93-08-032
232-12-074	REP	93-04-075	232-28-61935	NEW	93-10-056	242-02-220	AMD	93-11-068
232-12-166	NEW-P	93-06-018	232-28-61935	REP-P	93-13-140	242-02-562	NEW-W	93-06-045
232-12-166	NEW	93-10-013	232-28-61936	NEW-E	93-12-002	244-12-060	AMD-P	93-07-038
232-12-242	NEW	93-04-074	232-28-61936	NEW-P	93-14-134	244-12-060	AMD-W	93-09-049
232-12-619	AMD-P	93-06-017	232-28-61936	NEW-W	93-17-111	244-12-060	AMD-P	93-09-053
232-12-619	AMD	93-10-054	236-14-010	NEW-W	93-05-041	244-12-060	AMD	93-13-013
232-12-619	AMD-P	93-13-140	236-14-010	NEW-P	93-09-068	244-12-100	NEW-P	93-07-038
232-28-022	AMD-P	93-06-074	236-14-010	NEW-W	93-10-090	244-12-100	NEW-W	93-09-049
232-28-022	AMD	93-13-048	236-14-010	NEW-P	93-15-126	244-12-100	NEW-P	93-09-053
232-28-022	AMD-P	93-17-112	236-14-015	NEW-W	93-05-041	244-12-100	NEW	93-13-013
232-28-226	AMD-P	93-06-064	236-14-015	NEW-P	93-09-068	246-01-001	NEW	93-08-004
232-28-226	AMD	93-11-016	236-14-015	NEW-W	93-10-090	246-01-010	NEW	93-08-004
232-28-227	AMD-P	93-06-059	236-14-015	NEW-P	93-15-126	246-01-020	NEW	93-08-004
232-28-227	AMD	93-11-015	236-14-050	NEW-W	93-05-041	246-01-030	NEW	93-08-004
232-28-228	AMD-P	93-06-058	236-14-050	NEW-P	93-09-068	246-01-040	NEW	93-08-004
232-28-228	AMD	93-11-014	236-14-050	NEW-W	93-10-090	246-01-050	NEW	93-08-004
232-28-233	REP-P	93-06-062	236-14-050	NEW-P	93-15-126	246-01-060	NEW	93-08-004
232-28-233	REP	93-11-011	236-14-100	NEW-W	93-05-041	246-01-070	NEW	93-08-004
232-28-234	REP-P	93-06-063	236-14-100	NEW-P	93-09-068	246-01-080	NEW	93-08-004
232-28-234	REP	93-11-012	236-14-100	NEW-W	93-10-090	246-01-090	NEW	93-08-004
232-28-235	REP-P	93-06-060	236-14-100	NEW-P	93-15-126	246-01-100	NEW	93-08-004
232-28-235	REP	93-11-013	236-14-200	NEW-W	93-05-041	246-05-001	NEW-E	93-15-012
232-28-236	NEW-P	93-06-060	236-14-200	NEW-P	93-09-068	246-05-001	NEW-P	93-15-091
232-28-236	NEW	93-11-013	236-14-200	NEW-W	93-10-090	246-05-010	NEW-E	93-15-012
232-28-237	NEW-P	93-06-063	236-14-200	NEW-P	93-15-126	246-05-010	NEW-P	93-15-091
232-28-237	NEW	93-11-012	236-14-300	NEW-W	93-05-041	246-05-030	NEW-E	93-15-012
232-28-238	NEW-P	93-06-062	236-14-300	NEW-P	93-09-068	246-05-030	NEW-P	93-15-091
232-28-238	NEW	93-11-011	236-14-300	NEW-W	93-10-090	246-08-001	REP-P	93-08-071
232-28-416	REP-P	93-13-136	236-14-300	NEW-P	93-15-126	246-08-001	REP	93-13-005
232-28-417	NEW-P	93-13-136	236-14-800	NEW-P	93-15-126	246-08-020	REP-P	93-08-071
232-28-619	AMD-P	93-13-140	236-14-900	NEW-W	93-05-041	246-08-020	REP	93-13-005
232-28-61901	REP-P	93-13-140	236-14-900	NEW-P	93-09-068	246-08-030	REP-P	93-08-071
232-28-61902	REP-P	93-13-140	236-14-900	NEW-W	93-10-090	246-08-030	REP	93-13-005
232-28-61904	REP-P	93-13-140	236-14-900	NEW-P	93-15-126	246-08-040	REP-P	93-08-071
232-28-61905	REP-P	93-13-140	236-22-010	AMD-P	93-09-030	246-08-040	REP	93-13-005
232-28-61906	REP-P	93-13-140	236-22-010	AMD	93-16-079	246-08-050	REP-P	93-08-071
232-28-61907	REP-P	93-13-140	236-22-020	NEW-P	93-09-030	246-08-050	REP	93-13-005
232-28-61908	REP-P	93-13-140	236-22-020	NEW	93-16-079	246-08-060	REP-P	93-08-071
232-28-61909	REP-P	93-13-140	236-22-030	NEW-P	93-09-030	246-08-060	REP	93-13-005
232-28-61910	REP-P	93-13-140	236-22-030	NEW	93-16-079	246-08-070	REP-P	93-08-071
232-28-61911	REP-P	93-13-140	236-22-031	NEW-P	93-09-030	246-08-070	REP	93-13-005
232-28-61912	REP-P	93-13-140	236-22-031	NEW	93-16-079	246-08-080	REP-P	93-08-071
232-28-61913	REP-P	93-13-140	236-22-032	NEW-P	93-09-030	246-08-080	REP	93-13-005
232-28-61914	NEW-W	93-03-015	236-22-032	NEW	93-16-079	246-08-090	REP-P	93-08-071
232-28-61916	REP-P	93-13-140	236-22-033	NEW-P	93-09-030	246-08-090	REP	93-13-005

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246-11-220	NEW	93-08-003	246-100-011	AMD-P	93-03-003	246-290-310	AMD-P	93-04-122
246-11-230	NEW-P	93-04-102	246-100-011	AMD	93-08-036	246-290-310	AMD	93-08-011
246-11-230	NEW	93-08-003	246-100-041	AMD-P	93-03-003	246-290-320	AMD-P	93-04-122
246-11-250	NEW-P	93-04-102	246-100-041	AMD	93-08-036	246-290-320	AMD	93-08-011
246-11-250	NEW	93-08-003	246-100-042	NEW-P	93-06-094	246-290-330	AMD-P	93-04-122
246-11-260	NEW-P	93-04-102	246-100-042	NEW	93-10-038	246-290-330	AMD	93-08-011
246-11-260	NEW	93-08-003	246-100-076	AMD-P	93-03-003	246-290-400	REP-P	93-04-122
246-11-270	NEW-P	93-04-102	246-100-076	AMD	93-08-036	246-290-400	REP	93-08-011
246-11-270	NEW	93-08-003	246-100-236	AMD-P	93-03-003	246-290-420	AMD-P	93-04-122
246-11-280	NEW-P	93-04-102	246-100-236	AMD	93-08-036	246-290-420	AMD	93-08-011
246-11-280	NEW	93-08-003	246-130-040	AMD-E	93-04-015	246-290-440	AMD-P	93-04-122
246-11-290	NEW-P	93-04-102	246-130-040	AMD-P	93-06-095	246-290-440	AMD	93-08-011
246-11-290	NEW	93-08-003	246-130-040	AMD-W	93-11-006	246-290-450	REP-P	93-04-122
246-11-300	NEW-P	93-04-102	246-130-070	AMD-E	93-04-015	246-290-450	REP	93-08-011
246-11-300	NEW	93-08-003	246-130-070	AMD-P	93-06-095	246-290-470	AMD-P	93-04-122
246-11-310	NEW-P	93-04-102	246-130-070	AMD-W	93-11-006	246-290-470	AMD	93-08-011
246-11-310	NEW	93-08-003	246-201-005	NEW-W	93-11-075	246-290-480	AMD-P	93-04-122
246-11-320	NEW-P	93-04-102	246-203-005	NEW-W	93-11-075	246-290-480	AMD	93-08-011
246-11-320	NEW	93-08-003	246-205-005	NEW-W	93-11-075	246-290-601	NEW-P	93-04-122
246-11-330	NEW-P	93-04-102	246-215-005	NEW-W	93-11-075	246-290-601	NEW	93-08-011
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246-11-340	NEW-P	93-04-102	246-254-053	AMD-P	93-08-069	246-290-610	NEW	93-08-011
246-11-340	NEW	93-08-003	246-254-053	AMD	93-13-019	246-290-620	NEW-P	93-04-122
246-11-350	NEW-P	93-04-102	246-254-070	AMD-P	93-08-069	246-290-620	NEW	93-08-011
246-11-350	NEW	93-08-003	246-254-070	AMD	93-13-019	246-290-630	NEW-P	93-04-122
246-11-360	NEW-P	93-04-102	246-254-080	AMD-P	93-08-069	246-290-630	NEW	93-08-011
246-11-360	NEW	93-08-003	246-254-080	AMD	93-13-019	246-290-632	NEW-P	93-04-122
246-11-370	NEW-P	93-04-102	246-254-090	AMD-P	93-08-069	246-290-632	NEW	93-08-011
246-11-370	NEW	93-08-003	246-254-090	AMD	93-13-019	246-290-634	NEW-P	93-04-122
246-11-380	NEW-P	93-04-102	246-254-100	AMD-P	93-08-069	246-290-634	NEW	93-08-011
246-11-380	NEW	93-08-003	246-254-100	AMD	93-13-019	246-290-636	NEW-P	93-04-122
246-11-390	NEW-P	93-04-102	246-254-120	AMD-P	93-08-069	246-290-636	NEW	93-08-011
246-11-390	NEW	93-08-003	246-254-120	AMD	93-13-019	246-290-638	NEW-P	93-04-122
246-11-400	NEW-P	93-04-102	246-260-005	NEW-W	93-11-075	246-290-638	NEW	93-08-011
246-11-400	NEW	93-08-003	246-262-005	NEW-W	93-11-075	246-290-639	NEW-P	93-04-122
246-11-420	NEW-P	93-04-102	246-264-005	NEW-W	93-11-075	246-290-639	NEW	93-08-011
246-11-420	NEW	93-08-003	246-282-005	NEW-W	93-11-075	246-290-640	NEW-P	93-04-122
246-11-430	NEW-P	93-04-102	246-282-990	AMD-P	93-13-125	246-290-640	NEW	93-08-011
246-11-430	NEW	93-08-003	246-282-990	AMD	93-17-096	246-290-650	NEW-P	93-04-122
246-11-440	NEW-P	93-04-102	246-290-001	AMD-P	93-04-122	246-290-650	NEW	93-08-011
246-11-440	NEW	93-08-003	246-290-001	AMD	93-08-011	246-290-652	NEW-P	93-04-122
246-11-450	NEW-P	93-04-102	246-290-010	AMD-P	93-04-122	246-290-652	NEW	93-08-011
246-11-450	NEW	93-08-003	246-290-010	AMD	93-08-011	246-290-654	NEW-P	93-04-122
246-11-470	NEW-P	93-04-102	246-290-020	AMD-P	93-04-122	246-290-654	NEW	93-08-011
246-11-470	NEW	93-08-003	246-290-020	AMD	93-08-011	246-290-660	NEW-P	93-04-122
246-11-480	NEW-P	93-04-102	246-290-030	AMD-P	93-04-122	246-290-660	NEW	93-08-011
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246-11-500	NEW-P	93-04-102	246-290-050	AMD-P	93-04-122	246-290-664	NEW	93-08-011
246-11-500	NEW	93-08-003	246-290-050	AMD	93-08-011	246-290-666	NEW-P	93-04-122
246-11-510	NEW-P	93-04-102	246-290-060	AMD-P	93-04-122	246-290-666	NEW	93-08-011
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246-11-530	NEW-P	93-04-102	246-290-110	AMD-P	93-04-122	246-290-670	NEW	93-08-011
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246-11-540	NEW-P	93-04-102	246-290-120	AMD-P	93-04-122	246-290-672	NEW	93-08-011
246-11-540	NEW	93-08-003	246-290-120	AMD	93-08-011	246-290-674	NEW-P	93-04-122
246-11-550	NEW-P	93-04-102	246-290-130	AMD-P	93-04-122	246-290-674	NEW	93-08-011
246-11-550	NEW	93-08-003	246-290-130	AMD	93-08-011	246-290-676	NEW-P	93-04-122
246-11-560	NEW-P	93-04-102	246-290-135	NEW-P	93-04-122	246-290-676	NEW	93-08-011
246-11-560	NEW	93-08-003	246-290-135	NEW	93-08-011	246-290-678	NEW-P	93-04-122
246-11-570	NEW-P	93-04-102	246-290-200	AMD-P	93-04-122	246-290-678	NEW	93-08-011
246-11-570	NEW	93-08-003	246-290-200	AMD	93-08-011	246-290-680	NEW-P	93-04-122
246-11-580	NEW-P	93-04-102	246-290-210	REP-P	93-04-122	246-290-680	NEW	93-08-011
246-11-580	NEW	93-08-003	246-290-210	REP	93-08-011	246-290-686	NEW-P	93-04-122
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246-11-590	NEW	93-08-003	246-290-230	AMD	93-08-011	246-290-690	NEW-P	93-04-122
246-11-600	NEW-P	93-04-102	246-290-250	AMD-P	93-04-122	246-290-690	NEW	93-08-011
246-11-600	NEW	93-08-003	246-290-250	AMD	93-08-011	246-290-692	NEW-P	93-04-122
246-11-610	NEW-P	93-04-102	246-290-300	AMD-P	93-04-122	246-290-692	NEW	93-08-011

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246-290-694	NEW	93-08-011	246-318-820	AMD	93-07-011	246-340-990	REP-E	93-14-034
246-290-696	NEW-P	93-04-122	246-318-830	AMD	93-07-011	246-340-990	REP-P	93-14-035
246-290-696	NEW	93-08-011	246-318-840	AMD	93-07-011	246-358-001	AMD	93-03-032
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246-293-440	REP	93-13-005	246-318-860	AMD	93-07-011	246-358-001	AMD-P	93-07-106
246-294-001	NEW	93-03-047	246-318-870	AMD	93-07-011	246-358-001	AMD	93-12-043
246-294-010	NEW	93-03-047	246-318-99902	AMD	93-07-011	246-358-010	AMD	93-03-032
246-294-020	NEW	93-03-047	246-321-018	NEW-W	93-04-091	246-358-020	NEW	93-03-032
246-294-030	NEW	93-03-047	246-321-018	NEW-P	93-08-078	246-358-025	AMD	93-03-031
246-294-040	NEW	93-03-047	246-321-018	NEW	93-16-030	246-358-030	NEW	93-03-031
246-294-050	NEW	93-03-047	246-323-022	NEW-W	93-04-091	246-358-035	REP	93-03-032
246-294-060	NEW	93-03-047	246-323-022	NEW-P	93-08-078	246-358-045	AMD	93-03-032
246-294-070	NEW	93-03-047	246-323-022	NEW	93-16-030	246-358-055	AMD	93-03-032
246-294-080	NEW	93-03-047	246-325-022	NEW-W	93-04-091	246-358-065	AMD	93-03-032
246-294-090	NEW	93-03-047	246-325-022	NEW-P	93-08-078	246-358-075	AMD	93-03-032
246-294-100	NEW	93-03-047	246-325-022	NEW	93-16-030	246-358-085	AMD	93-03-032
246-310-280	AMD-P	93-08-070	246-327-090	NEW-W	93-04-091	246-358-095	AMD	93-03-032
246-310-280	AMD	93-13-015	246-327-090	NEW-P	93-08-078	246-358-105	AMD	93-03-032
246-310-381	NEW-E	93-13-044	246-327-090	NEW	93-16-030	246-358-115	AMD	93-03-032
246-316-020	AMD-W	93-04-091	246-327-990	AMD-E	93-14-093	246-358-125	AMD	93-03-032
246-316-020	AMD-P	93-08-078	246-327-990	AMD-P	93-17-045	246-358-135	AMD	93-03-032
246-316-020	AMD	93-16-030	246-329-035	NEW-W	93-04-091	246-358-140	NEW	93-03-032
246-316-040	AMD-W	93-04-091	246-329-035	NEW-P	93-08-078	246-358-145	AMD	93-03-032
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246-316-050	AMD-W	93-04-091	246-331-990	AMD-P	93-17-045	246-374-005	NEW-W	93-11-075
246-316-050	AMD-P	93-08-078	246-336-100	NEW-W	93-04-091	246-376-005	NEW-W	93-11-075
246-316-050	AMD	93-16-030	246-336-100	NEW-P	93-08-078	246-378-005	NEW-W	93-11-075
246-316-240	AMD-E	93-12-004	246-336-100	NEW	93-16-030	246-388-070	AMD-W	93-04-091
246-316-260	AMD-E	93-12-004	246-336-990	AMD-E	93-14-093	246-388-070	AMD-P	93-08-078
246-318-010	AMD	93-07-011	246-336-990	AMD-P	93-17-045	246-388-070	AMD	93-16-030
246-318-040	AMD-W	93-04-091	246-338-010	AMD-P	93-14-036	246-388-072	NEW-W	93-04-091
246-318-040	AMD-P	93-08-078	246-338-020	AMD-P	93-14-036	246-388-072	NEW-P	93-08-078
246-318-040	AMD	93-16-030	246-338-030	AMD-P	93-14-036	246-388-072	NEW	93-16-030
246-318-042	NEW-W	93-04-091	246-338-040	AMD-P	93-14-036	246-420-005	NEW-W	93-11-075
246-318-042	NEW-P	93-08-078	246-338-050	AMD-P	93-14-036	246-491-005	NEW-W	93-11-075
246-318-042	NEW	93-16-030	246-338-060	AMD-P	93-14-036	246-520-001	REP-P	93-16-099
246-318-500	AMD	93-07-011	246-338-070	AMD-P	93-14-036	246-520-005	NEW-W	93-11-075
246-318-510	AMD	93-07-011	246-338-080	AMD-P	93-14-036	246-520-010	REP-P	93-16-099
246-318-520	AMD	93-07-011	246-338-090	AMD-P	93-14-036	246-520-020	REP-P	93-16-099
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246-318-540	AMD	93-07-011	246-338-110	AMD-P	93-14-036	246-520-040	REP-P	93-16-099
246-318-550	AMD	93-07-011	246-338-990	AMD-P	93-14-036	246-520-050	REP-P	93-16-099
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246-318-740	AMD	93-07-011	246-340-085	NEW-W	93-04-091	246-806-130	AMD-P	93-06-090
246-318-750	AMD	93-07-011	246-340-085	NEW-P	93-08-078	246-806-140	AMD-P	93-06-090
246-318-760	AMD	93-07-011	246-340-085	NEW	93-16-030	246-806-140	AMD	93-09-055
246-318-770	AMD	93-07-011	246-340-090	REP-E	93-14-034	246-806-150	REP-P	93-06-090
246-318-780	AMD	93-07-011	246-340-090	REP-P	93-14-035	246-806-150	REP	93-09-055
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246-807-280	AMD-P	93-14-094	246-828-570	NEW	93-17-044	246-847-068	NEW-P	93-12-089
246-807-280	AMD-C	93-17-094	246-828-990	AMD-P	93-10-071	246-847-070	AMD-P	93-12-089
246-807-290	AMD-P	93-14-094	246-828-990	AMD	93-14-011	246-847-080	AMD-P	93-12-089
246-807-290	AMD-C	93-17-094	246-830-460	NEW-P	93-14-133	246-847-115	AMD-P	93-12-089
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246-807-395	NEW-C	93-17-094	246-830-990	AMD-P	93-10-071	246-849-210	NEW	93-10-008
246-807-396	NEW-E	93-10-006	246-830-990	AMD	93-14-011	246-849-220	NEW-P	93-03-046
246-807-396	NEW-P	93-14-094	246-836-990	AMD-P	93-10-071	246-849-220	NEW	93-10-008
246-807-396	NEW-C	93-17-094	246-836-990	AMD	93-14-011	246-849-230	NEW-P	93-03-046
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246-807-500	NEW-C	93-17-094	246-838-090	AMD-P	93-16-101	246-849-240	NEW-P	93-03-046
246-807-510	NEW-P	93-14-094	246-838-110	AMD-P	93-16-101	246-849-240	NEW	93-10-008
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246-807-530	NEW-P	93-14-094	246-838-130	AMD-P	93-16-101	246-849-260	NEW	93-10-008
246-807-530	NEW-C	93-17-094	246-838-270	AMD-P	93-16-101	246-849-270	NEW-P	93-03-046
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246-810-020	AMD	93-14-011	246-838-330	NEW	93-04-080	246-849-990	AMD-P	93-10-071
246-810-990	AMD-P	93-10-071	246-838-340	NEW-P	93-16-101	246-849-990	AMD	93-14-011
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246-815-990	AMD	93-16-073	246-839-115	NEW-P	93-06-091	246-851-360	AMD-P	93-08-079
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246-816-225	NEW-P	93-16-028	246-839-410	AMD-P	93-16-098	246-851-550	NEW-P	93-08-079
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246-824-071	NEW-P	93-10-040	246-843-010	AMD	93-13-004	246-854-050	AMD-P	93-17-095
246-824-071	NEW	93-14-011	246-843-090	AMD-P	93-08-105	246-854-060	AMD-P	93-17-095
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246-824-072	NEW	93-14-011	246-843-180	AMD-P	93-08-105	246-854-090	AMD-P	93-17-095
246-824-073	NEW-P	93-10-040	246-843-180	AMD	93-13-004	246-854-100	REP-P	93-17-095
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246-824-210	NEW-P	93-02-066	246-843-990	AMD	93-14-011	246-857-030	REP	93-04-017
246-824-210	NEW-W	93-16-023	246-845-020	REP-P	93-10-039	246-857-040	REP	93-04-017
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246-824-220	NEW-W	93-16-023	246-845-030	REP-P	93-10-039	246-857-060	REP	93-04-017
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296-17-430	AMD	93-12-093	296-17-606	AMD-P	93-07-114	296-20-015	AMD	93-16-072
296-17-440	AMD-P	93-07-114	296-17-606	AMD	93-12-093	296-20-01501	AMD-P	93-11-095
296-17-440	AMD	93-12-093	296-17-618	AMD-P	93-07-114	296-20-01501	AMD	93-16-072
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296-17-512	AMD	93-12-093	296-17-686	AMD-P	93-07-114	296-20-065	AMD	93-16-072
296-17-521	AMD-P	93-07-114	296-17-686	AMD	93-12-093	296-20-110	AMD-P	93-11-095
296-17-521	AMD	93-12-093	296-17-690	AMD-P	93-07-114	296-20-110	AMD	93-16-072
296-17-52102	AMD-P	93-07-114	296-17-690	AMD	93-12-093	296-20-1102	AMD-P	93-11-095
296-17-52102	AMD	93-12-093	296-17-700	AMD-P	93-07-114	296-20-1102	AMD	93-16-072
296-17-52108	AMD-P	93-07-114	296-17-700	AMD	93-12-093	296-20-1103	AMD-P	93-11-095
296-17-52108	AMD	93-12-093	296-17-704	AMD-P	93-07-114	296-20-1103	AMD	93-16-072
296-17-52110	AMD-P	93-07-114	296-17-704	AMD	93-12-093	296-20-115	REP-P	93-11-095
296-17-52110	AMD	93-12-093	296-17-707	AMD-P	93-07-114	296-20-115	REP	93-16-072
296-17-524	AMD-P	93-07-114	296-17-707	AMD	93-12-093	296-20-120	AMD-P	93-11-095
296-17-524	AMD	93-12-093	296-17-708	AMD-P	93-07-114	296-20-120	AMD	93-16-072
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296-17-526	AMD	93-12-093	296-17-710	AMD-P	93-07-114	296-20-125	AMD	93-16-072
296-17-527	AMD-P	93-07-114	296-17-710	AMD	93-12-093	296-20-12501	AMD-P	93-11-095
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296-17-538	AMD-P	93-07-114	296-17-721	AMD	93-12-093	296-20-132	AMD-P	93-11-095
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296-21-270	NEW	93-16-072	296-22-020	REP-P	93-11-095	296-22-120	REP	93-16-072
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296-21A-013	REP	93-16-072	296-22-030	REP-P	93-11-095	296-22-146	REP	93-16-072
296-21A-014	REP-P	93-11-095	296-22-030	REP	93-16-072	296-22-147	REP-P	93-11-095
296-21A-014	REP	93-16-072	296-22-031	REP-P	93-11-095	296-22-147	REP	93-16-072
296-21A-01401	REP-P	93-11-095	296-22-031	REP	93-16-072	296-22-150	REP-P	93-11-095
296-21A-01401	REP	93-16-072	296-22-035	REP-P	93-11-095	296-22-150	REP	93-16-072
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296-21A-037	REP	93-16-072	296-22-037	REP-P	93-11-095	296-22-160	REP	93-16-072
296-21A-040	REP-P	93-11-095	296-22-037	REP	93-16-072	296-22-165	REP-P	93-11-095
296-21A-040	REP	93-16-072	296-22-038	REP-P	93-11-095	296-22-165	REP	93-16-072
296-21A-045	REP-P	93-11-095	296-22-038	REP	93-16-072	296-22-170	REP-P	93-11-095
296-21A-045	REP	93-16-072	296-22-039	REP-P	93-11-095	296-22-170	REP	93-16-072
296-21A-046	REP-P	93-11-095	296-22-039	REP	93-16-072	296-22-180	REP-P	93-11-095
296-21A-046	REP	93-16-072	296-22-040	REP-P	93-11-095	296-22-180	REP	93-16-072
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296-21A-047	REP	93-16-072	296-22-042	REP-P	93-11-095	296-22-190	REP	93-16-072
296-21A-050	REP-P	93-11-095	296-22-042	REP	93-16-072	296-22-195	REP-P	93-11-095
296-21A-050	REP	93-16-072	296-22-051	REP-P	93-11-095	296-22-195	REP	93-16-072
296-21A-0501	REP-P	93-11-095	296-22-051	REP	93-16-072	296-22-200	REP-P	93-11-095
296-21A-0501	REP	93-16-072	296-22-052	REP-P	93-11-095	296-22-200	REP	93-16-072
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296-21A-0502	REP	93-16-072	296-22-053	REP-P	93-11-095	296-22-205	REP	93-16-072
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296-22-290	REP	93-16-072	296-23-01004	REP-P	93-11-095	296-23-180	NEW	93-16-072
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296-22-295	REP	93-16-072	296-23-01005	REP-P	93-11-095	296-23-185	NEW	93-16-072
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296-22-305	REP	93-16-072	296-23-01007	REP-P	93-11-095	296-23-195	NEW	93-16-072
296-22-306	REP-P	93-11-095	296-23-01007	REP	93-16-072	296-23-200	REP-P	93-11-095
296-22-306	REP	93-16-072	296-23-01008	REP-P	93-11-095	296-23-200	REP	93-16-072
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296-22-315	REP-P	93-11-095	296-23-020	REP	93-16-072	296-23-20102	REP-P	93-11-095
296-22-315	REP	93-16-072	296-23-025	REP-P	93-11-095	296-23-20102	REP	93-16-072
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296-22-330	REP	93-16-072	296-23-035	REP-P	93-11-095	296-23-205	NEW	93-16-072
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296-22-333	REP	93-16-072	296-23-040	REP-P	93-11-095	296-23-208	REP	93-16-072
296-22-337	REP-P	93-11-095	296-23-040	REP	93-16-072	296-23-210	NEW-P	93-11-095
296-22-337	REP	93-16-072	296-23-045	REP-P	93-11-095	296-23-210	NEW	93-16-072
296-22-340	REP-P	93-11-095	296-23-045	REP	93-16-072	296-23-212	REP-P	93-11-095
296-22-340	REP	93-16-072	296-23-050	REP-P	93-11-095	296-23-212	REP	93-16-072
296-22-350	REP-P	93-11-095	296-23-050	REP	93-16-072	296-23-215	NEW-P	93-11-095
296-22-350	REP	93-16-072	296-23-055	REP-P	93-11-095	296-23-215	NEW	93-16-072
296-22-355	REP-P	93-11-095	296-23-055	REP	93-16-072	296-23-216	REP-P	93-11-095
296-22-355	REP	93-16-072	296-23-065	REP-P	93-11-095	296-23-216	REP	93-16-072
296-22-365	REP-P	93-11-095	296-23-065	REP	93-16-072	296-23-220	NEW-P	93-11-095
296-22-365	REP	93-16-072	296-23-079	REP-P	93-11-095	296-23-220	NEW	93-16-072
296-22-370	REP-P	93-11-095	296-23-079	REP	93-16-072	296-23-221	REP-P	93-11-095
296-22-370	REP	93-16-072	296-23-07901	REP-P	93-11-095	296-23-221	REP	93-16-072
296-22-375	REP-P	93-11-095	296-23-07901	REP	93-16-072	296-23-224	REP-P	93-11-095
296-22-375	REP	93-16-072	296-23-07902	REP-P	93-11-095	296-23-224	REP	93-16-072
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296-22-405	REP	93-16-072	296-23-07903	REP-P	93-11-095	296-23-225	NEW	93-16-072
296-22-410	REP-P	93-11-095	296-23-07903	REP	93-16-072	296-23-228	REP-P	93-11-095
296-22-410	REP	93-16-072	296-23-07905	REP-P	93-11-095	296-23-228	REP	93-16-072
296-22-413	REP-P	93-11-095	296-23-07905	REP	93-16-072	296-23-230	NEW-P	93-11-095
296-22-413	REP	93-16-072	296-23-07906	REP-P	93-11-095	296-23-230	NEW	93-16-072
296-22-415	REP-P	93-11-095	296-23-07906	REP	93-16-072	296-23-231	REP-P	93-11-095
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296-23-232	REP	93-16-072	296-23-610	REP-P	93-11-095	296-23A-260	REP	93-16-072
296-23-235	NEW-P	93-11-095	296-23-610	REP	93-16-072	296-23A-262	REP-P	93-11-095
296-23-235	NEW	93-16-072	296-23-615	REP-P	93-11-095	296-23A-262	REP	93-16-072
296-23-240	NEW-P	93-11-095	296-23-615	REP	93-16-072	296-23A-264	REP-P	93-11-095
296-23-240	NEW	93-16-072	296-23-620	REP-P	93-11-095	296-23A-264	REP	93-16-072
296-23-245	NEW-P	93-11-095	296-23-620	REP	93-16-072	296-23A-266	REP-P	93-11-095
296-23-245	NEW	93-16-072	296-23-710	REP-P	93-11-095	296-23A-266	REP	93-16-072
296-23-250	NEW-P	93-11-095	296-23-710	REP	93-16-072	296-23A-268	REP-P	93-11-095
296-23-250	NEW	93-16-072	296-23-715	REP-P	93-11-095	296-23A-268	REP	93-16-072
296-23-255	NEW-P	93-11-095	296-23-715	REP	93-16-072	296-23A-300	AMD-P	93-11-095
296-23-255	NEW	93-16-072	296-23-720	REP-P	93-11-095	296-23A-300	AMD	93-16-072
296-23-260	NEW-P	93-11-095	296-23-720	REP	93-16-072	296-23A-310	AMD-P	93-11-095
296-23-260	NEW	93-16-072	296-23-725	REP-P	93-11-095	296-23A-310	AMD	93-16-072
296-23-265	NEW-P	93-11-095	296-23-725	REP	93-16-072	296-23A-315	AMD-P	93-11-095
296-23-265	NEW	93-16-072	296-23-730	REP-P	93-11-095	296-23A-315	AMD	93-16-072
296-23-270	NEW-P	93-11-095	296-23-730	REP	93-16-072	296-23A-320	AMD-P	93-11-095
296-23-270	NEW	93-16-072	296-23-810	REP-P	93-11-095	296-23A-320	AMD	93-16-072
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296-23-421	REP	93-16-072	296-23-900	REP-P	93-11-095	296-23A-330	REP	93-16-072
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296-23-430	REP	93-16-072	296-23-910	REP-P	93-11-095	296-23A-335	REP	93-16-072
296-23-440	REP-P	93-11-095	296-23-910	REP	93-16-072	296-23A-340	REP-P	93-11-095
296-23-440	REP	93-16-072	296-23-950	REP-P	93-11-095	296-23A-340	REP	93-16-072
296-23-450	REP-P	93-11-095	296-23-950	REP	93-16-072	296-23A-345	REP-P	93-11-095
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296-23-460	REP	93-16-072	296-23-970	REP-P	93-11-095	296-23A-350	REP	93-16-072
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296-23-470	REP	93-16-072	296-23-980	REP-P	93-11-095	296-23A-355	REP	93-16-072
296-23-480	REP-P	93-11-095	296-23-980	REP	93-16-072	296-23A-360	REP-P	93-11-095
296-23-480	REP	93-16-072	296-23-990	REP-P	93-11-095	296-23A-360	REP	93-16-072
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296-23-50009	REP-P	93-11-095	296-23A-244	REP	93-16-072	296-46-365	NEW	93-06-072
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296-62-07105	AMD-P	93-10-101	296-62-07625	NEW	93-04-111
296-62-074	NEW-P	93-02-057	296-62-07627	NEW	93-04-111
296-62-074	NEW	93-07-044	296-62-07629	NEW	93-04-111
296-62-07401	NEW-P	93-02-057	296-62-07631	NEW	93-04-111
296-62-07401	NEW	93-07-044	296-62-07633	NEW	93-04-111
296-62-07403	NEW-P	93-02-057	296-62-07635	NEW	93-04-111
296-62-07403	NEW	93-07-044	296-62-07637	NEW	93-04-111
296-62-07403	AMD-P	93-16-108	296-62-07639	NEW	93-04-111
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296-62-07409	NEW	93-07-044	296-62-07664	NEW	93-04-111
296-62-07411	NEW-P	93-02-057	296-62-07666	NEW	93-04-111
296-62-07411	NEW	93-07-044	296-62-07668	NEW	93-04-111
296-62-07411	AMD-P	93-16-108	296-62-07670	NEW	93-04-111
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296-62-07417	NEW	93-07-044	296-62-14507	AMD-P	93-10-101
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296-62-07427	NEW	93-07-044	296-62-14542	NEW-P	93-10-101
296-62-07429	NEW-P	93-02-057	296-62-14545	NEW-P	93-10-101
296-62-07429	NEW	93-07-044	296-62-14547	NEW-P	93-10-101
296-62-07431	NEW-P	93-02-057	296-62-14549	NEW-P	93-10-101
296-62-07431	NEW	93-07-044	296-62-14551	NEW-P	93-10-101
296-62-07433	NEW-P	93-02-057	296-62-14553	NEW-P	93-10-101
296-62-07433	NEW	93-07-044	296-67-005	AMD-P	93-16-108
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296-62-07445	AMD-P	93-16-108	296-104-200	AMD	93-12-014
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296-62-07447	NEW	93-07-044	296-104-500	AMD	93-12-014
296-62-07447	AMD-P	93-16-108	296-104-501	AMD-P	93-08-073
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296-62-07449	NEW	93-07-044	296-104-700	AMD-P	93-08-073
296-62-07449	AMD-P	93-16-108	296-104-700	AMD	93-12-014
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296-62-07451	NEW	93-07-044	296-116-082	AMD-P	93-06-052
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296-62-07617	NEW	93-04-111	296-116-360	AMD-P	93-04-110
296-62-07619	NEW	93-04-111	296-116-360	AMD	93-07-077
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308-96A-005	AMD	93-14-083	314-12-020	AMD-P	93-12-117	315-11-422	REP	93-15-019
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308-96A-057	AMD	93-14-083	314-12-025	AMD-P	93-07-110	315-11-430	REP	93-15-019
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308-96A-295	AMD	93-14-083	314-12-140	AMD	93-10-070	315-11-440	REP	93-15-019
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315-11-540	REP	93-15-019	315-11-991	NEW-P	93-07-121	317-02-060	NEW-P	93-06-087
315-11-541	REP-P	93-12-104	315-11-991	NEW	93-11-056	317-02-060	NEW	93-11-003
315-11-541	REP	93-15-019	315-11-991	AMD-P	93-16-096	317-02-070	NEW-P	93-06-087
315-11-542	REP-P	93-12-104	315-11-992	NEW-P	93-07-121	317-02-070	NEW	93-11-003
315-11-542	REP	93-15-019	315-11-992	NEW	93-11-056	317-02-080	NEW-P	93-06-087
315-11-550	REP-P	93-12-104	315-11-992	AMD-P	93-16-096	317-02-080	NEW	93-11-003
315-11-550	REP	93-15-019	315-11A-100	NEW-P	93-07-121	317-02-090	NEW-P	93-06-087
315-11-551	REP-P	93-12-104	315-11A-100	NEW	93-11-056	317-02-090	NEW	93-11-003
315-11-551	REP	93-15-019	315-11A-101	NEW-P	93-12-104	317-02-100	NEW-P	93-06-087
315-11-552	REP-P	93-12-104	315-11A-101	NEW	93-15-019	317-02-100	NEW	93-11-003
315-11-552	REP	93-15-019	315-11A-102	NEW-P	93-12-104	317-02-110	NEW-P	93-06-087
315-11-560	REP-P	93-12-104	315-11A-102	NEW	93-15-019	317-02-110	NEW	93-11-003
315-11-560	REP	93-15-019	315-11A-103	NEW-P	93-12-104	317-02-120	NEW-P	93-06-087
315-11-561	REP-P	93-12-104	315-11A-103	NEW	93-15-019	317-02-120	NEW	93-11-003
315-11-561	REP	93-15-019	315-11A-104	NEW-P	93-12-104	317-03-010	NEW-P	93-06-088
315-11-562	REP-P	93-12-104	315-11A-104	NEW	93-15-019	317-03-010	NEW	93-11-002
315-11-562	REP	93-15-019	315-11A-105	NEW-P	93-12-104	317-03-020	NEW-P	93-06-088
315-11-570	REP-P	93-12-104	315-11A-105	NEW	93-15-019	317-03-020	NEW	93-11-002
315-11-570	REP	93-15-019	315-11A-106	NEW-P	93-16-096	317-03-030	NEW-P	93-06-088
315-11-571	REP-P	93-12-104	315-11A-107	NEW-P	93-16-096	317-05-010	NEW-P	93-02-053
315-11-571	REP	93-15-019	315-11A-108	NEW-P	93-16-096	317-05-010	NEW	93-07-004
315-11-572	REP-P	93-12-104	315-11A-109	NEW-P	93-16-096	317-05-020	NEW-P	93-02-053
315-11-572	REP	93-15-019	315-20-005	NEW-P	93-12-104	317-05-020	NEW	93-07-004
315-11-580	REP-P	93-12-104	315-20-005	NEW	93-15-019	317-05-030	NEW-P	93-02-053
315-11-580	REP	93-15-019	315-20-070	REP-P	93-12-104	317-05-030	NEW	93-07-004
315-11-581	REP-P	93-12-104	315-20-070	REP	93-15-019	317-10-035	AMD-P	93-09-069
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315-11-582	REP	93-15-019	315-20-080	REP-P	93-12-104	317-10-060	AMD	93-11-001
315-11-590	REP-P	93-12-104	315-20-080	REP	93-15-019	317-20	NEW-P	93-02-055
315-11-590	REP	93-15-019	315-20-085	NEW-P	93-12-104	317-20	NEW	93-07-005
315-11-591	REP-P	93-12-104	315-20-085	NEW	93-15-019	317-20-010	NEW-P	93-02-055
315-11-591	REP	93-15-019	315-20-090	REP-P	93-12-104	317-20-010	NEW	93-07-005
315-11-592	REP-P	93-12-104	315-20-090	REP	93-15-019	317-20-020	NEW-P	93-02-055
315-11-592	REP	93-15-019	315-20-095	NEW-P	93-12-104	317-20-020	NEW	93-07-005
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315-11-922	NEW	93-03-008	315-20-105	NEW	93-15-019	317-20-040	NEW	93-07-005
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315-11-931	NEW	93-03-008	315-20-110	REP	93-15-019	317-20-050	NEW	93-07-005
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315-11-940	NEW	93-03-008	315-20-115	NEW	93-15-019	317-20-055	NEW	93-07-005
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315-11-950	NEW	93-07-016	315-20-130	REP	93-15-019	317-20-065	NEW	93-07-005
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315-11-951	NEW	93-07-016	315-20-140	REP	93-15-019	317-20-066	NEW	93-07-005
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317-20-170	NEW	93-07-005	318-04-050	AMD	93-14-105	356-06-080	AMD-P	93-16-020
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356-34-090	AMD	93-02-040	365-24-832	REP-P	93-15-086	365-195-810	AMD	93-17-040
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356-35-010	AMD-C	93-06-078	365-24-850	REP-P	93-15-086	365-195-820	AMD-P	93-13-138
356-35-010	AMD-W	93-07-054	365-24-852	REP-P	93-15-086	365-195-820	AMD	93-17-040
356-35-010	AMD-P	93-10-027	365-24-854	REP-P	93-15-086	365-195-825	NEW-P	93-13-138
356-35-010	AMD	93-14-067	365-24-856	REP-P	93-15-086	365-195-825	NEW	93-17-040
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356-47-010	REP-P	93-14-063	365-24-860	REP-P	93-15-086	365-195-830	AMD	93-17-040
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356-47-020	REP-P	93-14-063	365-24-870	REP-P	93-15-086	365-195-835	NEW	93-17-040
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356-47-040	REP-E	93-14-061	365-24-884	REP-P	93-15-086	365-195-845	NEW-P	93-13-138
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388-99-020	AMD-E	93-16-055	388-160-170	NEW	93-15-124	388-160-560	NEW-P	93-05-031
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388-99-055	AMD-E	93-04-088	388-160-180	NEW	93-15-124	388-230	NEW-C	93-12-049
388-99-055	AMD-P	93-04-089	388-160-190	NEW-P	93-05-031	388-230	NEW-C	93-13-023
388-99-055	AMD	93-07-125	388-160-190	NEW	93-15-124	388-230	NEW-C	93-14-086
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388-538-001	NEW-E	93-14-047	388-540-060	NEW	93-16-039	390-17-205	NEW	93-16-064
388-538-001	NEW	93-17-039	390-05-190	NEW-P	93-12-019	390-17-300	NEW-P	93-12-018
388-538-050	NEW-P	93-14-046	390-05-190	NEW	93-16-064	390-17-300	NEW	93-16-064
388-538-050	NEW-E	93-14-047	390-05-190	AMD-P	93-17-107	390-17-305	NEW-P	93-12-018
388-538-050	NEW	93-17-039	390-05-200	AMD-P	93-12-020	390-17-305	NEW	93-16-064
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388-538-060	NEW-E	93-14-047	390-05-205	AMD-P	93-12-021	390-17-310	NEW	93-16-064
388-538-060	NEW	93-17-039	390-05-205	AMD	93-16-064	390-17-315	NEW-P	93-12-018
388-538-070	NEW-P	93-14-046	390-05-210	AMD-P	93-12-022	390-17-315	NEW	93-16-064
388-538-070	NEW-E	93-14-047	390-05-210	AMD	93-16-064	390-17-400	NEW-P	93-12-018
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388-538-080	NEW-P	93-14-046	390-05-215	AMD	93-16-064	390-18-010	AMD-P	93-12-034
388-538-080	NEW-E	93-14-047	390-05-235	AMD-P	93-17-107	390-18-010	AMD	93-16-064
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388-538-090	NEW-P	93-14-046	390-16-011	AMD-P	93-10-049	390-18-020	AMD	93-16-064
388-538-090	NEW-E	93-14-047	390-16-011	AMD-E	93-10-051	390-18-050	NEW	93-04-072
388-538-090	NEW	93-17-039	390-16-011	AMD	93-15-004	390-20-020	AMD	93-04-072
388-538-095	NEW-P	93-14-046	390-16-012	AMD-P	93-10-049	390-20-110	AMD	93-04-072
388-538-095	NEW-E	93-14-047	390-16-012	AMD-E	93-10-051	390-37-140	AMD-P	93-09-001
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388-538-100	NEW-E	93-14-047	390-16-031	AMD	93-09-002	390-37-142	AMD-P	93-09-001
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388-538-110	NEW-P	93-14-046	390-16-038	AMD-P	93-16-062	390-37-142	AMD	93-15-004
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388-538-120	NEW-E	93-14-047	390-16-044	NEW-P	93-15-002	392-105-035	AMD-P	93-03-002
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388-538-130	NEW-E	93-14-047	390-16-207	AMD-P	93-12-026	392-105-040	AMD	93-07-039
388-538-130	NEW	93-17-039	390-16-207	AMD	93-16-064	392-105-060	AMD-P	93-03-002
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388-538-150	NEW-E	93-14-047	390-16-230	AMD	93-16-064	392-122-401	NEW-P	93-07-046
388-538-150	NEW	93-17-039	390-16-230	AMD-P	93-17-107	392-122-401	NEW	93-12-017
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388-539-050	NEW-P	93-14-024	390-16-234	NEW	93-16-064	392-122-410	NEW	93-12-017
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388-539-050	NEW	93-17-037	390-16-240	AMD	93-16-064	392-122-415	NEW	93-12-017
388-539-100	NEW-P	93-14-024	390-16-308	AMD	93-04-072	392-123-046	AMD-P	93-11-034
388-539-100	NEW-E	93-14-028	390-16-310	AMD-P	93-12-029	392-123-046	AMD	93-17-006
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388-540-001	NEW-E	93-13-130	390-17-013	NEW-P	93-12-018	392-123-072	AMD	93-17-006
388-540-001	NEW	93-16-039	390-17-013	NEW	93-16-064	392-140-250	REP-P	93-07-047
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388-540-030	NEW-E	93-13-130	390-17-052	NEW	93-16-064	392-140-256	REP	93-12-015
388-540-030	NEW	93-16-039	390-17-060	NEW-P	93-12-018	392-140-257	REP-P	93-07-047
388-540-040	NEW-P	93-13-001	390-17-060	NEW-P	93-12-046	392-140-257	REP	93-12-015
388-540-040	NEW-E	93-13-130	390-17-065	NEW-P	93-12-018	392-140-258	REP-P	93-07-047
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388-540-050	NEW-P	93-13-001	390-17-100	NEW-P	93-12-018	392-140-259	REP-P	93-07-047
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392-140-266	REP-P	93-07-047	392-171-315	AMD-P	93-15-085	392-196-030	AMD	93-07-037
392-140-266	REP	93-12-015	392-171-320	AMD-P	93-15-085	392-196-080	AMD	93-07-037
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392-140-267	REP	93-12-015	392-171-323	NEW-P	93-15-085	392-202-110	AMD	93-08-005
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392-164-115	AMD-P	93-17-103	392-171-351	AMD-P	93-15-085	392-315-010	REP-E	93-08-037
392-164-120	AMD-P	93-17-103	392-171-371	AMD-P	93-15-085	392-315-010	REP-P	93-11-033
392-164-165	AMD-P	93-17-103	392-171-381	AMD-P	93-15-085	392-315-010	REP	93-17-007
392-164-230	AMD-P	93-17-103	392-171-382	AMD-P	93-15-085	392-315-015	REP-E	93-08-037
392-164-235	AMD-P	93-17-103	392-171-383	AMD-P	93-15-085	392-315-015	REP-P	93-11-033
392-164-240	AMD-P	93-17-103	392-171-384	REP-P	93-15-085	392-315-015	REP	93-17-007
392-164-255	AMD-P	93-17-103	392-171-401	AMD-P	93-15-085	392-315-020	REP-E	93-08-037
392-164-260	AMD-P	93-17-103	392-171-452	NEW-P	93-15-085	392-315-020	REP-P	93-11-033
392-164-265	AMD-P	93-17-103	392-171-454	NEW-P	93-15-085	392-315-020	REP	93-17-007
392-164-285	AMD-P	93-17-103	392-171-456	AMD-P	93-15-085	392-315-025	REP-E	93-08-037
392-164-300	AMD-P	93-17-103	392-171-457	NEW-P	93-15-085	392-315-025	REP-P	93-11-033
392-164-305	AMD-P	93-17-103	392-171-461	AMD-P	93-15-085	392-315-025	REP	93-17-007
392-164-315	AMD-P	93-17-103	392-171-462	NEW-P	93-15-085	392-315-030	REP-E	93-08-037
392-164-345	AMD-P	93-17-103	392-171-463	NEW-P	93-15-085	392-315-030	REP-P	93-11-033
392-164-350	AMD-P	93-17-103	392-171-464	NEW-P	93-15-085	392-315-030	REP	93-17-007
392-164-355	AMD-P	93-17-103	392-171-466	AMD-P	93-15-085	392-315-035	REP-E	93-08-037
392-164-368	NEW-P	93-17-103	392-171-471	AMD-P	93-15-085	392-315-035	REP-P	93-11-033
392-164-375	AMD-P	93-17-103	392-171-476	AMD-P	93-15-085	392-315-035	REP	93-17-007
392-164-390	AMD-P	93-17-103	392-171-481	AMD-P	93-15-085	392-315-040	REP-E	93-08-037
392-164-420	NEW-P	93-17-103	392-171-504	NEW-P	93-15-085	392-315-040	REP-P	93-11-033
392-164-425	NEW-P	93-17-103	392-171-507	NEW-P	93-15-085	392-315-040	REP	93-17-007
392-164-430	NEW-P	93-17-103	392-171-508	NEW-P	93-15-085	392-315-045	REP-E	93-08-037
392-167A-005	NEW-P	93-07-048	392-171-509	NEW-P	93-15-085	392-315-045	REP-P	93-11-033
392-167A-005	NEW	93-12-016	392-171-511	AMD-P	93-15-085	392-315-045	REP	93-17-007
392-167A-010	NEW-P	93-07-048	392-171-512	AMD-P	93-15-085	392-315-050	REP-E	93-08-037
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392-167A-015	NEW	93-12-016	392-171-526	AMD-P	93-15-085	392-315-055	REP-E	93-08-037
392-167A-020	NEW-P	93-07-048	392-171-531	AMD-P	93-15-085	392-315-055	REP-P	93-11-033
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392-167A-025	NEW-P	93-07-048	392-171-551	AMD-P	93-15-085	392-315-060	REP-E	93-08-037
392-167A-025	NEW	93-12-016	392-171-556	AMD-P	93-15-085	392-315-060	REP-P	93-11-033
392-167A-030	NEW-P	93-07-048	392-171-561	AMD-P	93-15-085	392-315-060	REP	93-17-007
392-167A-030	NEW	93-12-016	392-171-564	NEW-P	93-15-085	392-315-065	REP-E	93-08-037
392-167A-035	NEW-P	93-07-048	392-171-581	AMD-P	93-15-085	392-315-065	REP-P	93-11-033
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392-167A-045	NEW	93-12-016	392-171-688	NEW-P	93-15-085	392-315-075	REP-E	93-08-037
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392-167A-050	NEW	93-12-016	392-171-696	AMD-P	93-15-085	392-315-075	REP	93-17-007
392-167A-055	NEW-P	93-07-048	392-171-728	NEW-P	93-15-085	392-315-080	REP-E	93-08-037
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392-167A-060	NEW	93-12-016	392-171-900	NEW-P	93-15-085	392-315-085	REP-E	93-08-037
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392-167A-065	NEW	93-12-016	392-171-905	NEW-P	93-15-085	392-315-085	REP	93-17-007
392-167A-070	NEW-P	93-07-048	392-171-910	NEW-P	93-15-085	392-315-090	REP-E	93-08-037
392-167A-070	NEW	93-12-016	392-171-915	NEW-P	93-15-085	392-315-090	REP-P	93-11-033
392-167A-075	NEW-P	93-07-048	392-171-925	NEW-P	93-15-085	392-315-090	REP	93-17-007
392-167A-075	NEW	93-12-016	392-171-930	NEW-P	93-15-085	392-315-095	REP-E	93-08-037
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392-167A-080	NEW	93-12-016	392-171-940	NEW-P	93-15-085	392-315-095	REP	93-17-007
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392-167A-085	NEW	93-12-016	392-171-950	NEW-P	93-15-085	392-315-100	REP-P	93-11-033
392-167A-090	NEW-P	93-07-048	392-171-955	NEW-P	93-15-085	392-315-100	REP	93-17-007
392-167A-090	NEW	93-12-016	392-171-960	NEW-P	93-15-085	392-315-105	REP-E	93-08-037
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392-168-115	AMD-P	93-15-084	392-173-010	AMD-P	93-15-083	392-315-105	REP	93-17-007
392-168-132	NEW-P	93-15-084	392-173-015	AMD-P	93-15-083	392-315-110	REP-E	93-08-037
392-168-167	NEW-P	93-15-084	392-173-030	AMD-P	93-15-083	392-315-110	REP-P	93-11-033
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392-315-115	REP	93-17-007	415-08-180	REP-P	93-08-054	415-108-010	AMD	93-11-077
392-315-120	REP-E	93-08-037	415-08-180	REP	93-11-079	415-108-100	REP-P	93-08-052
392-315-120	REP-P	93-11-033	415-08-190	REP-P	93-08-054	415-108-100	REP	93-11-077
392-315-120	REP	93-17-007	415-08-190	REP	93-11-079	415-108-110	REP-P	93-08-052
392-315-125	REP-E	93-08-037	415-08-200	REP-P	93-08-054	415-108-110	REP	93-11-077
392-315-125	REP-P	93-11-033	415-08-200	REP	93-11-079	415-108-120	REP-P	93-08-052
392-315-125	REP	93-17-007	415-08-210	REP-P	93-08-054	415-108-120	REP	93-11-077
392-315-130	REP-E	93-08-037	415-08-210	REP	93-11-079	415-108-130	REP-P	93-08-052
392-315-130	REP-P	93-11-033	415-08-220	REP-P	93-08-054	415-108-130	REP	93-11-077
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392-315-135	REP-P	93-11-033	415-08-230	REP	93-11-079	415-108-160	REP-P	93-08-052
392-315-135	REP	93-17-007	415-08-240	REP-P	93-08-054	415-108-160	REP	93-11-077
392-315-140	REP-E	93-08-037	415-08-240	REP	93-11-079	415-108-620	NEW-P	93-08-052
392-315-140	REP-P	93-11-033	415-08-250	REP-P	93-08-054	415-108-620	NEW	93-11-077
392-315-140	REP	93-17-007	415-08-250	REP	93-11-079	415-108-630	NEW-P	93-08-052
392-315-145	REP-E	93-08-037	415-08-260	REP-P	93-08-054	415-108-630	NEW	93-11-077
392-315-145	REP-P	93-11-033	415-08-260	REP	93-11-079	415-108-640	NEW-P	93-08-052
392-315-145	REP	93-17-007	415-08-270	REP-P	93-08-054	415-108-640	NEW	93-11-077
392-315-150	REP-E	93-08-037	415-08-270	REP	93-11-079	415-108-650	NEW-P	93-08-052
392-315-150	REP-P	93-11-033	415-08-280	AMD-P	93-08-054	415-108-650	NEW	93-11-077
392-315-150	REP	93-17-007	415-08-280	AMD	93-11-079	415-108-660	NEW-P	93-08-052
392-315-155	REP-E	93-08-037	415-08-290	REP-P	93-08-054	415-108-660	NEW	93-11-077
392-315-155	REP-P	93-11-033	415-08-290	REP	93-11-079	415-108-671	NEW-E	93-15-059
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392-315-160	REP	93-17-007	415-08-310	REP	93-11-079	415-112-535	REP-P	93-08-051
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